



# Papua New Guinea



UPR 39<sup>th</sup> session  
November 2021

**Executive summary** of civil society’s UPR submission on the issues of women’s rights, children’s rights, rights of people with disabilities and environmental issues



Dominicans  
for justice and peace



edmund rice  
international

FemiliPNG  
care, support, change



Papua New Guinea  
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IIMA  
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PROJECT  
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## **Submitted by**

International Catholic Centre of Geneva

## **With**

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Papua Native Landowners Association Inc

Pikinini Watch PNG

PNG Council of Churches

Papua New Guinea Flying Labs

PNG Tribal Foundation

Project Sepik

World Vision

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# Women's Rights



No woman has been elected in 2017 into the current Parliament.

Persons accused of sorcery are often victims of physical violence including torturing which can lead to their deaths.

 **UPR RECOMMENDATIONS ADDRESSED TO PNG IN 2016**

*Recommendations from the 2<sup>nd</sup> cycle: para 104.21 to 104.24, 104.31, 104.34, 104.52, 104.53, 104.62 to 104.69, 104.71, 104.72, 104.94 to 104.118, 104.120 to 104.123, 104.134 and 104.149, by Argentina, Australia, Brazil, Canada, Chile, China, Cuba, Czech Republic, Fiji, France, Germany, Ghana, Haiti, Holy See, Honduras, Ireland, Italy, Japan, Kyrgyzstan, Malaysia, Morocco, Namibia, the Netherlands, New Zealand, Norway, Pakistan the Philippines, Portugal, Republic of Korea, Slovenia, Spain, Sweden, Switzerland, Thailand, Timor-Leste and Turkey*

 **CURRENT SITUATION****Equal participation in Parliament, politics and decision-making**

Women are poorly represented in public institutions in Papua New Guinea (PNG). In fact, no woman has been elected in 2017 into the current Parliament. The upcoming 2022 elections constitute a key time to implement measures to favour the number of female candidates and the number women elected.

**Gender-based violence**

Gender-based violence is a very large issue in PNG which led the government to adopt a National Strategy to prevent and respond to Gender-Based Violence (GBV) 2016 – 2025. However, this strategy is not fully implemented yet. Provincial GBV Secretariats in charge of various activities to prevent and fight GBV have yet to be established in all provinces.

The government took several measures to fight against domestic violence such as the adoption of the Family Protection Act 2013 criminalising domestic violence and creating Family protection orders, the creation of the National Family Sexual Violence Action Committee, the establishment of Family and Sexual Violence units and the set-up of family support centres. However, many issues are still being faced at the implementation level.

Belief in sorcery is widespread across PNG. In some places, persons accused of sorcery are then victims of physical violence including torturing (i.e. the case of Christina Pakuma detailed in our report) which can lead to their deaths. Despite several actions (the repeal of the 1971 Sorcery Act, the development of the 2015 Sorcery accusation-related violence National Action Plan and the amendment of the Criminal Code) taken to fight this phenomenon, many cases are still documented.

## Our recommendations to improve the human rights situation in PNG



- 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.
- 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.
- 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.
- 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.

# Children's Rights



Around 75% of the child population experience violent discipline at home.

Accessibility to primary and secondary education is a major issue partly due to the remote locations of many schools and to their lack of resources and trained teachers.



## UPR RECOMMENDATIONS ADDRESSED TO PNG IN 2016

*Recommendations from the 2<sup>nd</sup> cycle: para 104.16, 104.70, 104.106, 104.109, 104.117, 104.120, 104.125, 104.126, 104.141 to 104.144 and 104.149 by Chile, China, France, Germany, Guatemala, Holy See, Ireland, Jamaica, Kyrgyzstan, Mexico, Pakistan, Saint Vincent and the Grenadines and Uruguay.*

## CURRENT SITUATION

### **Right to education**

Access to Early Childhood Development is mostly available through expensive private centres. An Early Childhood Education Policy was developed in 2020 but still awaits approval to be included in the new National Education Plan 2020-2029. Accessibility to primary and secondary education is a major issue partly due to the remote locations of many schools and to their lack of resources and trained teachers. As for tertiary institutions, many students cannot secure a place or are forced to withdraw because of the cost of tuition fees despite the Higher Education Loan Program put in place by the government. The educational sector has been deeply impacted by the Covid-19, as a result, the National Department of Education adopted a PNG Covid-19 Education Emergency Response & Recovery Plan with a budget of 76 297 224 PGK.

### **Right to health**

Low awareness of health and hygiene practices combined with difficulties in accessing adequate health services and facilities contribute to a high incidence of illness and disease particularly impacting children in rural areas. High rates of infant mortality and maternal mortality (increasing the risk of under 5 mortality) are reported. A Child Health Policy and Plan 2009-2020 was adopted but no report on its outcomes was published. In March 2020, the National Department of Health prepared an Emergency Preparedness and response plan Covid 19 with a budget of 92 849 589 PGK.

### **Juvenile justice**

Children in conflict with the law face many challenges and violations of their rights. This mainly results from the lack of training of police officers. Juvenile Court Officers were established to handle cases of juvenile offenders. Many children in conflict with the law are detained, not always separately from adults, and not offered access to diversion alternatives.

### **Violence against children**

In a 2019 report, Save the Children documented that around 75% of the child population experience violent discipline at home. To strengthen child protection, PNG adopted a new Lukautim Pikinini (Child Welfare) Act in 2015. However, many measures are yet to be implemented.

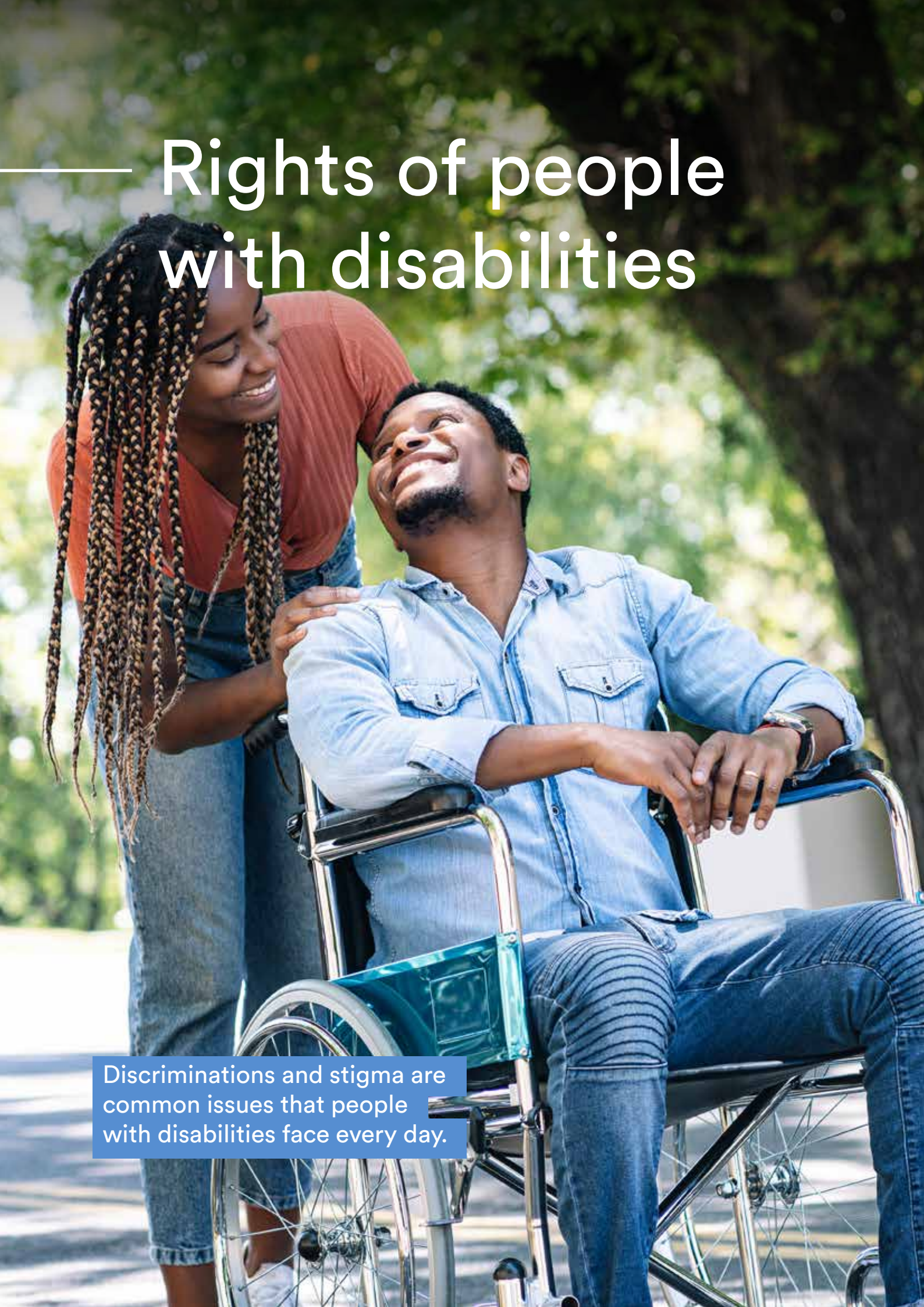
## Our recommendations to improve the human rights situation in PNG



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

# — Rights of people with disabilities

Discriminations and stigma are common issues that people with disabilities face every day.







## UPR RECOMMENDATIONS ADDRESSED TO PNG IN 2016

*Recommendations from the 2<sup>nd</sup> cycle: para 104.20, 104.150 and 104.151 by Canada, Ghana and Myanmar*



### CURRENT SITUATION

#### General assessment

PNG is yet to establish a national disability data management system so there is no validated figure to present. A National Disability Policy was launched in 2015. Based on it, a National Disability Authority Bill is being developed since 2018 but has not been adopted yet.

#### Children with disabilities

Children with disabilities do not have access to inclusive education because of accessibility issues but also because out of the 24 provinces in PNG only three are engaged with disability learning.

#### Violence against persons with disabilities

Discriminations and stigma are common issues that people with disabilities face every day. Many cases of violence against persons with disabilities are being documented, with women and girls with disabilities seen as most vulnerable and being often abused by close relatives. This situation was even more exacerbated during the Covid-19 pandemic with many cases of police violence against persons with disabilities being documented.

#### Participation in public affairs

Persons with disabilities face many obstacles to take part in public affairs. First, their information is often not up-to-date in the electoral commission voter's registry. Also, the election period is generally very dangerous and unsafe with voting venues often controlled by tribal warriors and looking dangerous and unfriendly for people with disabilities. Also, people with disabilities are not given their democratic rights to stand for public office.

## Our recommendations to improve the human rights situation in PNG



- Expedite the adoption of the National Disability Authority Bill and the implementation of the National Disability Policy.
- Ensure the right to education to children with disabilities by engaging all provinces in disability learning and guaranteeing accessibility to all schools.
- 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.
- 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 and enabling environment to vote.

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# Environmental issues



Deep Sea Tailings Placement (DSTP), even though currently banned in many countries, is still being used in PNG.

Environmental standards and social impacts are often overlooked or ignored.

PNG is the world's largest tropical timber exporter and 70% of logging in the country is illegal.



## UPR RECOMMENDATIONS ADDRESSED TO PNG IN 2016

*Recommendations from the 2<sup>nd</sup> cycle: para 104.152 to 104.157, by Algeria, Chile, Cuba, Guatemala Mexico and Norway,*

### CURRENT SITUATION

#### **General framework**

The protection of natural resources and the environment is mainly regulated by the 2000 Environment Act. PNG is also one of the six countries included in the Coral Triangle which launched in 2009 the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security.

#### **Mining**

Sand Mining is largely under the radar in PNG. Environmental standards and social impacts are often overlooked or ignored. In 2020 the case of the sand mining plan by Niugini Sands Limited in the coastline north of Madan was very much publicised because of its lack of adequate consultations and the risk of environment and social impact it carried. Its application was withdrawn in early 2021. However, there are still 2 other proposed sand mining areas in PNG.

Another controversial project is the Frieda River gold and copper mine to take place across East and West Sepik provinces and that would have disastrous impacts on the environmental health and socio-economical level. The Sepik people strongly oppose the project and in May 2020, 28 spiritual houses (Haus Tambarans) issued a Supreme Sukundimi Declaration calling for the total ban of the Frieda Mine.

Deep Sea Tailings Placement (DSTP), even though currently banned in many countries, is still being used in PNG. DSTP poses many risks including smothering of seabed, release of toxic metals into the ocean ecosystem and tailings upwelling and contaminating inshore marine environments that locals rely on for subsistence and livelihoods.

#### **Logging**

The 1991 Forestry Act is the main legislation in PNG that provides for the conservation, management and exploitation of forest resources. However, PNG is the world's largest tropical timber exporter and 70% of logging in the country is illegal. Many trades take place without the free, prior and informed consent of the communities living on the affected land. As a result, logging causes breach of indigenous communities' customary land rights. It also has disastrous environmental and social impacts. No measures have been taken so far to stop illegal logging nor to return the land to the communities.

## Our recommendations to improve the human rights situation in PNG



- Prevent, investigate, punish and redress human rights abuses committed by businesses within the territory of PNG.
- 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 the respect of fundamental human rights and environmental protection.

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## **EXECUTIVE SUMMARY OF CIVIL SOCIETY'S UPR SUBMISSION**

39<sup>th</sup> session – November 2021 – Papua New Guinea

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