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

Papua New Guinea

* The present document is being issued without formal editing.



Introduction

1. The Government of Papua New Guinea (PNG) acknowledges the opportunity to provide a review of the accepted recommendations made at the second reporting cycle of the Universal Periodic Review (UPR). The Government further affirms its commitment towards the advancement and protection of fundamental principles and values [of universal human rights] enshrined in the Universal Declaration of Human Rights. Papua New Guinea (PNG) is pleased to have engaged in both the first and second cycles in 2011 and 2016, respectively. A total of 161 recommendations emanated from PNG's 2nd Cycle UPR report in 2016 of which 108 were accepted.

2. This National UPR Report was drafted and submitted in accordance with Paragraph 5 of the Human Rights Council Resolution 16/21 of March 2011. It provides a progressive update of the implementation of 108 recommendations from UN Member States that the Government accepted in 2016 and also covers other areas that PNG aspires to work towards development further to improve the lives of its citizens.

I. Preparation of the report

Methodology

3. The National UPR Taskforce prepared the report by conducting a data collection exercise through the use of a UPR Reporting Template in which specific clustered recommendations were issued to all relevant national stakeholders to provide appropriate data and information.

4. The Taskforce was set up in 2011 as the coordinating committee for UPR comprising of key Government Agencies -Department of Foreign Affairs and International Trade, Department of Justice and Attorney-General, Department for Community Development and Religion, National Department of Health, and the Ombudsman Commission.

5. In order to present an inclusive report, the Government conducted both national and regional consultations throughout the country with the support of the United Nations Office of the High Commissioner for Human Rights (OHCHR). The consultation process began with a national workshop on 28 October 2020 with all relevant stakeholders from the Government and Civil Society. Regional consultations followed in the Autonomous Region of Bougainville (ARoB), Momase Region (Wewak), Highlands Region (Goroka), and New Guinea Islands Region (Kokopo).

6. A second consultation at the national level involved one-on-one interviews with the Department of Labour and Industrial Relations, the Civil Registry Office, and Correctional Services to verify information. The CLDJAG is part of the National UPR Taskforce to provide legal guidance on the collection and analysis of the information, validation and writing of this report.

II. National legislative and policy progress since the previous review

A. Cooperation with international obligations and mechanisms

7. The Government of Papua New Guinea considers the protection and promotion of human rights of citizens as a fundamental element of administering its governance functions. This is realized through the ratification of six (6) core human rights treaties which are further domesticated within national frameworks and policies and implemented by relevant Government Departments and agencies.

8. Although faced with considerable challenges, the Government continues with work on the establishment of a National Human Rights Institution which is progressing. The

enactment of the Independent Commission Against Corruption (ICAC) in 2020 is the most recent development in the area of realizing fundamental rights through addressing corruption in both the public and private sectors. The ICAC's functions will complement the work of the Ombudsman Commission by extending its mandates to include the scrutiny on administration in both the Private and Public sectors in their entirety of rank and file.

B. National legislations and institutions

Laws and legislations

9. Papua New Guinea's National Constitution provides the legal framework for governance and rule of law. There are three (3) categories of rights specified in the Constitution and these are; (i) fundamental rights¹, (ii) qualified rights², and (iii) qualified rights of citizens³. Fundamental rights apply to all persons in PNG regardless of nationality race, ethnicity, color, creed religion or gender. Similarly, qualified rights apply to all persons but can be qualified by law only whereas, qualified laws of citizens only applies to citizens. Every person has the right to the full protection of law, ensuring that this right is fully available to all persons, including those in custody or charged with offences, regardless of their background.

10. The National Court remains the chief enforcer of human rights in Papua New Guinea under Part 4, Division 3 of the Constitution. The National Court may enforce rights following an application by an aggrieved person or it may act on its own initiative pursuant to Section 57 (1) to inquire into breach of human rights detected or believed to have occurred. Where applicants have been able to prove a violation, the Courts have invoked their power under Section 58 of the Constitution to award compensation to victims.

11. The Government also enacted a number of legislations that provide for the protection of rights in response to the 1st Cycle review in 2011 and the 2nd Cycle in 2016. These are in the form of:

- Family Protection Act 2013 (FPA) provides a comprehensive legislative framework to combat domestic violence against women and girls, and children in PNG.
- Lukautim Pikinini Act 2015 provides a framework on the protection of the female child and introduces provisions for women with children and pregnant women in custody.
- Marriage Act 1963 and Matrimonial Causes Act 1963 address gaps in existing laws on discrimination against women in relation to custody and rights to matrimonial property and other related matters.
- Juvenile Justice Act 2014 provides protection and welfare for juveniles, including female juveniles, in custody or detention with emphasis on non-custodial sentences and shortest possible period of time in detention
- Criminal Code (Amendment) Act 2013 criminalizes the acts of human trafficking and people smuggling and grants immunity from prosecution to victims of human trafficking, which includes women and children, for any criminal offence including prostitution as a direct consequence of trafficking.
- A further amendment to the Criminal Code (Amendment) Act 2014 criminalized sorcery-related violence and killings and provides protection for women who have been accused of sorcery-related activities.
- Civil Registry Act 2014 expands the identification services for the people of PNG and provides for the registration of one wife to have access to property and matrimonial rights.
- Independent Commission Against Corruption (ICAC) Act 2020 seeks to establish an independent anti-corruption commission having the mandate to investigate complaints of corrupt conduct in the public and private sectors.

National institutions and agencies

12. The role of protecting and promoting human rights is a whole of Government approach which involves key ministries and institutions tasked with overseeing the implementation of human rights. The core agencies in Papua New Guinea include, Department of Justice and Attorney General; Department of Prime Minister and National Executive Council, Department of National Planning and Monitoring; Department for Community Development and Religion; Department of Education, Department of Health, Department of Labour and Industrial Relations, Department of Lands and Physical Planning, Conservation and Environment Protection Authority, Royal Papua New Guinea Constabulary, Office of the State Solicitor; Public Prosecutors; and the Office of the Ombudsman Commission.

13. While the Government is finalizing processes for the establishment of a National Human Rights Commission, these Agencies provide the key avenues through which human rights issues are addressed. A number of them are also involved in the UPR and other UN and International Conventions and Treaties reporting processes.

C. National measures and policies

14. Several domestic measures and policies have been developed in response to the gaps and needs identified in last review in 2016. These measures align to the domestic context and assessment of needs and resource capacity with regards to addressing widespread and prevalent issues of concern for the country. The major areas under which progress of the national human rights situation is measured and on which this report focuses are outlined below.

Women's rights and gender-based violence

15. In addressing the issues that hinder the progress of the human rights of women to sustain processes that uphold these rights, the Department for Community Development through the Office of the Development of Women (ODW) has formulated the '*National Strategy to prevent and respond to Gender Based Violence*' (2015-2025). This strategy is aimed at strengthening and institutionalizing all initiatives and work on gender-based violence in order to achieve zero-tolerance towards gender-based violence.

16. Other related policies that address and eliminate all forms of discrimination and abuse against women in accordance with CEDAW include: PNG Vision 2050; Sustainable Development Goals 2015-2030; Medium Term Development Plan III; PNG Development Strategic Plan 2010-2030. The different functions and progress in advancing the rights of women and the issues related to securing, protecting and promoting these rights are discussed in detail in Part III of these report.

Right to health

17. The National Department of Health has developed the following key policies and frameworks to ensure the right to health under CEDAW, CRC and CRPD for citizens. Since the last UPR report, the Government established the Health Gender Policy 2016; National Nutritional Policy 2018; National STI and HIV Strategy 2018-2022; HIV Care and Treatment Guidelines 2019; and Mental Health Policy 2021 to compliment ongoing efforts under the existing National Health Plan 2010-2020. These policies contribute to address gaps identified in the implementation of the National Sexual Reproductive Policy 2014; Integrated Management of Childhood Illnesses Policy 2014; Infant and Young Child Feeding Policy 2014; National Youth and Adolescent Health Policy 2014, and other related national policies and Acts.

18. In terms of effective implementation, progress has been gradual but further hindered in the last two (2) years by the shift on focus of service delivery due to the challenges posed by the novel Covid-19 pandemic. However, the impact of the Covid-19 pandemic in health, social movement, economic and transportation provided better understanding of and an analysis of the level of existing gaps in vital health and transportation infrastructure,

economic and social shortfalls – enabling the Government to seek out best practices which will suit PNG’s context in the delivery of basic services for citizens.

19. Notably, the pandemic has also strengthened relationships and collaboration between State Agencies by renewing dialogue among national, provincial and local tiers of governance in the health sector. For instance, the Correctional Services has been able to collaborate closely with the Provincial health Authorities in setting up isolation blocks for two (2) prisons in Wewak and Lae to contain the spread of pandemic amongst prisoners and continues to maintain this working relationship to response to the overall health needs of prisoners.

20. In general, public health services are now the Government’s priority given the enormous stress placed on service delivery due to the impact of the COVID pandemic when the first case in the country was detected in March 2020.

Right to education

21. In the education sector, a number of policies were developed following the last national UPR report in 2016, with a view to promote and implement the Convention on the Rights of the Child (CRC). These include the National Action Plan to Eliminate Child Labour in Papua New Guinea 2017-2020 through collaboration between the Department of Education (DOE), Department of Labour and Industrial Relations (DLIR) and other relevant Government Agencies to compliment implementation of the of National Education Plan 2015-2019 and the Universal Basic Education Plan 2010-2019.

22. As of 2020, two (2) related policies - National Youth Policy 2020-2030 and National Education Policy 2020-2029- have been launched to guide sectoral functions in promoting access to education, capacity building, training and promoting integral human development as a human right.

III. Implementation of recommendations of the previous review

A. Treaty and Optional Protocol Ratification

1. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommendations 5–7, 9–11)

23. The Government of Papua New Guinea is of the view that the existing legal framework sufficiently caters for acts of torture and protection from all forms of torture. The following laws provide for the prohibition of torture.

Constitution of the Independent State of Papua New Guinea

24. Several sections of the Papua New Guinea Constitution make specific reference to the protection of all persons within its geographical jurisdiction from any form of torture, degrading and inhumane treatment. Sections 38-42 define the various qualified rights of freedom from torture which are further elaborated under Section 36(1) as rights of protection from all types of torture, ill-treatment, in humane and degrading treatment. These are complimented by specific provisions redress in Sections 57(1)3(5) and Section 58(2) and (4).

25. Taking into account its domestic institutional and resource capacity to make further commitments to international obligations, the Government has sought instead to revamp efforts to enforce existing legal and policy mechanisms dealing with torture, with the view to create a gradual path towards a future commitment to the OP/CAT. By doing so, the Government has further opted to concentrate on enforcing legal provisions of the Constitutions through sectorial plans and policies with other complimentary legal instruments such as the *Criminal Code Act 1974*, and the *Extradition Act 2005*.

Criminal Code Act 1974

26. Under the Criminal Code Act 1974, the offences related to torture are defined as acts intended to inflict grievous bodily harm or prevent (Sections 314, 315, 327, 335, 391, 340)

those offences intended to cause death (Sections 229, 300 and 302) while the subsequent Sections 346C, 347, and 349 focus on rape and sexual assault offences. Other provisions of the Act also cover cases of abuse of Public Office (Section 92), deprivation of liberty (Sections 335,354), and failure to supply necessaries (Section 232). The modes of liability in offences involving torture are: principle offenders (Section 7); attempt (Section 4, 509,511); aiding and abetting [Section 7 (1) (b) and (d)]; and counselling or procuring other to commit an offence [Section 7 (1) (d), and (2) (b)].

27. The Act also caters for accessory after the fact (Sections 10, 519-520) and jurisdiction (Sections 1 (1), and 12 (2) (d)).

Extradition Act 2005

28. The Extradition Act 2005 provides for the extradition of criminals wanted for crimes committed in other countries before fleeing into Papua New Guinea and vice versa. Section 51 (2) (c), provides for prosecution instead of extradition of Papua New Guinea citizens; and Section 53 (1) provides for extradition on purposes of trial. It is complemented by the Proceeds of Crime Act 2005, and Mutual Assistance in Criminal Matters Act 2005 which cover cooperation and exchange of evidentiary information between PNG and other countries in investigation and prosecution of criminal offences including in transnational crimes. There have been 10 successful cases recorded in the enforcement of these Acts between 2010–2017.

29. These domestic legislations provide the basis for implementation of human rights laws that seek to protect and promote the rights of citizens. The courts enforce these laws through application of appropriate penalties to offences that violate the rights of citizens to participate in socio-economic and political development.

2. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Recommendations 17–19)

30. The Employment of Non-Citizens Act (ENCA) 2010 provides the legal framework for the employment of non-citizens outside of the public sector. It seeks to promote the recruitment of skilled and qualified non-citizens without impediments whilst also promoting the work permit system to contribute to creation of employment, training and skills acquisition for Papua New Guineans. Provided that a non-citizen has been permitted to work in PNG in accordance with the ENCA, most rights related to employer protection under the various laws will apply to non-citizens. All other human rights laws that apply (regardless of citizenship) will also apply to these non-citizens.

31. The National Constitution protects all people's fundamental rights and freedoms regardless of any discriminatory factors such as race, place of origin and gender. The rights of children of migrant workers are also protected under the Family Protection Act 2015. The Civil Registration Act 1963 and Amendment in 2014 (Registration of Births of Migrant Workers' Children) caters for the legal citizenship rights of migrant workers' children in PNG.

3. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Recommendations 22, 24)

32. The Papua New Guinea Government is working towards ratifying the Optional Protocol to CEDAW by 2022 when the 2014 and 2018 reports for the CEDAW will also be made. The Department for Community Development has set up the CEDAW Core Committee and the CEDAW Reference Group which will be responsible for compiling the report.

33. In 2019, the Department for Community Development & Religion (DFCDR) through Office for the Development of Women (ODW) had a three (3) days retreat from the 9-12 May, 2019 to develop a plan to carry out consultations to update the combined periodic reports for 2014 and 2018. However, because of the urgency of the Beijing +25 Report that was due in 2020, CEDAW was postponing. In November 2020, ODW commenced the process on compiling the CEDAW Reports and work is currently ongoing.

4. International Labour Organization Convention No. 189 concerning decent work for domestic workers (Recommendation 28)

34. The Department of Labour and Industrial Relations is currently working with the Office of the State Solicitor on the Occupational Health and Safety Bill 2021 with the aim to establish a legal framework for promoting decent work and non-discrimination in the workplace. This process also involves a review of the Labour Department's Occupational Health and Safety Program with reforms that legislate Decent work Program including drafting of the Occupational Health and Safety Bill and other regulations which are intended to account for OSH in the workplace by holding employers accountable for safety and health of employees. These standards will be enforced through a licensing regime administered by an OSH Inspectorate to be established under the Department of Labour and Industrial Relations. The OSH Bill operates on 3 fundamental principles: duty of care; non-discrimination; and international compliance.

35. The OSH framework covers rights of workers in the public and private sectors (including Domestic Workers) to be safe and engage in activities that do not pose risks to personal health in the workplace.

36. Papua New Guinea is a State Party to the ICCPR, CEDAW, CRC, CERD, CRPD and ICESCR and notes the recommendations calling for the ratification of CAT, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ILO Convention No. 189 and Optional Protocol to CEDAW.

37. Progress towards ratification of the Convention against Torture (CAT) is ongoing. On May 18th–20th 2021, PNG participated in the CTI Pacific Online Workshop to build effective anti-torture regulatory framework for fair systems of justice.

38. Furthermore, the Government is in the process of ratification of the Optional Protocol to CEDAW, following careful consideration and advice from the National CEDAW Core Committee, Department for Community Development, and the office of the State Solicitor.

B. Constitutional and legislative framework: Recommendations 32, 132

Criminal Code (Amendment) Act 2013

39. The Criminal Code (Amendment) Act 2013 defines the instances of human trafficking under Section 208C and 208D as a criminal offence and states the penalties which are imposed. Section 208E deters the alleged human traffickers from using consent as a defense, and Section 208G provides for Victim Identification of human trafficking where the Minister of Justice is empowered to make or cause special measures to be taken to assist victims.

40. The PNG Counter-Trafficking in Persons (CTIP) Project was initiated in 2010 by the Government through the Department of Justice and Attorney General (DJAG). It was aimed at Combatting Trafficking in Persons (TiP) and ensuring justice for victims of the crime, through an established process for victim identification and rehabilitation, case referral and investigation, and prosecution of offenders. The PNG C-TiP Project has resulted in major changes being made to law, policy and internal Government processes to effectively deal with offence of Trafficking in Persons. A key achievement is the passage of the Criminal Code (Amendment) Act No. 30 of 2013, which creates the offence of trafficking in persons, and the development and endorsement of Standard Operating Procedures (SOPs) for the identification, Referral and Prosecution of Human Trafficking Cases in PNG.

41. The Standard Operating Procedures (SOPs) on the identification and Protection of Victims of Trafficking (SOPs) was developed by the National Executive Council (NEC) in 2016. It seeks to ensure that both Government and Non-Government implementing bodies have a standard procedure for identifying cases, referring victims for assistance and filing cases for investigation and prosecution. The standard procedures are divided into five (5) main parts that provide for effective process to deal with VoTs and offenders. These are: (1) Identification; (2) Recovery; (3) Return; (4) Reintegration; and (5) Criminal Investigation and Prosecution. The whole process is a victim-centered approach aimed at ensuring that the rights of a victim are promoted and protected.

42. In June 2018, a total of thirty-two (32) judges of the Supreme and National Courts, including the Chief Justice and Deputy Chief Justice, attended an awareness workshop for the Judiciary. The workshop was geared towards introducing basic information on TIP in the following tiers; Human Trafficking; how human trafficking differs from People Smuggling; Key Measures taken by the State in Policy and Law to deal with Human Trafficking; International Legal Framework, standards and expectations; cross-cutting legal issues and identification of victims of human trafficking.

Family Protection Act – Recommendations 96–108, 110–112, 116–118 and 132–134

43. The Family Protection Regulation 2017 further reinforces these functions by prohibiting all forms of violence within the family unit, recognizing domestic violence as a crime punishable by law with a fine up to K10,000,00 (US\$2,900) or 6 months imprisonment. The Regulation also creates a regime for issuance of Family Protection Orders to deter and prevent violence at all levels of society and to provide for family and interim protection orders.

National human rights institution: Recommendations 35–48

44. The Government is continuing its efforts to complete work to fully realize the establishment of a National Human Rights Institution in the country. In 2019, a Draft PNG Human Rights Commission Bill was formulated and is currently being reviewed by key legislative bodies such as the Constitutional and Law Reform Commission (CLRC) and the Office of the State Solicitor. The Government will conduct further consultations on the Bill before it is presented to Parliament for enactment.

Structure of the national human rights machinery: Recommendation 49

45. The Whistleblower Act 2020 provides for the protection of employees who make disclosures from possible adverse repercussions that would affect their employment. This Act does not extend to all witnesses or whistleblowers.

Cooperation with treaty bodies: Recommendations 56–59, 60

46. Papua New Guinea is committed to its international reporting obligations, however continues to face challenges due to capacity constraints and the lack of proper mechanisms for reporting and follow-up. In order to ensure continuity in its reporting system; the Government has been working with the resident United Nations OHCHR to complete the process for establishing the National Human Rights Commission with the view for the Commission to provide the overall coordinating agency for this purpose.

47. The Government is currently working towards the completion of the second periodic report for CRC, ICCPR and CEDAW. Further, in terms of compliance to reporting obligations under human rights treaty bodies, a common core document has been developed and is yet to be finalized.

Discrimination against women: Recommendations 62–66 and 71

48. The National Public Service ‘Gender Equity and Social Inclusion Policy’ (GESI) sets a framework for promotion of gender equity and social inclusive practices across the National Public Service. It is consistent with the guiding principles articulated in the National Policy for Women and Gender Equality 2011-2015 and the various international conventions which have been ratified by PNG. The GESI Policy has been developed to address a number of issues in which individuals are directly or indirectly being disadvantaged or discriminated against, including people living with disabilities, HIV/AIDS, discrimination on the basis of nationality, race, ethnicity, gender or other personal attributes.

49. The Department of Community Development, Youth and Religion has conducted awareness campaigns, gender forums and conferences to involve men and boys to take lead in ending violence within their communities.

50. The National AIDS Council Secretariat coordinates the implementation of the National HIV and AIDs Strategy 2011-2015 and the HIV/AIDS Management and Prevention

Act 2003. The National HIV and AIDs Strategy recognize GBV as a major factor in HIV vulnerability. The HIV response in PNG includes a framework and guidelines for mainstreaming gender issues into design, planning and implementation, and monitoring and evaluation.

51. The government through the Department for Community Development and Religion as the Government mandated agency launched the National Policy on Disability 2015-2025 in 2015. The NPD addresses discrimination and exclusion in attitudes, infrastructure and accessibility; social equity at all levels having similar access to all basic services including education, health, information, employment, transportation, access to justice and other services. One of the major priorities under the strategy on Advocacy, Rights and Responsibilities is to provide advocacy for women with disabilities. The PNG Assembly of Disabled Persons has set up a desk for women living with disability to strengthen institutional links with other women organizations such as the National Council of Women (NCW).

Women's rights: Recommendations 52, 67–68, 73

52. PNG Government established the National Women's Machinery (NWM) known as the Office for the Development of Women (ODW) under the Department for Community Development and Religion (DFCDR) in 2005. The ODW has two sections; the Social Sector responsible for social and political empowerment of women and the Economic Sector responsible for women's economic empowerment. The National Policy for Women and Gender Equality (2011-2015).

53. Recently, the Government has made commitment to address political participation of women with the proposed creation of four Women's Regional Seats. This will enable a woman who scores the highest number of votes in their respective electorate during the National General Elections to represent women from their region in parliament. This will take effect following the next General Election in 2022. It is also important to note that the number of women contesting elections at all levels of political representation is increasing, however, there is a gap in representation and participation of women at the highest level of decision making in the National Parliament.

54. Women's economic empowerment is one of the key priorities of the government. This aspiration is featured in the country's MTDP III (2018-2022) under Key Result Area 1 of Increased Revenue and Wealth Creation. There are few women that own established businesses but most are operating in the informal sector.

55. In 2018, a total of 200 village women were trained by Department for Community Development and Religion in processing coconuts into marketable products like virgin oil. A further 500 from the different regions of the country were invited to showcase their products at the regional exposition organized to build their capacity in product development, improvement and marketing.

Registration systems: Recommendation 74

56. The roll out of the National Identification Project (NID) recorded a total of [1,411,603]. 2.2 million persons were registered and a total of 396,125 NID Cards were issued between the years 2015–2019⁴. The PNG Civil Registry Office has established MoUs with twenty two (22) Districts and two (2) Provinces (names of Provinces & districts – Enga and Northern Province), three (3) Development Partners (Ok Tedi Mining, Total E&P PNG Ltd and Pacific Agro Ltd), and two (2) Institutions (RPNGC and DOE)) to ensure people living in rural centers are registered in the system and receive basic Government services. By 2021, the total is 2.8 million registrations.

Death penalty: Recommendations 80–91

57. Papua New Guinea maintains its prerogative to maintain death penalty as punishment for serious crimes. Section 35 of the National Constitution enshrines the 'Right to life' and provides that no person shall be deprived of his/her right to life except on sentence of death, hence the penalty for the breach of this law applies to those who violate it regardless of nationality, ethnicity, race, gender, and cultural affiliation.

58. The death penalty is prescribed for several serious offences including; Piracy, Treason, Willful Murder on account of Accusation of Sorcery and Rape, however since the introduction of the death penalty, there have been no executions as the National Executive Council is yet to determine the method of execution and set up the administrative and physical facilities to enforce it.

59. In July 2018, eight people were sentenced to death for killing seven people in 2004. They were a part of (97) people who approached a nearby village motivated by fear of 'sorcery'. Currently there are approximately twenty (20) persons on death row in Papua New Guinea. However, no persons have been executed to date.

Detention conditions: Recommendations 92 and 93

60. The Correctional Service Strategic Plan (2019-2022) focuses on improving detainee containment, management and rehabilitation with the aim to improve living conditions, health and wellbeing of prisoners in accordance with the United National Standard Minimum Rules for Treatment of Prisoners or Nelson Mandela Rules. Administration of detention processes and operations is governed by Section 188(2) of the PNG Constitution to ensure a safe and secure containment environment, the Correctional Services Act 1995, Juvenile Justice Act 2014, the Parole (Amendment) Act 2018, Lukautim Pikinini Act 2015 on treatment of detainees, and monitored by the Courts.

61. The Government is still faced with challenges with overcrowding in prisons, a higher number of prisoners held on remand coupled with a lack of health and welfare resources available due to capacity and financial constraints. The Correctional Service has undertaken measures to improve diet and nutrition for prisoners through the "*Prison Industries*" initiative which promotes agriculture as a means of sustenance.

62. Moreover, the Correctional Services conducts regular inspection and maintenance of all building infrastructure in the institutions. In the event of overcrowding, prisoners are normally transferred temporary to the nearest institutions or alternatively released on bails and/ or other accredited options after careful consultation with relevant agencies.

63. Health Centers are stationed in all institutions where both CS and Health Department carry out health care and treatments for prisoners. In serious epidemic health issues, the mainstream health authorities are supportive in the Correctional Service health programs. A Memorandum of Understanding (MOU) was signed between PNG Correctional Service and the Department of Health to work in partnership to improve health services to the prisons in the country and that has been further supported by the provincial health authorities (PHA). The COVID-19 pandemic has enhanced this collaboration between the PHA with the twenty (20) detention centres in the country and through other existing public-private partnership programs.

64. Plans are underway to build model prison facilities in Lae and Wewak according to UN standards for prison planning and design which is expected to commence in 2022 taking into account specific infrastructural design for women with children, juvenile, the sick, and people with special needs.

Economic, social and cultural rights: Recommendation 50

65. The Government's Medium Term Development Plan III (MTDP III) sets out the development priorities for the next 5 years (2018-2022). It provides the direction for all levels of Government, private sector and development partners in ensuring programs are aligned to the UN Sustainable Development Goals 2030 and Papua New Guinea's priorities. The MTDP III is also aligned to major strategic policy initiatives such as the Vision 2050 and PNG's Development Strategic Plan (DSP) 2010-2030 with the overall goal to 'secure the future through inclusive sustainable economic growth'.

66. Papua New Guinea is committed to ensuring basic delivery of services to its population through key policy initiatives such as the MTDP III that focus on increasing revenue and wealth creation; quality infrastructure; sustainable social development; improved law and justice; improving service delivery; improving governance; and promoting responsible sustainable development.

Right to health (HIV/AIDS): Recommendations 142–145

67. The Government has increased efforts to treat and raise awareness on assisting People Living with HIV (PLHIV). The total number of PLHIV currently on treatment is 25,100 out of estimated 48,000 PLHIV, coverage of 55%. In 2016, the ART (Antiretroviral Therapy) coverage was 52%. The ARV (Antiretrovirals) programme has been rolled out in all the 22 provinces with 120 health facilities for PLHIV to have access to ART. The HIV Patient database has increased, improving the quality of patient-care and monitoring.

68. The Department of Health is implementing the National Guidelines for HIV Care and Treatment (2019). The challenges in monitoring of patients to improve retention are now being addressed through the electronic patient database for tracking. Community-based organizations are strengthening the peer networks and using it for enhancing patient retention.

69. The country has rolled out Prevention of Mother-to-Child Transmission (PMTCTP) in all the provinces with 28 sites integrated with Maternal and Child Health (MCH) where pregnant women can access HIV testing, care and treatment. For instance, in 2016, a total of 43,273 pregnant women were tested, 370 were found HIV positive. In 2017, there were 484 new child infections due to parent to child transmission. The figures increase annually but are difficult to determine due to the large number of unreported cases.

70. Currently 720 pregnant women are on PMTCT among estimated 1,740 women who are in need of PMTCT (coverage 41.4%, an increase of almost 10% since 2016)⁵.

Right to education: Recommendations 51, 70, 147 and 149

71. The Government of PNG has numerous policies relevant to improving access to education and quality of education. The National Department of Education's Universal Basic Education Policy (2009-2018), the National Plan for Education (2005-2014), and the National Literacy Policy (2000) aimed at out-of-school youths and adults. Other relevant policies include the Department for Community Development's Integrated Community Development Policy (2007), PNG's Medium-Term Development Strategy (2011-2015), and Vision 2050.

72. The National Education Plan (2015-2019) is designed to ensure everyone, regardless of their ability, gender or socio-economic background, is given the opportunity to be educated. Government School subsidies have also seen an increase in the number of school-aged girls both in urban and rural areas attending primary to tertiary level education.

Early Childhood Education Policy 2020

73. In 2020, the Early Childhood Policy was introduced as pre-requisite programme in preparation for formal education learning. It addresses physical, cognitive, linguistic and socio-emotional development of a child from pre-natal stages to the age of 8.

74. Furthermore, the National Government recently offered the 'Fee-free' alternative through the Flexible Open Distance Education (FODE) to assist students who have dropped out of school due to the impacts of COVID-19 in 2020. The Department of Education embarked on introducing an 'SME Curriculum' to schools in the country to teach and empower young people on basic entrepreneurial skills. In addition, in August 2020, PNG Government approved the 'Early Childhood Education Policy (2020) which aims to promote education development of a child at infancy to age eight (8) in preparation for compulsory education (Kindergarten 1, Kindergarten 2 – Grade 1).

75. The READ PNG Project funded under the Pacific Sub-region Free-Standing Trust Fund Program and the Global Fund for Education, implemented through the Department of Education, has helped to address the issue of illiteracy among elementary and primary educated students⁶. The project promotes reading through professional development of teachers ensuring children are exposed to reading materials and fostering the habit of reading.

Access to justice: Recommendations 134 and 136

76. The law and justice sector in the country has increased efforts to meet the growing demand of survivors of violence to access justice. The Police Department has successfully set up Family Sexual Violence Units in each of the 22 provinces to assist survivors of GBV.

77. The Office of the Public Solicitors and the Legal Training Institute provide free legal services to victims of family sexual violence.

78. In 2015, the Office of the Public Prosecutor established a Family Sexual Offences Branch to focus primarily on various degrees of sexual offenses and support victims to access appropriate legal services. There are also a ‘help desks’ in all National Court locations to provide assistance and advice on GBV and other human rights abuse cases.

Child protection: Recommendations 54 and 119

79. Papua New Guinea is a State party to the Convention on the Rights of the Child (CRC) and relevant ILO Conventions that ensure the protection of the rights of children. The Government has ratified ILO Child Labour Conventions No.138 (Minimum Age) 1973, and No. 182 (Worst forms of Child Labour) 1999 which provides the framework of action to abolish worst forms of child labor and ensure that special programmes are introduced to children who are at high risk of exploitation.

80. The National Action Plan to Eliminate Child Labour (2017-2020) and the Decent Work Country Programme (2018-2022) both commit to protecting human dignity and working conditions, including child labor. In addition, current review of the Employment Act and the Informal Sector Control Management Act (2004) is intended to explicitly address all forms of child labor.

81. The National Youth Development Policy (2020-2030) aims to address gaps identified in the policy and legislative environment and in programming for youth. The previous programme, National Youth Policy (2007-2017), sought to provide that youths aged 12-25, who are ‘out-of-school’, are further empowered through the youth programs aimed at encouraging self-employment and income-generation.

Violence against women: Recommendations 97, 118, 120

82. There are a number of legislation that are in place to address the challenges of family and sexual violence and all forms of domestic violence: the Lukautim Pikinini Act (Child Protection Act) 2015; Family Protection Act 2013; Family Protection Regulations 2017; and the Amended Criminal Code Act 2002. The Amended Criminal Code Act applies substantial penalties for sexual offences and crimes against children and women based on the degree of the offence. For example, this amendment provides a clear avenue of legal recourse for women who experience rape within marriage.

83. The ‘National Strategy to prevent and respond to Gender Based Violence’ (2016–2025), is aimed at strengthening and institutionalizing all initiatives and work on gender-based violence in order to achieve zero-tolerance towards gender-based violence. The National GBV Secretariat was also established the same year (2016) as the central coordinating point to implement the Strategy.

84. The Secretariat coordinates and monitors GBV implementation of activities by stakeholders, including development partners at all levels. These activities include the different services for the referral pathways, counseling and capacity building for survivors and perpetrators; and the establishment of Safe Houses nationwide. Since 2016, the Secretariat has been involved in conducting awareness and advocacy on GBV issues; organizing Men’s Forums to focus on men’s role in addressing GBV; and the establishment of GBV Secretariats and Committees at the Provincial levels. These programmes are being rolled out in four (4) pilot provinces (Morobe, Milne Bay, National Capital District and East New Britain).

85. The Department of Health in conjunction with the Family Sexual Violence Action Committee (FSVAC) established Family Support Centers (FSCs) in major hospitals and health centers throughout the country. FSCs are established to provide a comprehensive

response to medical and psychological needs of survivors through the provision of following essential services free of charge: (i) Medical First Aid; (ii) Psychological First Aid; (iii) Prevention of HIV/other Sexually transmitted infections; (iv) Prevention of Unwanted or Unintended Pregnancies; and (v) Prevention of Hepatitis-B and tetanus or other life-threatening medical conditions and paralegal advise. There are 28 Safe Houses and a Men's Hub provided for GBV victims in 17 Provinces and 14 family support centers in 13 Provinces in PNG.

86. In 2016 and 2017 respectively, trainings were conducted for the FSVAC on SOP and GBV Data collection including training for 33 Human Rights Defenders (HRDs) in 3 electorates in the National Capital District, equipping them with GBV Response tools such as SMS Alert phones, ID Cards and uniforms with HRD manuals to effectively carry out their duties.

87. The RPNGC is transforming its FSVU into a fully-fledged directorate within the Crimes Division of the Constabulary to address shortfalls and raise awareness of the services available to victims of domestic violence. The Unit has 33 established desks in 17 provinces, with 88 dedicated policemen and policewomen.

Family Protection Act: Recommendations 96–108, 110–112, 116–118, and 132–134

88. To strengthen implementation of the FPA; awareness programs were conducted in 2017 to service providers in the referral pathway. From 2018–2019, the roll-out of awareness programs was specifically for village court officials which include Magistrates, Clerks and peace officers informing them of the additional powers they have under the FPA and Family Protection Regulation 2017 to issue Interim Protection Orders (IPO).

89. The Regulation further reinforces these functions by prohibiting all forms of violence within the family unit, recognizing domestic violence as a crime punishable by law with a fine up to K10,000.00 (US\$2,900) or 6 months imprisonment. The Regulation also creates a regime for issuance of Family Protection Orders to deter and prevent violence at all levels of society. To indicate the incidents of recorded domestic violence; statistics from the NDC FSVAC alone recorded a total number of 414 cases reported in 2017 of which 318 involved female adults, 48 adult cases and 47 cases involving children. Actual recorded case in the same year totaled 600; however, there are cases of unreported incidents.

90. Under the FPA awareness program, a total of 360 Village Court officials in Southern Highlands, Autonomous Region of Bougainville, Morobe and Oro Provinces received basic training. In 2020, refresher training was conducted with more emphasis on ensuring that village court officials are familiarized with appropriate documentation in dealing with complaints on domestic violence.

91. The DJAG has developed Information Education and Communication (IEC) materials (information kit) on the provisions of the FPA for partner agencies and the general public using simple English.

Sorcery National Action Plan: Recommendations 113–115, 121–123

92. Addressing the issue of sorcery-related violence remains a key priority of the Government. The National Action Plan against Sorcery Accusation related Violence (NAP-SARV) is implementing its activities under the following thematic areas:

- *Thematic area 1: Care and Counselling* – establishment of an emergency trust fund for repatriation or any life-threatening situations such as violence against women or sorcery accusation and relate violence (SARV). The trust account is managed by FSVAC and Tribal Foundation.
- *Thematic area 2: Advocacy and communications*- developed posted and pamphlets on preventing sorcery accusation and related violence. Signed a MoU with Wantok Rdio Light to broadcast a program that conveys messaging on preventing SARV as a means of awareness to the general public.
- *Thematic area 3: Legal and Protection* – 2018-2019, DJAG conducted trainings for Police officers in the RPNGC, particularly officers working in Criminal Investigations

and Prosecution and FSVU. A total of 110 police officers in ARoB, Western Highlands, Madang and Eastern Highlands Provinces participated in the trainings.

93. In 2020, the Government provided additional funding to implement NAP-SARV which was used to roll out workshops for village court officials on the fundamental role they play in preventing the escalation of violence in communities. A total of 150 village court officials were trained in the provinces of Eastern Highlands, Jiwaka, Southern Highlands and Enga which recorded higher cases of violence related to sorcery.

Bougainville (Recommendation 127)

94. The Government of PNG and Autonomous Bougainville Government (ABG) jointly implement the Bougainville Peace Agreement (BPA). In accordance to the BPA, a referendum was conducted between November-December 2019 with a higher number (97.7 per cent) of Bougainville people voting for Independence. The referendum elections were conducted peacefully in Bougainville, throughout Papua New Guinea, Solomon Islands and Australia through the support of the PNG Electoral Commission and the Bougainville Referendum Commission. Post-referendum consultations are ongoing for a roadmap for lasting peace and long-term political settlement process and the Government signed an agreement with the UNDP to contribute towards economic development.

Prohibition of torture and cruel, inhumane or degrading treatment (Recommendations 33, 128-131)

95. Papua New Guinea is not a State Party to the UN Convention against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment (CAT). However, domestic legislations that have provisions for offences involving torture are the National Constitution of Papua New Guinea, Criminal Code Act 2002, and the Extradition Act 2005.

96. The term torture is not specifically defined in law nor has it been made an offence under a specific domestic law. Nonetheless, Section 36 of the Constitution prohibits torture, whether mental or physical or treatment that is cruel, inhumane or otherwise inconsistent with respect for inherent dignity of the human person.

97. Torture is referred to in the Criminal Code, the Extradition Act and the Geneva Conventions Act 1974. These legal provisions make reference to the use of the term torture in Section 36 of the Constitution rather than as a separate offence. It is left to the discretion of the Courts to determine what actions amount to torture, cruel or inhumane treatment and accord appropriate penalties pursuant to its power under Section 53 of the Constitution.

Use of force by security firms (Recommendations 135 and 136)

98. In 2011, the National Security Policy (NSP) was formulated to be aligned to Pillar 4 of the PNG Vision 2050 on Security and International relations. The Policy was to be congruent with DSP and MTDP 2011-2015. The NSP was developed with the view to provide strategic policy framework for security oversight, coordination, alignment and guidance for all key security sector agencies, all Government Departments and Agencies, Private Sector and Civil Society Organizations. The NSP requires all stakeholders to align their policies for the purpose of effective improvement and accountability in the implementation of overall domestic security.

99. The PNG Security Industry authority (SIA) is the body mandated to monitor and effectively regulate both the public and private sector security industry. The enforcement of the NSP in conjunction with other relevant human rights laws and policies as outlined in the specific sections of this report has resulted in several successful cases of holding to account members of the national police and defence forces, and private security force personnel being tried under the specific laws for human rights violation.

100. Given the nature of security need in PNG and to safeguard investment in both the private and public sectors, the private security industry already cooperates extensively with state law enforcement agencies in practice, and a few already support efforts to address issues such as GBV. For instance, G4S supports Meri Seif (Women's Safety) Line, a hotline providing a safe transport option for survivors of Family & Sexual Violence.

Persons living with disability (Recommendations 150 and 151)

101. In 2013, the PNG Government ratified the CRPD, and in 2015, PNG launched a 10-year National Policy on Disability (NPD) 2015-2025. The NPD vision is ‘Remove Barriers, Make Rights Real’ and the NPD was the interpretation of the ratified CRPD for implementation in PNG’s context.

102. The Government has finalized a Disability Authority Bill which is yet to be tabled in Parliament. The Bill aims to ensure full and equal enjoyment of human rights by all persons with disabilities including the establishment of a Disability Authority office mandated to carry out its duties in accordance to the NPD and CRPD.

103. In implementation of the NPD, notable developments include designing infrastructures and facilities with consideration for the special needs of people with disabilities to access buildings with ramps for wheelchair access, dedicated toilet facilities, designated parking spots and accessible banking facilities.

104. At present, sign language is officially recognized and used in large conferencing events and televised news programs. It is also taught in some private schools and the Red Cross for children with special needs. Others include hearing aid services by Callan Services PNG, and the Cheshire Disability Services PNG, an NGO provides a wide range of aid including disability prevention through health and rehabilitation, inclusive education and social support services to persons with special needs.

Indigenous rights (Recommendations 152, 153 and 158)

105. A Customary Land Advisory Committee was commissioned by NEC in 2018 to carry out independent investigation to verify the COI Report whereby its report would be accepted as final. The New Guineas Islands Region was covered and a report was furnished to the Ministry of Lands and Physical Planning. The other three (3) regions; (Southern, MOMASE, and Highlands) have yet to be covered and the team is ready to execute its plans for these regions when funding is made available.

106. The DLPP is currently advocating indigenous people through awareness programs to register Incorporated Land Groups (ILGs) under the Amended ILG Act 2009 to protect their traditional land. By registering their land, they would know their boundaries, hence, any developer who has an interest can deal directly with the ILG executives. Also, the department is encouraging landowners to migrate from the SABL concept to ILG concept under the amended ILG Act 2009. The ILG program has benefitted resource owners by clearly demarcating geographical and communal ownership boundaries which are essential for benefits-sharing. It has also helped to deal with the ongoing problems of land ownership amidst the emerging issues associated with booming squatter settlements and illegal land-grabbing.

107. In 2019, a National Land Summit with the theme “OUR LAND, OUR LAFE, OUR FUTURE” was held in all the four (4) regions of the country for Provincial and District Administrators and interest groups such as NGOs’ and the general public. The objective of the workshop was to establish the views of stakeholders on finding a best practice for developing customary land maximizing the benefits of customary land. A total of 17 resolutions were reached and DLPP is currently implementing these resolutions in partnership with other government under a new program called NLDP Phase 2. The main aim of this program is to unlock and develop customary land to empower beneficiaries while the ownership still remains with the traditional owners.

108. In 2018, the National Government established the Customary Land Advisory Committee through the Department of Lands and Physical Planning to carry out independent investigation to verify the COI Report. Investigations were conducted in the New Guinea Islands Region.

109. The Papua New Guinea Water, Sanitation and Hygiene (WaSH) Policy 2015-2030 embodies the commitment of the Government to sustainably improve the quality of lives of people both in the rural and urban areas of the country. The policy aims to see significant, sustainable and equitable increase in access to safe water and sanitation and improved hygiene practices.

Human rights and the environment (Recommendations 154–157)

110. CEPA has a stringent screening process on matters relating to issuing environment permits to logging companies or proponents. All consultations held are recorded, landowners identified, registered ILGs noted and above-all, landowners, consent to the project to be developed. This is achieved through land use agreements and other subsidiary agreements such as benefit sharing.

111. CEPA also conforms to other environmental laws such as biodiversity protection and conservation laws, and international environment and biodiversity protection conventions, when assessing the Environment Impact. PNG is also a State Party to various international conventions which relate to environment protection:

- Convention on Biological Diversity (CBD, 1993), ratified in 1993, is aimed at protecting the Earth's biological diversity. The Government is currently making the necessary arrangements to accede to the Nagoya Protocol on Benefits sharing which it seeks to conclude this process by 2021.
- Convention to Combat Desertification (CCD, 2000) aims to deliver a new integrated approach to solving the problem of land degradation and to support sustainable development at community level.

112. Large scale projects fall under three main categorizes; (a) mining and extractive industry, (b) forest harvesting and land clearance (large scale clearing and allowable cuts >70,000m³/year,) and (c) Petroleum and gas production and processing. The independent auditing of these operations on a routine basis ensures that the management of the environment during the life span of the project employs good management practices and principals. This is to ensure the projects are complying with national and international environment standards. CEPA's regular internal monitoring ensures that environmental permit conditions are not breached. For instance, the Ok Tedi Environment Management Act 2019 authorizes CEPA to regulate the Ok Tedi mine waste disposal. All fees will be paid to CEPA to undertake regular compliance, monitoring and independent auditing.

113. As per the environment permit conditions, the permit holders are encouraged to set aside protected areas through biodiversity offset schemes. The draft PNG Protected Area Bill calls for such arrangement including sourcing international funding assistance. A Regulation will be drafted for the establishment of the Biodiversity Trust Fund, where all donor funds and other funds received will be kept in this trust for the purpose of protecting PNG's unique biodiversity.

114. In addressing the issue of mitigating adverse impacts of logging industries on local populations, the Government continues to engage in stakeholders' consultations as a key component of the Environment Impact Assessment (EIA) process. Traditional landowners are an important stakeholder in this process. All objections to the Environment Impact Statement are carefully screened and analyzed to ensure no stakeholder is left out in this vital decision-making process. Issues on gender, social disorder, vulnerability, wealth creation and equal participation are some of the key areas that are extensively discussed and deliberated on.

115. In 2020, the Government introduced the National Oceans Policy and established an Oceans Office. It is currently working to establish a Marine and Scientific Research Committee (MSRC) comprising of all relevant Government agencies to regulate marine scientific research activities in the country. Once fully operational, the MSRC will complement implementation of the Nagoya Protocol on Access to Benefits Sharing of genetic resources extraction and use, and reinvigorate the maritime policies on environmental protection and conservation.

Addressing cross-border issues (Recommendation 160)

116. Papua New Guinea and Indonesia's border relations are guided by the Treaty of Mutual Respect, Friendship and Cooperation. The agreement recognizes traditional rights and customs of people inhabiting border areas through the issuance of traditional border passes. However, there is lack of proper management and control of the movement of people

by responsible PNG Government authorities resulting in the increase of non-traditional border crossers.

117. Further, Consultations between the Department of Provincial and Local Level Government Affairs, PNG Immigration and Citizenship Services and relevant stakeholders have taken place to review the agreement and look at the possibility of introducing effective and efficient systems to monitor and reduce the issues of abuse of traditional border crossing.

118. Additional efforts have been taken to ensure PNG Government addresses illegal Vanilla trading along the border through a two-phased approach to enable a designated trading hub at the Wutung/Skouw border.

IV. Key achievements and challenges

Achievements

119. The Government of Papua New Guinea recognizes the progress that has been made in relation to meeting its human rights commitments and obligations and acknowledges the challenges and gaps which need adequate resourcing and implementation. Progressive achievements of recommendations in the 2nd UPR include:

- Political intervention in GBV issues in the country through the progress of establishing a Human Rights Council and the Special parliamentary Committee on GBV. In 2020, a coalition of parliamentary members convened PNG's first hearing of GBV cases on May 24 and 25. The enquiry continued until 30 June 2020.
- Policy and legal interventions on human rights violation offences have been outlined in the Family Protection Act 2013 and Family Protection Regulation Act 2017, Lukautim Pikinini Act 2015, and the policies on labor, gender equality and other development areas have been successfully enacted to safe guard and improve the security and welfare of citizens and persons living within the geographical jurisdiction of the country.
- Treaty reporting processes and resourcing have improved significantly beginning with the 3 cycle of the UPR. Challenges still remain but there is greater awareness and national dialogue on the reporting process compared to prior years.
- The visit of the UNDSG and launch of the Spotlight initiative in 2020 enhanced engagement on human rights issues and greater collaboration and political will to address challenges.

Challenges

120. The Government continues to encounter challenges with regards to fulfilling the different domestic implementation processes for human policies and legislations. Aligning international goals and objectives to domestic process requires clear guidelines for effectively enforcement of human rights goals and objectives for national development that meet global standards.

121. The immediate challenges are twofold: (i) effective coordination of efforts to ensure inclusive approach to implementation of policies and legislations; and (ii) the infrastructure and capacity to achieve set targets.

122. There are challenges in capacity building for human rights workers, financial and infrastructural resources, coupled with lack of tangible data to fully engage in the implementation of human rights activities. The consultations in this reporting cycle identified the need for more awareness on international and domestic laws and policies on the promotion and protection of human rights. Some suggested channels for dissemination of such information would be through the formal education curricular that the education sector should consider going forward.

123. Another significant area is to contextualize UN programmes to country-specific needs. The UN system in the country should work closely with State Agencies to align development programs with stakeholder needs that national sectoral programs seek to address. The UN is responsible to Members and should serve the best interest of the members without imposing and dictating internal development processes.

V. Expectations: Capacity building and technical support

124. In submitting its 3rd UPR report, the Government of Papua New Guinea has outlined the challenges and identified the areas which need improvements from the impeding gaps in capacity for effective enforcement of the existing legal and policy mechanisms which are intended to promote the full enjoyment of human rights and protection of such rights from all forms of violation. These capacity building needs are both long and short term.

125. The long-term needs associated with effective implementation of legal and policy mechanisms for human rights are twofold:

(a) Appropriate physical infrastructures are essential to enable human rights workers, health and law enforcement sectors to fully complete both systematic and redress process. Specific physical setting of juvenile holding and prison cells, adequate safe houses in provinces to provide medical, security, shelter and protection of victims, and the guarantee of the safety of workers is a major concern in the country. Village courts have been equipped and authorized to deal with human rights cases and to prosecute offenders but the post-violation and prosecution process requires resources and capacity to ascertain long-term rehabilitation and protection for victims and perpetrators alike.

(b) The second need is to have (ii) a fully functional national human rights commission. The lagging progress of implementation of human rights laws and policies as identified by this report can be improved through an operational human rights commission with provincial branches which will also lessen the tedious struggles of lack of appropriate data and delayed reporting processes at the domestic and global platforms. A political commitment and decision is already in place for the establishment of a human rights commission but appropriate resources are required to establish and operationalize its functions.

126. The long-term capacity building need is to providing skills and knowledge to align sectoral planning and budgeting to integrate inclusive and collaborative pathways for development that promotes and protects human rights of citizens. This would require appropriate training programs for State and civil society workers in inclusive policy design and implementation, research and survey, data collection and maintenance, strategic communication and management of human rights information and awareness.

127. In meeting its obligation through this reporting process and by identifying the challenges and capacity needs, PNG also seeks the support of the UN and the international community to give consideration for its specific challenges and provide support accordingly.

VI. Conclusion

128. The submission of this UPR report revitalizes the commitment and obligation of the Government of Papua New Guinea to the UN as a State Party to various international legal instruments that protect, promote and fulfill the basic human rights of all people regardless of nationality, race, ethnicity and gender as enshrined in the UN Charter, Universal Declaration of Human Rights, and in fulfillment of the UN 2030 Development Agenda.

129. This report fulfills the national requirements for States Parties to the UN in accordance with recommendations made by UN Member States in the 2nd UPR report to take affirmative actions to improve and progress particular areas in human rights. These areas encompass legal and policy reforms and reviews to meet the requirements of the UN Charter.

130. The report is a whole-of-society approach to gain understanding of, create awareness, and have an appreciation of the status of human rights promotion and protection activities,

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

Acknowledgement

131. The Government of Papua New Guinea acknowledges the support of all partners in its development process and extends its appreciation and gratitude to the National UPR Taskforce for their dedication and commitment in preparing this report; the UN Office of the High Commission for Human Rights in Port Moresby; and the Government agencies at the national and provincial levels that facilitated the regional consultations; and the valuable contributions of the public and private sectors; civil society and faith-based stakeholders for participating and sharing their aspirations, challenges and achievements in promoting, protecting and progressing human rights issues in Papua New Guinea.

Glossary of terms and abbreviations

DLIR	Department of Labour and Industrial Relations
DJAG	Department of Justice and Attorney General
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CCDA	Climate Change and Development Authority
CEPA	Conservation and Environmental Protection Authority
CRC	Convention on the Rights of the Child
CLRC	Constitutional Law Reform Committee
COP	Conference of Parties
CTI	Convention against Torture Initiative
IOM	International Organization for Migration
LPA	Lukauting Pikinini Act
MoA	Memorandum of Understanding
MSRC	Marine Scientific Research Committee
NGOs	Non-Government Organizations
NOP	National Oceans Policy
ODW	Office of Development for Women
OHCHR	Office of the High Commission for Human Rights
OC	Ombudsman Commission
OSS	Office of State Solicitor
PNG	Papua New Guinea
RPNGC	Royal Papua New Guinea Constabulary
SDGs	Sustainable Development Goals
UPR	Universal Periodic Review
UN	United Nations

Notes

- ¹ Sections 35-37 Constitution.
 - ² Sections 42-49 Constitution.
 - ³ Sections 50-56 Constitution.
 - ⁴ PNG Civil and Identity Registry Vital Events Booklet 2020.
 - ⁵ Country Progress Report – Papua New Guinea, Global AIDS Monitoring 2018.
 - ⁶ *Papua New Guinea: Reading for a Better Future*. Retrieved on 3 June 2021 from <https://www.worldbank.org/en/results/2016/05/12/papua-new-guinea-reading-for-a-better-future>
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