



# General Assembly

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## Human Rights Council

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Agenda item 6

Universal periodic review

### Report of the Working Group on the Universal Periodic Review\*

#### Papua New Guinea

#### Addendum

**Views on conclusions and/or recommendations, voluntary commitments  
and replies presented by the State under review**

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\* The present document is being issued without formal editing.



<i>Recommendation/s</i>	<i>Papua New Guinea Position</i>	<i>Reasons/comments</i>
1–2.	Support	Papua New Guinea supports these recommendations. Except for those that are inconsistent with existing laws of Papua New Guinea and also inconsistent with its international law obligations as State Party to such human rights treaties and their protocols.
3.	Note	Papua New Guinea will only consider such requests as and when necessary.
4.	Support	Refer to notes under 1-2.
5.	Note	The Constitution adequately provides protection for all people against unlawful arrest, detention, abduction and other forms of deprivation of liberty. There is also existing legal framework (Criminal Code Act) that prohibits these forms of criminal activities.
6.	Note	Refer to notes under 5.
7–10.	Note	<p>Papua New Guinea is of the view that our national laws do provide for the acts of torture and protection from all forms of torture hence are not of the view to ratify the UNCAT. The following laws provide for torture:</p> <p><i>Constitution of the Independent State of PNG<sup>1</sup></i></p> <p><i>Criminal Code Act 1974<sup>2</sup></i></p>
11 and 12.	Note	Papua New Guinea is not a State Party to the Rome Statute so cannot ratify a Convention it has not signed up to. However, on 22 January 2022, the Criminal Code Act was amended to abolish the Death Penalty.
13 and 15.	Note	Recommendation 13 and 15 are not relevant as Papua New Guinea already ratified the CRC in 1993.
14.	Support	<p>Papua New Guinea agrees to ratify the protocol to complete its commitment as a state party to the CRC. Over the years, Legal and Policy reforms<sup>3</sup> have been pertaining to the protection of rights of children. These policies and legislation address the issues of children in arms conflict, child trafficking and child pornography.</p> <p>(Input by Office of Child and Family Services)</p>
16.	Note	Papua New Guinea ratified CEDAW in 1995 and also ratified CRC in 1993.
17.	Support	The Office of the Development of Women (ODW) is conducting data collection exercises for the eventual ratification of the Optional Protocol on CEDAW.
18.	Support	Refer to notes under 17.
19.	Support	Papua New Guinea is committed to addressing Gender-based Violence, through its National Gender Based Violence Strategy, however challenges remain in terms of effective implementation.
20.	Note	Papua New Guinea is not a State party to the 2000 United Nations Convention against Transnational Organized Crime

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		Activities. Until Papua New Guinea is a State Party then we may ratify the relevant Protocols where necessary.
21–25*	Note	<p>*For recommendations relating to the Convention Against Torture, please refer to notes under 7-10.</p> <p>* For the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Papua New Guinea will ratify on the basis of priority.</p> <p>*OP on CEDAW, refer to notes under 17.</p>
26–28.	Support	Papua New Guinea supports and welcomes technical assistance and cooperation in this area.
29.	Support	Papua New Guinea through the Department of Community Development along with the Papua New Guinea Assembly of Disabled Persons is currently conducting consultations to progress the reporting of CEDAW and CRPD.
30.	Support	Papua New Guinea continues to implement programs aimed at addressing socio-economic challenges under the Papua New Guinea Vision 2050 including the Medium Term Development Plans (MTDP II, MTDP III)
31.	Support	Papua New Guinea through the Civil Registry and National Identity Office (NID) has extended awareness on civil registration to Provinces and Districts.
32.	Note	The electoral process and related activities are the prerogative of the Government of Papua New Guinea. The Papua New Guinea Electoral Commission is the mandated institution that promotes the rights to vote and stand for public office including overseeing national elections.
33.	Note	The Responsibility to Protect (RP2) is not yet a multilaterally agreed framework and is a work in progress. Papua New Guinea is supportive of this initiative. However, it is premature, at this stage, to consider such a proposed appointment.
34–42.	Support	Papua New Guinea is working towards the establishment of a National Human Rights Commission.
43.	Support	As State party to CRPD, Papua New Guinea is committed to ensuring the proper measures are taken to promote and protect the rights of persons with disabilities including addressing barriers in access to basic services.
44–45.	Note	The Constitution provides that citizens are equal regardless of race, tribe, and place of origin, political opinion, color, creed, religion or gender.
46–57.	Note	The LGBTQI issue is an evolving one that is culturally sensitive in the country.
58.	Support	This is an ongoing priority of Papua New Guinea through respective environment policies and programs.
59.	Support	Papua New Guinea through responsible agencies continues to implement programs in accordance with the UN

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		Conventions relating to Biodiversity and Conservation including Climate Change.
60.	Support	As a State Party to the Paris Agreement, Papua New Guinea is committed to a low-carbon development under its United Nations Paris Agreement (Implementation) Act 2016 and its 2021 Amendment. The updated National Determined Contributions (NDC) commits the country to be 50 percent carbon neutral by 2030 and full carbon neutrality by 2050. The NDC Implementation Plan and the NDC Regulation that was completed in 2021 and will guide the implementation of Papua New Guinea's NDC.
61.	Support	This is an ongoing priority for Papua New Guinea. The Department of Works has incorporated climate resilience approach for major roads and bridges to be built around the country. Climate resilient building codes and design standards have been used to develop pilot climate proofing infrastructure in selected Provinces.
62.	Support	Papua New Guinea is committed to ensuring the meaningful participation of all citizens in development and implementation of climate change and disaster risk reduction frameworks.
63.	Support	Papua New Guinea is working towards the endorsement of a "State Civil Society Partnership Policy" that will look at addressing the gaps in its effective engagement with the Civil Society on a wide range of issues.
64.	Support	Papua New Guinea has existing legal frameworks in place which provide for close consultation with indigenous people.
65–66.	Support	There is ongoing work to implement Government policies for protection and conservation of the environment including existing legislation which provides for close consultation with local people on any issues that may affect them.
67–68.	Support	The establishment of the Independent Commission Against Corruption-Papua New Guinea is still in its premature stage; work is ongoing to ensure its full operation by 2023 <sup>4</sup> .
69–87.	Note	Papua New Guinea amended the Criminal Code Act on 22 January 2022 to abolish the Death Penalty.
88–89.	Support	Papua New Guinea is currently working on reviewing the minimum-age of criminal responsibility from 7 to 14 years of age.
90.	Support	The Public Solicitors Office currently provides Free Legal Aid Services in 20 of the 22 Provinces in the Country. The Public Solicitor's Office plans to ensure there are enough lawyers based in the provinces to allow more people to access legal services.
91.	Support	The necessary steps are being taken to improve the criminal justice system in the country.

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92.	Support	The Ombudsman Commission (OC) signed a Memorandum of Agreement with the Police Force with the aim of restoring accountability, integrity and discipline. The 'Police Oversight Program' (POP), has been successfully implemented resulting in a high number of ill-disciplined Police Officers being penalized for offenses involving Police misconduct (wrong behavior), police brutality or crimes committed in breach of the Criminal Code Act and Police Force Act.
93–94.	Note	Refer to notes under 92.
95.	Support	The right to freedom of assembly and association is guaranteed by Section (47) of the Constitution. Refer to notes under 96.
96.	Support	The Government is working in partnership with the private sector and civil society through the ' <i>Open Government Partnership</i> ' which reaffirms Papua New Guinea's commitment to promoting transparency, accountability, and information sharing for inclusive development. Under the OGP National Action Plan 2018-2020; work is underway on introducing legislation on " <i>Access to Information</i> ".
97.	Support	The right to freedom of assembly and association is guaranteed by Section (47) of the Constitution. The Cybercrime Code Act (2016) in the context of ' <i>freedom of expression</i> ' criminalizes defamation and defamatory publications and allows victims to seek redress through filing a criminal complaint for defamations against a person or a Member of Parliament.
98–99.	Support	The Government is committed to providing basic services to all its citizens through the Medium Term Development Plans (MTDP2, MTDP3) <sup>5</sup> . Health, education and law and order are key priorities of the Government.
100.	Support	Refer to notes under 98-99.
101.	Support	Health remains a priority sector of the National Government receiving 11 per cent of the national budget (PGK2.8billion). This is reflected in the recent launching of the 7th National Health Plan 2021-2030 which seeks to address gaps in delivery of much needed health care services for all citizens.
102.	Support	Refer to notes under 101.
103.	Support	Refer to notes under 101.
104.	Support	The Sexual and Reproductive Health Policy (2014) creates an enabling environment for appropriate actions aimed at providing the necessary impetus and guidance to national and local interventions and initiatives in all areas of Sexual and Reproductive Health in the country.
105.	Support	Refer to notes under 104.
106.	Note	The right to life is sacrosanct therefore abortion is illegal. However, in circumstances of life-threatening health

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		conditions to the unborn child and/or the pregnant mother, a medical specialist's (obstetrician) opinion is sought.
107–108.	Support	Refer to notes under 101.
109.	Note	Papua New Guinea's national policies and laws around education do not discriminate against the right to education therefore the Government notes this recommendation.
110.	Support	Strengthening quality education is a high priority for Papua New Guinea. The introduction of 1-6-6 Structure and the inclusion of Early Childhood Education (ECE) will implement the proposed shift from current system to ECE Kinder 1 & 2 (ages 4 & 5). Also Standard Based Curriculum had been developed for each student to meet set standards in all levels of schooling from ECE to Grade 12.
111.	Support	The Papua New Guinea Government under its National Education Plan 2020-2029 and the Tuition Free Subsidy (GTFS) policy is implemented through the Department of Education, measures to ensure access and quality education for all children, inclusive of those marginalized and persons with disabilities.
112.	Support	The Government of Papua New Guinea Tuition Fee-Free Subsidy Policy through Department of Education and education partners is addressing barriers to improve the retention of female students in the education system.
113.	Support	The Universal Basic Education Plan 2010-2019 builds on the progress made in the National Education Plan 2005-2014. It was developed to ensure that all school-aged children (Prep to grade 12) have equal access to quality basic education which provides them with life-long skills in order to contribute to the development of the country.
114.	Support	The Gender Equity in Education Policy aims to develop every individual to her or his full potential in all levels of school from ECE <sup>6</sup> to grade 12. 2. The Constitution embodies the government's commitment to equality for both women and men within family, community and society.
115.	Support	The Government of Papua New Guinea Tuition Fee-Free Subsidy Policy and Strengthening of the Flexible and Open Distance Education (FODE) centers across the country in Districts and LLGs has been a major focus for the Government. This has help taken in students that have been out of school for a long time.
116–118.	Support	The Department of Education is working closely with UNICEF and UNESCO to formulate an 'Out-of-School Children Imitative profiling Report' and also an Out-of-School Children Implementation strategy plan to address the issue.
119.	Support	The Government has partnered with NGOs and Faith-based Organizations to run education programs aimed at supporting Children with special needs. Furthermore, the Education In Emergency Recovery Plan has been

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		implemented to address COVID -19 pandemic and others of such nature.
120–127.	Support	<p>The Government will commence the reviewing of the National Women and Gender Equity Policy (2011-2015) in April 2022. This policy seeks to address barriers to women and girls participation in society, politics and other issues that may affect them.</p> <p>The Informal Economy Policy (2011-2020) review currently undertaken by the Government will seek to address informal market access issues and further enhancing women's economic participation.</p> <p>Women's political participation; PNG laws already support equal participation of women in politics and public life. To further improve this, work is undertaken to encourage political parties to nominate women and endorse women candidates. At the Provincial and local level of Government, it is a requirement to have women representation within those levels of Government.</p>
128.	Support	Refer to notes under 120-127.
129.	Support	The National Public Service Gender Equity and Social Inclusion (GESI) Policy sets the framework for promotion of gender equity and social inclusion practices across the National Public Service and the Private Sector. This Policy is also being implemented by relevant law enforcement agencies in the country.
130.	Support	This is an ongoing high priority for Papua New Guinea. For the issue of GBV, please refer to notes under 131-150.
131–150.	Support	This is an ongoing priority of the Government through its various policies and programmes to combat Gender-based Violence and sorcery-accusation related violence; however gaps remain in terms of implementation.
151.	Support	Papua New Guinea is committed to safeguarding the Rights of the Child and ensuring the necessary measures are in place to prevent abuse and exploitation including child early and forced marriage.
152.	Support	Under the <i>Marriage Act 1964</i> and the <i>Lukautim Pikinini Act 2015</i> , the age of marriage for a female child has been increased from 16 to 18 years old in Papua New Guinea.
153.	Support	<p>As a State party to the CRC; Papua New Guinea is committed to protecting and promoting the rights of the child through legislations such as the <i>Lukautim Pikini Act (2015)</i> and <i>Family Protection Act (2018)</i>.</p> <p>The Government is now looking to reviewing the minimum-age of criminal responsibility from 7 to 14 years of age.</p>
154.	Support	All births are required to be registered under the Civil Registration Act 1996. The Government through the assistance of its partners has facilitated birth registration and trainings for community leaders and child rights volunteers to register children in their respective communities. A pilot project was initiated by the Department of Community

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		Development and the Civil Registry through the assistance of Child Fund in Central Province from 2010–2015.
155.	Support	The Government through the Public-Private Partnership Policy works closely with NGOs and Faith-based organizations to extend education services for children with special needs. For e.g. the Network of Callan Services provides inclusive education for children living with disabilities and also coordinates child care safety and protection programs.
156.	Note	The National Constitution, Citizenship Act (1975) and Migration Act (1978) do not cater for birth registration of stateless children whereas ongoing national efforts are made to ensure all other children below the age of 5 are registered officially.
157.	Support	The Government is committed to promoting the various provisions under CRPD that cater for the rights of persons with disability including their access to health services, education and employment.
158.	Support	Refer to notes under 157.
159.	Support	The Government is committed to ensuring the Disability Bill is enacted.
160.	Note	Papua New Guinea is a State Party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, having acceded to these on 17 July 1986, is taking the necessary measures to afford refugees the protection they need and respect their rights. Also, under the existing Migration laws and policies, the rights and protection of the refugees and migrants is being addressed. For example, Papua New Guinea through Immigration and Citizenship Authority is currently undertaking a major nationwide naturalisation and registration project to regularise the status of West Papuans, with the support from UNHCR.
161.	Note	The amended Migration Act 1978 includes certain provisions that allows for the relevant Minister to determine a non-citizen to be a refugee.



## Notes

- <sup>1</sup> S36 (1) **Constitution** Guarantees freedom from torture and ill-treatment.  
S38-42 provides for qualified rights hence the freedom of torture, inhumane or degrading treatment.  
S 57 (1) (3) (5) and s 58 (2) and (4) provides for redress.
- <sup>2</sup> Offences involving bodily harm and grievous bodily harm; (S 2413, 315, 391, 327, 335, 340)
- Offences causing death. (S 299, 300, and 302)
  - Rape and sexual assault offences. (S 347, S 346C, 349)
  - Abuse of office. (S92)
  - Offence against liberty. (S 335, and 354)
  - Failure to supply necessities. (s 323)
  - Modes of liability (S 335)
    - Principle Offender s7
    - Attempt s4 and 509-511
    - Aiding and abetting s7 (1) (b) and (c)
    - Counselling or procuring others to commit an offence (s7 (1) (d) and 7 (2) (b)
    - Accessory after the fact s10 and 519-520
  - Jurisdiction. (s 12 (1), 12 (2) (d))
- <sup>3</sup> Lukautim Pikinini Act, National Child Protection Policy, Child Protection in Emergency Preparedness and Response Strategy; Juvenile Justice Act, Early childhood education policy, national nutrition policy and national child health policy.
- <sup>4</sup> <https://icac.gov.pg/pngicacupdate/papua-new-guinea-icac-update-2021/>
- <sup>5</sup> <https://png-data.sprep.org/resource/medium-term-development-plan-iii-2018-2030-volume-1>
- <sup>6</sup> Early Childhood Education (ECE).