

Human rights situation in PNG

I. Women's rights¹

A. *Equal participation in Parliament, politics and decision making*²

1. Women are poorly represented in public institutions in PNG. Despite much discussion over recent years on a range of measures to address this³, little progress has been made. For example, 3 women were elected to the Ninth Parliament⁴, but none were elected in 2017 to the current Parliament although there was a record number of female candidates⁵. Following these elections, Alphonse Gelu, the Registrar of Political Parties, has been lobbying the Government to pass proposed changes to the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) to ensure that 20% of the total number of candidates nominated by a political party must be women⁶. However, this proposition was shut down by Prime Minister James Marape in 2019 during the PNG Political Parties and Women in Political Leadership Forum⁷.

2. Ahead of the 2022 elections the United Nations Development Programme (UNDP) and the Integrity of Political Parties and Candidates Commission (IPPC) have launched an initiative aiming at raising awareness on the importance of getting women into Parliament.⁸

Recommendations:

¹ Several recommendations were addressed to PNG during its UPR in 2016 regarding the protection of women's rights – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.21 to 104.24, 104.62 to 104.65, 104.72 and 104.106, recommendations by the Philippines, Chile, Argentina, Ghana, Italy, Turkey, Slovenia, Norway, the Netherlands, Cuba, Timor-Leste and Kyrgyzstan.

² Several recommendations were addressed to PNG during its UPR in 2016 regarding women's participation in politics – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.52, 104.66 to 104.69, 104.71, 104.97 and 104.149, recommendations by Chile, Spain, New Zealand, Namibia, Morocco, Malaysia, Slovenia and Pakistan.

³ Such as the Equality and Participation Act that was passed in 2009 to introduce 22 reserved seats for women. However, the Act was never implemented because the necessary amendment to the Organic Law on National and Local Level Government Elections was not adopted - Pacific Women in Politics, [Country profiles - Papua New Guinea](#).

Another example is the Gender Equality and Social Inclusion Policy that was launched in 2013 following reports of sexual harassment and violence at the workplace including discrimination, stereotypes etc. to educate and address these issues in every government departments and provide a basis for equal representation in decision making powers. The National Public Service GESI Policy assists National Public Service agencies, officers and employees to embrace the GESI principles of respect, equity and diversity. Furthermore, it allows agencies to introduce inclusion and equity initiatives in the workplace and into the delivery of goods and services for the combined benefit and prosperity of all citizens of Papua New Guinea. So far, many government departments have already gone through this program. However, many more departments have yet to go through it and incorporate this policy in their own department policy. – Papua New Guinea Data Portal, [Gender Equity and Social Inclusion Policy 2-013](#).

Finally, a memorandum of understanding was signed between the Registry of Political Parties and Australian National University in 2017 as a commitment to work together to improve women's leadership and political participation in Papua New Guinea – Loop PNG, [MoU to improve female political participation](#), 12 August 2017.

⁴ As opposed to 1 in the 8th Parliament – UNPD, [Gender Equality and Women Empowerment Programme in PNG](#).

⁵ 165 female candidates out of 3 300 candidates in total – Global Citizens, [Demand Equity - Papua New Guinea's Parliament Has No Women](#), 5 March 2018.

⁶ The Interpreter, Watna Mori, [More women – with more chances – is key to PNG's democratic future](#), 2 July 2019.

⁷ It should be noted that women's representation has been implemented at local level. However, not at district, provincial or national level.

⁸ UNDP, [Effort to get women into Papua New Guinea National Parliament underway](#), 19 July 2020.

- ***Ensure women’s representation in politics and decision-making institutions by amending the Organic Law on the Integrity of Political Parties and Candidates and providing support to women candidates.***

B. Gender-based violence⁹

1. General considerations

3. A National Strategy to prevent and respond to Gender-Based Violence (GBV) 2016-2025 was established. It called for high-level oversight and support in the fight against gender-based violence through the establishment of a parliamentary committee and a National Secretariat.¹⁰ The Interim Gender-Based Violence Secretariat was established in 2019 with the aim of ensuring, at national and provincial levels, coordination and accountability by the government on gender-based issues and ensuring prevention and services for survivors through a multisectoral approach. The National Secretariat is also in charge of the establishment of provincial GBV Secretariats in charge of mainstreaming and coordinating various activities (such as capacity building, training, research, monitoring, outreach etc.) to prevent and fight against GBV at provincial level. These Provincial GBV Secretariats have yet to be established in all provinces¹¹.

4. In November 2020, a National Summit on GBV was held in Port Moresby bringing together representatives from the Government, Parliamentarians, civil society representatives, youth and actors from the private sectors to address GBV in the country and discuss policy issues relating to GBV. The discussions covered a broad range of issues such as the increase of women’s participation in decision-making bodies and how to encourage positive change in social attitudes towards women, gender and empowerment.¹²

Recommendations:

- ***Strengthen the measures taken to fight gender-based violence in particular by supporting and allocating sufficient funding to the work of national and provincial secretariats to raise awareness, research and build-capacities on this issue.***

2. Domestic violence¹³

⁹ Several recommendations were addressed to PNG during its UPR in 2016 regarding the fight against gender-based violence – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.31, 104.34, 104.53, 104.94 to 104.98, 104.103 to 104.105, 104.110, 104.115, 104.120 to 104.123 and 104.134, recommendations by Argentina, Portugal, China, Turkey, Brazil, Honduras, Slovenia, France, Republic of Korea, Pakistan, Kyrgyzstan, New Zealand, Czech Republic, Holy See, Haiti, Ireland, Italy and Norway.

¹⁰ East Asia Forum, [Addressing gender-based violence in Papua New Guinea](#), 10 September 2020

¹¹ Four pilot Provincial GBV Secretariats have already been established with the support of UNDP.

¹² Femili PNG, [Femili PNG CEO speaks on case management at first GBV national summit](#).

¹³ Several recommendations were addressed to PNG during its UPR in 2016 regarding domestic violence – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.99 to 104.102, 104.105, 104.107 to 104.112, 104.116 to 104.118, 104.120, 104.122 to 104.124, 104.132 and 104.133, recommendations by Australia, Switzerland, Republic of Korea, Japan, Kyrgyzstan, Norway, Thailand, Chile, Czech Republic, Ghana, Fiji, Germany, Haiti, Holy See, Ireland, Italy, Canada and Sweden.

5. The recent murder of nineteen years old Jenelyn Kennedy by her husband Boship Kaiwi¹⁴ or the brutal beating of elite athlete Debbie Kaore provide a window into the prevalence of violence against women in PNG. In 2019-2020, Femili PNG has managed up to 900 case among which 81 cases involved girls.
6. The extent of gender-based violence in PNG is hard to measure given there is no reliable official data. In order to fight this issue several measures have been taken by the government.
7. The Family Protection Act 2013 came into force in 2014¹⁵. It criminalizes domestic violence for which perpetrators can be sentenced to up to two years in prison and/or a fine not exceeding 5 000 Kina. The Act also creates family protection orders that became applicable with 2017 Family Protection Regulation ¹⁶. However, many challenges are still faced in the implementation of these instruments.¹⁷
8. Family and Sexual Violence Units were also established¹⁸ to create a space within the police force where trained officers respond to family and sexual violence cases in an appropriate and sensitive manner¹⁹. However, such initiatives remain limited²⁰ and still face many challenges such as the limited human resources allocated to them.
9. A National Family Sexual Violence Action Committee was established in 2000, to look into this issue and identify concrete ways of addressing it. Provincial Committees were also established.
10. 18 family support centres²¹ have been set up in all major hospitals to provide survivors of violence a range of health care and referral services but often lack budget to carry out their mission efficiently.

Recommendations:

- ***Strengthen its efforts to fight against domestic violence by ensuring the implementation of the Family Protection Act through the increase of awareness on and the funding of the system put in place by the Act and the training of all actors involved.***

3. *Sorcery accusation-related violence (SARV)*²²

11. Belief in sorcery and witchcraft is widespread across Papua New Guinea. Beliefs vary across the country but they all stem from the fundamental understanding that misfortune and death are caused deliberately by persons using supernatural powers. In some places, persons

¹⁴ Post-Courier, [Jennelyn's Cause of Death revealed](#), 29 June 2020.

¹⁵ [Family Protection Act 2013](#)

¹⁶ [Family Protection Regulation 2017](#)

¹⁷ Judy Putt and Lindy Kanan, [Family Protection Orders in Papua New Guinea](#), February 2021.

¹⁸ 15 FSVUs have been established since an early pilot establishing 3 in 2008.

¹⁹ Including though the inclusion of female officers to deal with these cases.

²⁰ Human Rights Watch, [Papua New Guinea – Events of 2020](#).

²¹ Pacific Women, [Evaluating Family Support Centres in Papua New Guinea](#), 12 November 2018.

²² Several recommendations were addressed to PNG during its UPR in 2016 regarding the issue of sorcery accusation-related violence – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.103, 104.110, 104.113, 104.114, 104.120 to 104.123 and 104.134, recommendations by Republic of Korea, Australia, Germany, Holy See, Haiti, Ireland, Italy and Norway.

accused of sorcery are then victims of physical violence including torturing which can lead to their deaths²³. A recent study shows 1032 sorcery accusation-related incidents documented in four provinces in four and a half years from January 1, 2016 which led to death or serious harm against 304 victims²⁴. An example of this, is the case of Christina Pakuma who was accused of killing a person through witchcraft in 2012. As a result, she was stripped, sexually assaulted and publicly tortured with hot irons for three days to force her to admit to the accusations and to name any accomplices. The perpetrators are well known but still not held accountable. Even police officers threaten people who want to help victims²⁵.

12. To fight this practice, the government repealed the Sorcery Act 1971 in 2013 and developed a SARV National Action Plan approved in 2015 which relies on 5 core areas: legal and protection, health, advocacy and communication, care and counselling and research. However, the government has yet to provide funding.

13. Furthermore, section 299A of the Criminal Code provides that any person who intentionally kills another person on account of an accusation of sorcery is guilty of wilful murder, for which the penalty is death. Similarly, under sections 7, 8, 307 and 308, a person who orders, encourages or assists others to conduct sorcery accusation related violence may also be charged as a perpetrator. Finally, people who trick others by pretending to identify individuals as being sorcerers may also be charged for obtaining property by false pretences.

14. Despite those measures, SARV continues to be documented in PNG. In June 2019, six men were sentenced to eight years in jail for torturing three women in 2015 in New Ireland after accusing them of sorcery. In 2019, police charged three people with the wilful murders of a woman, a teenage student and a 13-year-old-boy, all accused of sorcery.²⁶ More recently, in 2020, two women were rescued by the police in Enga Province after four days of torture²⁷ and another woman and her child, managed to escape from their tormenters after they were accused of practicing sorcery.²⁸

Recommendations:

- ***Fight sorcery accusation-related violence by allocating sufficient funds to the implementation of the SARV national action plan, by raising awareness on this issue at the community level, by adequately prosecuting the authors of such acts and by ensuring support and protection are given to the victims.***

II. Children's rights²⁹

²³ Missio, Philip Gibbs, [Sorcery Accusation-Related Violence in Papua New Guinea, Christina – a Case Study](#), 2020

²⁴ SARV Project Incident Dataset, Australian National University (ANU).

²⁵ Missio, Philip Gibbs, [Sorcery Accusation-Related Violence in Papua New Guinea, Christina – a Case Study](#), 2020

²⁶ Human Rights Watch, [Papua New Guinea – Events of 2020](#).

²⁷ The women were taken to a secluded area and then were tortured with logs, stones and hot iron rods – Post Courier, [Police rescue two women from torture in Enga](#), 27 July 2020.

²⁸ Post Courier, [Police rescue two women from torture in Enga](#), 27 July 2020.

²⁹ In 2016, France addressed to PNG a general recommendation regarding the protection of children's rights – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.125, recommendation by France.

A. Right to education³⁰

15. Although the number of children enrolled in elementary, primary and secondary schools has increased, many issues still subsist in this regard. About a quarter of children aged 6 to 18 are still out of school, with fewer girls attending³¹. Furthermore many of the enrolled students do not perform at their grade level.

16. In 2012, the Government of Papua New Guinea under the then Prime Minister Peter O'Neill implemented the Tuition Fee Free (TFF) Policy to subsidize education and make it accessible to all school age children. However, this policy was not successfully implemented immediately. Funds were not allocated on time at the beginning of the school year which meant that schools were forced to charge student fees.³² In 2017, the Education Minister told parents not to pay project fees or any other form of fees as the government would meet the fees³³. However, the TFF funds did not reach many schools in rural areas which threatened their existence. For example, Kwikila Secondary School had to close in 2018 because it had not received funds to operate³⁴.

17. In 2020, The new Marape Government phased out the TFF policy and replaced it with the Government Tuition Fee Subsidy (GTFS) Policy. Under this policy, the government would meet half of the school fees while parents met the other half³⁵.

Recommendations:

- ***Increase the number of children who have access to education, particularly by implementing the Government Tuition Fee Subsidy Policy and providing adequate resources to schools throughout the country.***

1. Early childhood education

18. Early Childhood Development (ECD) refers to the physical, cognitive, linguistic and socio-emotional development of a child from the prenatal stage up to age eight. Between age 3 to 5, ECE is referred to by many different names³⁶ and mainly aims at preparing children for their transition into primary school. In PNG access to such opportunities is mostly available through expensive privately operated centres which means that a very small number of children below the age of six have access to early education often to the detriment of poor and marginalized children³⁷. In fact, only 42% of young children are attending pre-primary school according to UNICEF³⁸.

³⁰ Four recommendations were addressed to PNG during its UPR in 2016 regarding children's right to education – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.70, 104.126, 104.144 and 104.149, recommendations by Mexico, Ireland and Pakistan.

³¹ UNICEF, [Papua New Guinea – Education](#).

³² Papua New Guinea Today, [PNG Education Dept announces Fee structure for 2020](#), 7 January 2020.

³³ Post Courier, [Parents told not to pay project fees](#), 26 January 2017.

³⁴ Radio New Zealand, [PNG secondary school to close due to lack of funds](#), 14 May 2018.

³⁵ The National, [Parents to pay fees in 2021](#), 26 November 2020.

³⁶ The term encompasses preschool, pre-kindergarten, day-care, nursery school or early childhood.

³⁷ UNICEF, [Education in Papua New Guinea: an early start for a better future](#), 6 October 2016

³⁸ UNICEF, [Papua New Guinea – Education](#).

³⁹ The National Executive Council is one of the arms of the National Government. It makes decisions on the Nation's affairs. It is headed by the Department of Prime Minister of Papua New Guinea

19. The National Executive Council³⁹ has recently approved PNG's Early Childhood Education Policy 2020 for implementation. According to PNG's Prime Minister, Hon. James Marape, MP changes would be made in how teachers are trained, underlying the fact that *"The role of teacher training institutions is paramount and careful selection of teachers to serve in the early childhood sector and their gender is important."*⁴⁰ The Department of Education has already worked on the ECE curriculum guidelines and standards.

Recommendation:

- ***Improve access to early childhood education and ensure the implementation of the ECE policy of 2020.***

2. *Primary and secondary education*

20. PNG has a school attendance rate of 63.4% for boys and 56.5% for girls⁴¹ and the transition rate from primary school into lower secondary school is of 56% (50% for girls)⁴².

21. Accessibility is a major issue since many children need to walk considerable distances or catch several buses, which can be unsafe, to go to school. The quality of education is also strongly impacted by the lack of resources and trained teachers.

22. The Covid-19 pandemic also had a disastrous impact on access to education. Schools were temporarily closed in April affecting 2.4 million students. The government, was still trying to return children to classes late in 2020.⁴³

Recommendations:

- ***Increase attendance in primary and secondary schools by improving accessibility by all children and increasing the resources allocated to schools.***

3. *Tertiary institutions*

23. In Papua New Guinea, about 20 000 to 28 000 Grade 12 students compete for 11 000 spaces in tertiary institutions every year. In 2020, over 17 000 students⁴⁴ missed out on securing a place⁴⁵. Those accepted are sometimes forced to withdraw because they are not able to meet the increased tuition fees. To address this issue, in 2019, Prime Minister James Marape initiated the Higher Education Loan Program (HELP) ⁴⁶ scholarship scheme to assist students secure loans to meet their tuition fees. A total of 6 637 students applied for the HELP

³⁹ The National Executive Council is one of the arms of the National Government. It makes decisions on the Nation's affairs. It is headed by the Department of Prime Minister of Papua New Guinea

⁴⁰ Department of Prime Minister and National Executive Council, [*NEC approves early childhood education policy for PNG*](#), 18 August 2020.

⁴¹ World Vision, [*Obstacles to education in Papua New Guinea*](#), 2017.

⁴² UNICEF, [*Papua New Guinea – Education*](#).

⁴³ Human Rights Watch, [*Papua New Guinea – Events of 2020*](#).

⁴⁴ Out of 27 143 students who completed Grade 12 and sat for the 2020 National Examinations, only 9,371 grade 12 students were selected and eligible to proceed onto tertiary institutions.

⁴⁵ PNG Education News, [*2021 Tertiary Selections: Over 17 000 Grade 12s Miss Out*](#), 21 December 2020.

⁴⁶ HELP is a new studentship award administered by the DHERST to provide financial assistance on behalf of the Government of Papua New Guinea to eligible students of tertiary education programs. HELP is an income-contingent loan and is therefore repayable once students graduate and commence a paid employment – DHERST, [*Higher Education Loan Program*](#), 22 July 2020.

scheme in 2020⁴⁷. However, in 2021, the government announced that, to secure a loan, students will have to pay a compulsory fee⁴⁸ which led some students to withdraw from University⁴⁹.

24. Those who do not secure a space to continue their post-secondary education return home and often contribute to law and order problems in society.

Recommendations:

- ***Increase the number of places in tertiary institutions and reduce tuition fees for these institutions to be accessible by all, irrespective of one's financial means.***

B. Right to health⁵⁰

25. In PNG, the low awareness of health and hygiene practices combined with difficulties in accessing adequate health services and facilities due to remote locations contribute to a high incidence of illness and disease. This particularly impacts children in rural areas, who are twice as likely to die before their fifth birthday than children from urban areas⁵¹.

26. In many hospitals and health centres there are major deficiencies in drug supplies, basic equipment, buildings and facilities and there is a lack of training and support for health staff.

27. PNG's infant mortality and childhood malnutrition rates are the highest in the Asia-Pacific region. According to UNICEF, PNG has an under-five mortality rate of 45 per 1000 live births and an infant mortality rate of 36 per 1000 live births⁵². Neonatal mortality makes up a big part of infant mortality, so a reduction is vital to improving child survival⁵³. Although there are many factors, prematurity, low birth weight, deliveries that are not supervised by skilled health workers and early neonatal sepsis account for most neonatal deaths. Only 56% of mothers deliver their babies in a health facility with a skilled birth attendant⁵⁴. Most births are not officially registered; so many still-births and neonatal deaths are not counted⁵⁵.

28. Maternal mortality can also affect under-five mortality with children left motherless more likely to die than other children. PNG has a maternal mortality ratio of 145 per 100,000 live births.

29. Among the concerns regarding children's health the high proportion of tuberculosis cases (23% are children) and HIV⁵⁶ cases should be noted. Based mainly on improved antenatal clinic data, the revised national HIV prevalence rate is estimated at 0.92%, down from the previously reported 2% some years ago.

⁴⁷ The National, [Schemes' funds available: Fr Jan](#), 29 December 2020.

⁴⁸ Post Courier, [Students to pay compulsory fee before getting HELP](#), 7 February 2021.

⁴⁹ For example, Duncan Gabi, a final year student at Divine Word University in Madang withdrew from university because he could not afford the compulsory fees of the university which was 70% of the total tuition fee – Duncan Gabi, [Marape Government's HELP Loan: A Debt Trap Policy](#), 8 February 2021.

⁵⁰ Four recommendations were addressed to PNG during its UPR in 2016 regarding the right to health – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.141 to 104.144, recommendations by China, Saint Vincent and the Grenadines, Jamaica and Pakistan.

⁵¹ UNICEF, [Papua New Guinea – Health](#).

⁵² UNICEF Data, [Country profiles - Papua New Guinea](#).

⁵³ Neonatal mortality rate was of 22 per 1000 live births in 2019 according to UNICEF – *Ibid*.

⁵⁴ *Ibid*.

⁵⁵ [Child Health Policy and Plan 2009-2020](#) (updated in 2015)

⁵⁶ PNG has a generalized HIV epidemic.

30. To improve the health of its citizens, the government of PNG adopted and implemented the Child Health Policy and Plan (CHPP) 2009-2020 which included the development of a health system that is responsive, effective, affordable, acceptable and accessible to all people. However, no report on the outcomes of this action plan was published.

Recommendations:

- ***Improve the healthcare of children, in particular by ensuring access to health services and facilities adequately equipped throughout the country and fight against child mortality notably by increasing the supervision of births by skilled health workers.***

C. Juvenile justice

31. Children in conflict with the law face many challenges and violation of their rights. Despite some improvements, they are still victims of police violence, and through a lack of training police officers often treat them as adults when arresting them.

32. Juvenile Court Officers (JCO) have been established in all provincial centres including Tabubil, Maprik, Kainantu, Bulolo and Lihir. According to the Department of Justice, “A JCO will attend to the Juvenile as soon as he/she is notified of a juvenile’s apprehension at the police station. At the police station, the JCO will: Identify him or herself; Help determine age of the juvenile; Identify the charge; Tell the juvenile his/her constitutional rights; Facilitate Diversions Options where possible; Attend juvenile court sittings and coordinate assistance for the juvenile until proven guilty; Coordinate repatriation of juveniles to juvenile institutions”⁵⁷.

33. Regarding access to justice, it should be noted that PNG continues to rely on customary law (through village courts) alongside civil law for the handling of cases of children in conflict with the law or contravention of social norms as well as children who are victims of violence.

34. Detention of children should only occur as a measure of last resort. In fact, it should only happen for three categories of serious and violent offences, and children (10 years and above) charged with minor offences for the first time should go through the diversion process. However, few children have access to diversion alternatives⁵⁸. Also, when detained, minors are not always separated from the adults in violation of national laws and protocols.

Recommendations:

- ***Strengthen the juvenile justice system by ensuring that Juvenile Court Officers are allocated sufficient resources to effectively carry out their duties as prescribed by law and that detention of minors is only used as measure of last resort and in centres adapted to children where they are kept separated from adult detainees.***

⁵⁷ Department of Justice & Attorney General, [Juvenile Justice](#).

⁵⁸ UNICEF, [PNG Programme Strategy Note - Child Protection](#), 24 January 2017.

D. Violence against children⁵⁹

35. According to UNICEF, “*Violence, including physical, sexual and emotional violence as well as neglect, is a daily reality for most children*”⁶⁰. In a report from 2019, Save the Children documented that around 2.8 million children (around 75% of the child population) experience violent discipline at home. A survey conducted in two provinces further states that 70% of children aged 6 to 8 years felt ‘scared and in pain’ in their community⁶¹. Sexual violence is also exceptionally high. Studies and reports account that more than three-quarter of the victims are female and under 18.⁶²

36. To strengthen child protection, PNG adopted a new Lukautim Pikinini (Child Welfare) Act in 2015 (LPA 2015). Under this new legislation Child Protection Officers are to be established whose mission is to prevent and respond to violence, abuse, neglect, exploitation and discrimination against all children⁶³

37. Under the LPA (2015), the government is also expected to create a trust fund for children to support child safety and protection and prevention programs. The National Child Council was established in 2018 but the Provincial and District Councils have not been established to regulate the Trust Fund.

Recommendations:

- ***Strengthen child protection by ensuring the complete implementation of the Lukautim Pikinini Act in particular by allocating sufficient funding to increase the number of Child Protection Officers and by establishing the Provincial and District Child Councils.***

III. Rights of people with disabilities⁶⁴

A. General assessment

1. Statistics and general overview

38. According to the World Health Organization, 10% of the country's population has a disability among which 100,000 are children. However, PNG is yet to establish a national disability data management system so there is no validated figure to present.

39. The government, in partnership with Australian Aid (AusAid) and the Japanese International Cooperation agency is developing a database for persons with disabilities with

⁵⁹ Five recommendations were addressed to PNG during its UPR in 2016 regarding the protection of children – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.16, 104.106, 104.109, 104.117 and 104.120, recommendations by Guatemala, Uruguay, Kyrgyzstan, Chile, Germany and Holy See.

⁶⁰ UNICEF, [Papua New Guinea – Child Protection](#).

⁶¹ Save the Children, [Unseen, Unsafe – The underinvestment in ending violence against children in the Pacific and Timor-Leste](#).

⁶² Judy Putt and Sinclair Dinnen, [Reporting, investigating and prosecuting family and sexual violence offences in Papua New Guinea](#), June 2020.

⁶³ Article 36 of the LPA 2015

⁶⁴ Three recommendations were addressed to PNG during its UPR in 2016 regarding the rights of persons with disabilities – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.20, 104.150 and 104.151, recommendations by Ghana, Canada and Myanmar.

pilot projects being administered in three provinces. Unfortunately, the pilot project was not successfully completed⁶⁵.

40. This issue of data management has a huge impact on service delivery to disability communities. Almost all the programs and services are only available and implemented in Port Moresby with few main centres only which means that the population living in rural areas, three-quarter of the overall population, do not have adequate access to such services.

2. Legislative framework

41. In 2015, PNG launched the National Disability Policy under the auspice of the Department for Community Development and Religion. Due to a lack of collaboration, the policy is still to be implemented.

42. Based on this policy, a National Disability Authority Bill (NDAB) is being developed. On 3rd May 2018, a first consultation was organised to gather inputs from the relevant disability organizations and communities⁶⁶. On 4th December 2018, the NDAB was presented to the members of the Committee of Law Reform Commission and other state interagency for consultation. Since then, no further development has taken place.

Recommendations:

Expedite the adoption of the National Disability Authority Bill and the implementation of the National Disability Policy.

B. Children with disabilities

43. Children with disabilities in PNG do not have access to inclusive education. For example, children with disabilities are not able to enter classrooms with steps. To address this issue, educators from civil society organisations organise home visits to these children.

44. Furthermore, if some disabilities also require specific education, out of the 24 provinces in PNG, only three⁶⁷ are engaged with disability learning.

Recommendations:

- ***Ensure the right to education to children with disabilities by engaging all provinces in disability learning and guaranteeing accessibility to all schools.***

C. Violence against persons with disabilities

45. Violence in PNG is very prevalent and often seen as a norm. Discriminations and stigma are common issues that people with disabilities face every day.

⁶⁵ The reasons are unknown and the report documentation of the project has not been shared for public knowledge.

⁶⁶ Over 20 organizations throughout PNG took part in this consultation

⁶⁷ Port Moresby (through the Chesire Disability Centre with the support of Red Cross inclusive and Callan Services), Goroka, (with the support of Callan Services) and Wewak (with the support of Callan Services).

⁶⁸ Informal street markets.

46. An example of such violence is the case of a speech impaired street seller⁶⁸ who was badly attacked by city authority staff and sustained several injuries as a result during the 2018 Asia-Pacific Economic Cooperation (APEC) summit in PNG.

47. Another example is the one of Jerry Hansen, a person suffering from vision impairment who was physically abused by police in 2020, during the Covid-19 lockdown. The police punched him badly and locked him in a cell. Human rights defenders supported him by going to the media, a letter was written to the police hierarchy to look into the case and several follow-up letters were sent to the police complaint's unit but no action eventuated.

48. Women and girls with disabilities are seen as most vulnerable and are often being abused by close relatives. In the years 2015-2020, 61 cases of violence, rape, and murder on women and girls with disabilities were documented. To this date, no perpetrator has been brought forward for prosecution.

49. It is very difficult for police to create communication with person with disabilities given the fact that the police force is not sensitized on human rights and is not aware of disability rights.

50. The situation of people with disabilities during the Covid-19 pandemic should also be mentioned. Covid-19 protocols were readable and understood by able people and some people with disabilities able to read, but many did not have access to the information.

51. People with disabilities also suffered abuses during this period. On top of the case of Jerry Hansen previously detailed, another example can be provided of those abuses. In fact, two persons in wheelchairs engaged in selling during the lockdown were taken to the police station for questioning and all their money and their market goods were taken.

Recommendations:

- ***Ensure that all cases of violence against persons with disabilities are adequately investigated and that the authors of such acts are prosecuted and sentences proportionally to the gravity of their acts; in particular, create a safe environment for persons with disabilities to present their complaint and ensure the training of police officers on human rights and the rights of persons with disabilities.***

D. Participation in public affairs

52. Person with disabilities' information is not up-to-date on the electoral commission voter's registry. Magna Carta PNG conducted several consultations to identify specific issues. In the forum, many have shared their experiences about their names not being on the registry and thus not being able to vote because they are disabled. Furthermore, the election period is very dangerous and unsafe. The voting area is often controlled by tribal warriors with weapons. Women, children and the vulnerable persons are always the victims of ill actions by the tribal warriors and there is not much protection given by the security personnel. Thus, the venue itself looks dangerous and unfriendly for people with disabilities to access. As a result, people with disabilities do not practice their democratic rights to choose a leader of their own choice. In this regard many concerns exist relating to the upcoming national general election in 2022.

⁶⁸ Informal street markets.

53. Also, people with disabilities are not given their democratic rights to stand for public office. The state's system itself is not an enabling environment. Even the electoral commission institutional framework is not guided by international human rights standards which may support the call for PWDs to contest for elections.

Recommendations:

- ***Ensure the participation of person with disabilities in public affairs by guaranteeing that they are adequately enrolled in the voters' registry and creating a safe an enabling environment to vote.***

IV. Environmental issues⁶⁹

54. The protection of natural resources and the environment is mainly regulated by the Environment Act 2000 giving effect to the 4th PNG National Goals⁷⁰ which expressly states, “*the natural resources and the environment of Papua New Guinea should be conserved and used for the collective benefit of the people: and should be replenished in the interest of future generations*”.

55. PNG is one of six countries included in the Coral Triangle⁷¹. Given the urgent need to protect the marine and coastal life in the region, the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF) was launched in 2009 creating specific plans to protect communities and marine habitats within the Coral Triangle.⁷²

56. Despite the existing legal framework aiming at the protection of the environment and human rights, many violations are still being reported. Thus, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein shared his concerns about the extractive industry after a visit in PNG in February 2018⁷³.

A. Mining

1. Sand mining

57. Sand Mining is largely under the radar in PNG. Environmental standards and social impacts are often overlooked or ignored.

58. Sand mining came into the spotlight in PNG in the middle of 2020 when the Singaporean company Niugini Sands Limited applied to explore the shoreline and planned to mine the 30 km coastline north of Madang town for black sands. The government and the company were called out for negligence because they failed to carry out adequate consultations and awareness on the environment and social impacts of the project to the affected. The people of Sumgilbar were denied participation in the processes for this large project. The Mineral

⁶⁹ Six recommendations were addressed to PNG during its UPR in 2016 regarding environmental issues – [Report of the Working Group on the Universal Periodic Review – Papua New Guinea](#), A/HRC/33/10, 13 July 2016, para 104.152 to 104.157, recommendations by Mexico, Chile, Norway, Algeria, Cuba and Guatemala.

⁷⁰ These objectives are set in the preamble of Papua New Guinea's Constitution.

⁷¹ A 6 million km² area that has the highest coral diversity in the world and supports 6 out of 7 marine turtle species

⁷² [Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security](#).

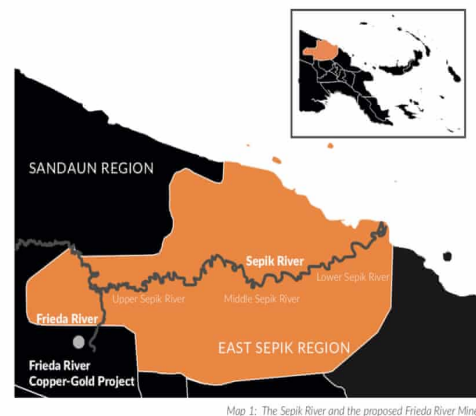
⁷³ OHCHR, [UN human rights chief urges Papua New Guinea to combat corruption and strengthen rule of law](#), 9 February 2018,

Resources Authority (MRA) only carried out two warden hearings⁷⁴ to about 300 people of the ten thousand plus population of Sumgilbar⁷⁵. The proposed mine is an imminent threat to the coastal shoreline⁷⁶ and could annihilate the nesting grounds of the endangered leatherback turtle species⁷⁷. In early 2021, Niugini Sands withdraw its application to mine the sands, representing a success for environmental activists⁷⁸.

59. There are currently 2 other proposed sand mining areas in PNG⁷⁹.

2. Copper and gold mining

60. One of the most controversial projects in PNG is the proposed Frieda River gold and copper mine which would be the largest ever mine in PNG's history and among the world's largest mines. The mine and its associated infrastructure have been proposed to be built across East and West Sepik (or Sandaun) Provinces, in an area that has been tentatively listed for World Heritage Status by the Government of PNG for both environmental and cultural reasons.⁸⁰ The catchment area is one of the least developed areas in PNG, home to more than 400,000 people, who depend almost entirely on the river and forests. In all of this, the environment, the Sepik peoples' home, and their identity⁸¹ stand to be threatened by the Frieda River mine.



Map 1: The Sepik River and the proposed Frieda River Mine

⁷⁴ Mining warden hearings were held with unsatisfactory results and many of the community elders expressed strong opposition to the project

⁷⁵ Post Courier, [Sumgilbar people want extension of warden hearing about sand mining](#), 18 November 2020.

⁷⁶ The people of Sumgilbar, Catholic Professional, Caritas PNG, Madang Tourism Association and Makata opposed sand mining in fear of losing their black sandy beaches, mangroves, sea grass, corals and the marine ecosystems which provide protein, food, money, and sustains their livelihoods on a daily basis. Sand mining would also destroy existing leatherback conservation project sites, villages, cocoa, coconut, vanilla, betelnut, and other cash crops and food gardens.

In addition, the people would be displaced if sand mining took place and there was no other place to be relocated to.

⁷⁷ Leatherback sea turtles are protected under the Convention on International Trade of Endangered Species (CITES) and listed as endangered by the Endangered Species Act (ESA). They are a keystone species, critical to the health of the entire marine ecosystem. On the verge of extinction, the leatherback population has declined more than 90 percent in the past 20 years, primarily due to habitat loss.

⁷⁸ Radio New Zealand, [Sand mining company pulls out of PNG](#), 1 March 2021.

⁷⁹ Orokolo Bay (Gulf Province) - where Mayur resources plans to mine black sands to produce a number of products including titanomagnetite, DMS magnetite, construction sands a zircon-rich valuable heavy mineral concentrate - and Fly River (Western Province) where an environmental clean-up by CEPA was supposed to happen to allow a Hong Kong based company to do dredging but this project was then abandoned due to public outcry calling it sand mining in disguise – Loop PNG, [Fly River clean-up or sand mining?](#), 13 November 2020,

⁸⁰ The mighty Sepik River is the longest river in Papua New Guinea and one of the world's great rivers. It has been described as the 'soul of Papua New Guinea' and is often compared with the Amazon. Its biodiversity is incredible and globally significant.

⁸¹ This is perhaps the most linguistically and culturally diverse area on the planet, with over 300 languages in an area the size of France.

61. The project would have several disastrous impacts on the environmental⁸², health⁸³ and socio-economical level⁸⁴ as is shown in a recent report by the organisation Jubilee Australia⁸⁵.

62. In November 2018, PanAust prepared an Environmental Impact Statement (EIS)⁸⁶ regarding the proposed project and shared it with the Conservation and Environment Protection Authority (CEPA). The EIS was not publicly released until October 2019. In March 2020, PNG's Centre for Environmental Law and Community Rights Inc. (CELCOR) and Project Sepik provided ten expert reports to CEPA about the Sepik Development Infrastructure Project, including the Frieda River Mine. The independent expert reports found several insufficiencies in the EIS concerning a lack of evidence about the proposed tailings dam's reliability. The reports also found that the EIS underestimated the risks associated with groundwater contamination, surface waters, such as lakes and rivers, and the surrounding environment⁸⁷.

63. The mine would produce 2.9 billion tonnes of waste, including waste rock and tailings⁸⁸. The EIS currently proposes to store the waste at a tailings dam near the river. There are no policies for riverine tailings in PNG. According to the expert reports⁸⁹, there is a risk of tailing dam failure⁹⁰. One of the experts stated that the dam break analysis was "*unquestionably the most important component of the EIS*" and yet was not included in it⁹¹.

64. The Sepik people do not consent to the mine. Community members were concerned about the impact that the mine would have on the river's health, the source of their livelihood. All the villages opposed the mine. As such, in May 2020, a total ban on the mine was unanimously proclaimed by the traditional clan leaders of 28 Haus Tambarans⁹², representing 78 000 people living along more than 1,000 kilometres of the Sepik River. The Haus Tambarans issued the Supreme Sukundimi Declaration⁹³, a powerful document that is a first-ever in PNG, which would be admissible in a court of law⁹⁴.

⁸² E.g., waste overflow, destroyed forests, destroyed food gardens, flooding, mine tailings spill, loss of landscape/degradation, biodiversity loss, water pollution, noise pollution, deforestation, damaged ocean floors and seabed due to DSTP and chemical pollution.

⁸³ E.g., mental health problems for the local communities, such as depression and suicide, chemical pollution bleeding into the food chain and/or impacting skin via the waterways

⁸⁴ E.g., loss of livelihoods, loss of traditional knowledge and culture, displacement, militarization and increased police presence, growth of migrant workers that could lead to community tensions.

⁸⁵ Jubilee Australia Research Centre and Project Sepik, *The Sukundimi Walks Before Me*, 14 March 2021,

⁸⁶ Frieda River, *Frieda River Limited, Sepik Development Project, Environmental Impact Statement, Attachment 2b – Frieda River Hydroelectric Project Environmental Management and Monitoring Plan*, SDP-6-G-00-01-T-003-004, 26 October 2018.

⁸⁷ Save the Sepik, *Environmental impact assessment expert reports*.

⁸⁸ Frieda River, *Frieda River Limited, Sepik Development Project, Environmental Impact Statement, Attachment 2b – Frieda River Hydroelectric Project Environmental Management and Monitoring Plan*, SDP-6-G-00-01-T-003-004, 26 October 2018.

⁸⁹ Jubilee Australia Research Centre and Project Sepik, *The Sukundimi Walks Before Me*, 14 March 2021, p.18.

⁹⁰ The experts argue that this risk is due to: (1) the extremely large amount of mine waste and tailings that will be produced, (2) the terrain is rugged and has an extremely high annual rainfall, (3) the mine is in a seismically active area, and (4) the tailings storage facility is also expected to double as a hydroelectric facility

⁹¹ Michael Main, Independent Expert Review for the Sepik Development Project Environmental Impact Statement, March 2020, available at <https://savethesepik.org/social-impacts/>

⁹² Haus Tambarans is a spiritual house in the Sepik river region. This is a place where the people make and practice traditional laws, cultures, traditions, religion and philosophies.

⁹³ The Supreme Sukundimi Declaration is a document signed by the spiritual and clan leaders of the Haus Tambarans on the Sepik river calling for the total ban of the Frieda Mine. The Declaration entails the wishes and voices of the Sepik river people against the proposed mine. Sukundimi is the river deity of Sepik

⁹⁴ Save the Sepik, *Supreme Sukundimi Declaration*.

65. In July 2020, 10 UN Special Rapporteurs shared their serious concerns about this project. According to them this project has “*potential and actual threats to life, health, bodily integrity, water [and] food*”.⁹⁵

66. Given the controversy surrounding a tailings dam on the Frieda River⁹⁶, an alternative arrangement for disposal of the tailings is being hatched, including a Deep-Sea Tailings Placement (DSTP) to dispose of the waste rocks and tailings directly into the sea at Vanimo or Aitape, in West Sepik Province. As this is argued by some organisations⁹⁷ and as explained below this would not be a valid alternative.

67. It should be noted that the two biggest environmental catastrophes in PNG’s history, at Panguna and Ok Tedi⁹⁸, are also copper and gold mines, located in inaccessible mountainous terrains. Both projects saw catastrophic failures including in connection with tailings management⁹⁹. The comparisons between the problems that led to Panguna and Ok Tedi’s failures¹⁰⁰ and what could happen at Frieda River are chilling. The Ok Tedi mine, located near the headwaters of the Ok Tedi River in Western Province, shares the most similarities with the Frieda River mine (incredible biodiversity values and ecological heartland; high seismic activity; high rainfall; remoteness; and the size of the river).

3. *Deep Sea Tailings Placement*

68. Deep Sea Tailings Placement (DSTP) has been in use since the 1970s but is currently banned in many countries due to its controversial nature. It is now only in operation in a few countries, including PNG. The many risks posed by DSTP include smothering of the seabed, chemical reactions that release toxic metals into the ocean ecosystem and tailings upwelling and contaminating inshore marine environments that locals rely on for subsistence and livelihoods.

69. In 2019, a major slurry spillage from the Basamuk Bay in Madang released tons of mine waste into the bay killing the aquatic life and disturbing the balance of life.

70. Currently, DSTP is in use or under consideration for 4 projects¹⁰¹.

B. Logging

⁹⁵ [AL PNG 1/2020](#), 20 July 2020.

⁹⁶ The Guardian, Lyanne Togiba and Ben Doherty, [Entire villages would be wiped out if natural disaster hit dam on PNG mine, critics say](#), 14 March 2021.

⁹⁷ According to the organisation Jubilee Australia, the DSTP should not be an alternative given the negative impacts this type of practice has on the marine environment and on local communities - Jubilee Australia Research Centre and Project Sepik, [The Sukundimi Walks Before Me](#), 14 March 2021, p. 22,

⁹⁸ The first riverine tailing in PNG was the Ok Tedi mine which dumped its waste into the Fly River⁹⁸. This polluted the fly river and killed the river system – OK Tedi Mining, [Ok Tedi Environmental Impacts](#).

⁹⁹ Radio New Zealand, [Rio Tinto remains responsible for Panguna mine damage says report](#), 2 April 2020, and [OK Tedi Mine: unearthing controversy](#).

¹⁰⁰ During construction Ok Tedi’s tailings dam failed. The company made the fateful decision to put all its waste directly into the creeks that run into the Ok Tedi and Fly Rivers. By the 1990s hundreds of millions of tonnes of waste clogged those waterways, destroying thousands of hectares of forest and inundating villages and vegetable patches – ABC News, [PNG’s OK Tedi: from disaster to dividends](#), 7 January 2013.

¹⁰¹ 1. a) Lihir Gold Mine, New Ireland Province (In use since 1995); b) Ramu Nickel, Madang Province (In use since 1995); c) Wafi-Golpu Mine, Morobe Province (In development stage) and Frieda River Mine, East Sepik Province (In consideration).

71. The 1991 Forestry Act is the main legislation in PNG that provides for the conservation, management and exploitation of forest resources. In its Preamble, it stipulates the importance to “*manage, develop and protect the Nation's forest resources and environment in such a way as to conserve and renew them as an asset for the succeeding generations.*”¹⁰² Besides this law, there is a series of policies, laws, regulations and guidelines that complement the forestry legislation.¹⁰³ Despite this extensive body of law, there are clear implementation and enforcement issues, allowing illegal and unsustainable logging. As a matter of fact, 70 percent of logging in PNG is currently illegal¹⁰⁴, even though 99 percent of land is owned by local indigenous communities. With PNG being the world’s largest tropical timber exporter¹⁰⁵, this creates serious human rights issues. The level of exportation of tropical timber has doubled in the past 10 years, providing three to four million cubic meters of timber every year.¹⁰⁶

72. According to a 2018 report released by the Oakland Institute, “[t]he increase in log exports by PNG in recent years is largely the result of the illegal granting and coming into operation of 5.5 million hectares of logging concessions through the Special Agriculture and Business Leases (SABLs) land lease scheme.”¹⁰⁷ While the SABLs were meant to support agricultural investments, the trades take place without the free, prior and informed consent of the people living on the affected land. This practice has been described as unacceptable by the UN High Commissioner during his visit in February 2018.¹⁰⁸ Despite promises made by the Government in 2014 to cancel the illegal logging grants, no measures have been taken so far to stop illegal logging nor to return the land to the communities.¹⁰⁹

73. Beside the loss of land and breaches of indigenous communities’ customary land rights, the negative environmental and social impacts of logging activities are important: biodiversity loss (wildlife, agro-diversity), global warming, deforestation, loss of vegetation cover and depletion of forest resources¹¹⁰, large-scale disturbance of hydro and geological systems and loss of culture.

Recommendations:

- ***Prevent, investigate, punish and redress human rights abuses committed by businesses within the territory of PNG.***

¹⁰² [Forestry Act 1991](#).

¹⁰³ National Forest Policy of 1991, National Forestry Development Guidelines of 1993, National Forest Plan of 1996, Forestry Regulations of 1996, Logging Code of Practice, Forestry Regulations of 1998, Environmental Act of 2000. The Forestry Department had eight submissions before the National Executive Council in 2020. Four of them were approved and relate to timber legal standard, reforestation and afforestation strategies, downstream processing strategies and revised logging code of practice. The four submissions still before CACC were amended and relate to forestry fees and charges, remodelling of State purchase options, review of the Forestry Act and incentives for genuine investors

¹⁰⁴ Mongabay, [Illegal logging makes up 70 percent of Papua New Guinea's timber industry](#), 22 April 2014.

¹⁰⁵ Oakland Institute, [The great timber heist continued tax evasion and illegal logging in Papua New Guinea](#), 2018, p. 3.

¹⁰⁶ Oakland Institute, [The great timber heist continued tax evasion and illegal logging in Papua New Guinea](#), 2018, p. 5.

¹⁰⁷ *Ibid.*

¹⁰⁸ OHCHR, [UN human rights chief urges Papua New Guinea to combat corruption and strengthen rule of law](#), 9 February 2018.

¹⁰⁹ Oakland Institute, [The great timber heist continued tax evasion and illegal logging in Papua New Guinea](#), 2018, p. 5.

¹¹⁰ The affected communities are highly reliant on the forest resources. As a result, logging activities leads to food insecurity.

- *Ensure that communities affected by extractive and logging related projects and activities be consulted at all stages of tendering, construction and operation in a free, prior and informed manner in accordance with international human rights standards.*
- *Take more rigorous and transparent measures to increase the oversight of extracting and logging related projects and activities to ensure their compliance with international human rights and environmental standards.*
- *Take the necessary measures to ensure that all economic, social and cultural rights are fully respected and rights holders adequately protected in the context of corporate activities.*
- *Take appropriate measures to stop and prevent illegal logging and ensure that all logging activities are based on a respect for fundamental human rights and environmental protection.*