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SAFEGUARDING HUMAN RIGHTS IN PAPUA NEW GUINEA: ADDRESSING IMPLEMENTATION OF UPR RECOMMENDATIONS

A side event following the 39th session of the
Universal Periodic Review Working Group

EXECUTIVE SUMMARY

Wednesday 24th November 2021 via Zoom
9:00 to 10:30 (Geneva time)
18:00 to 19:30 (PNG time)

WITH THE SUPPORT OF



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INTRODUCTION

Organised by the International Catholic Center of Geneva (CCIG), in collaboration with the Dominicans for Justice and Peace, Edmund Rice International (ERI) and the Marist Foundation for International Solidarity (FMSI), the side event '*Safeguarding Human Rights in Papua New Guinea: Addressing Implementation of UPR recommendations*' took place on 24th November 2024, following the 39th session of the Working Group of Universal Periodic Review. This event was facilitated by the support from the City of Geneva and Misesan Cara. It was co-sponsored by the Office of the High Commissioner for Human Rights, the Catholic Bishop Conference in PNG, Caritas Internationalis, Istituto Internazionale Maria Ausiliatrice and Ozeanien-Dialog.



BACKGROUND

This event is taking place within the frame of a larger scale project developed by the CCIG, Dominicans for Justice and Peace, ERI and FMSI together with a coalition of sixteen civil society organisations based in Papua New Guinea. The project, entitled '*Papua New Guinea: Human rights enhancement through the Universal Periodic Review Project*'¹ started in December 2020 and aimed at strengthening the capacity of local civil society to report, monitor and follow-up the most pressing issues in Papua New Guinea through the Universal Periodic Review. The project specifically aimed at addressing issues related to the rights of women, children and people with disabilities as well as environmental protection. As a unique State-driven process during which the human rights record of all 193 UN Member States is reviewed once every four and a half years, the UPR provides a great opportunity to bring forward human rights issues in Papua New Guinea to the attention of the international community.

Papua New Guinea was identified as the focal State for this project based on the previous involvement of CCIG's international partners in the second cycle of the UPR. Indeed, on this occasion, Edmund Rice International (ERI) and the Marist Foundation for International Solidarity (FMSI), together with others, presented 3 joint submissions focusing, *inter alia*, on the issues of violence against women (including sorcery-accusation related violence) and the impact of extractive industries' activities on human rights. From its second review in the frame of the UPR in May 2016, Papua New Guinea received 161 recommendations of which it accepted only 101 recommendations. Even though a multi-sectorial agency working committee was established with the mandate to oversee and coordinate sectorial implementation of the recommendations, progress has been quite slow in this regard.

Indeed, several challenges persist with regard to the improvement of women's rights, children's rights, the rights of people with disabilities and environmental protection in PNG. Despite much discussion over recent years, women continue to be poorly represented in public institutions and no women were elected to Parliament in the 2017 elections. Equally worrying is the issue of gender-based violence, including sorcery-accusation related violence particularly impacting women and girls. With regards to children's rights, many issues still persist in terms of fulfilling their right to education and their right to health, protecting them from violence and dealing with children in conflict with the law in accordance with international norms and standards. Additionally, regarding people with disabilities, due to lack of a national disability data management system, no validated figure can be presented and legal and institutional framework still has to be further developed on that topic. This is all the more important as children with disabilities still face obstacles to have access to education and acts of violence against people with disabilities are still being reported. Finally, due to its very rich resources, PNG also faces many controversial practices that severely impact the environment. Environmental standards and social impacts are often ignored in the context of mining and logging, as the Government and companies involved fail to carry out adequate consultations and awareness on the environment and social impact of the projects. In addition, affected populations are denied participation in the process.

1. <https://ccig-iccg.org/papua-new-guinea/>

The scheduled review of Papua New Guinea at the 39th session of the Working Group on the Universal Periodic Review was identified as a key opportunity to raise attention on these issues and advance the human rights situation in the country. Bringing their expertise to their local partners on the ground, the CCIG and their international partners decided to implement this project to: a) reinforce the capacities of local human rights defenders to advocate for the respect and protection of human rights at both the national and international levels, through an effective contribution to the upcoming UPR of PNG; b) create a more conducive environment and fostering skills to further support existing local civil society programs addressing violations of human rights and monitoring the implementation of the government's human rights obligations and c) contribute to the strengthening of the human rights defenders' network in PNG in connection with the international Geneva for advocacy purposes.

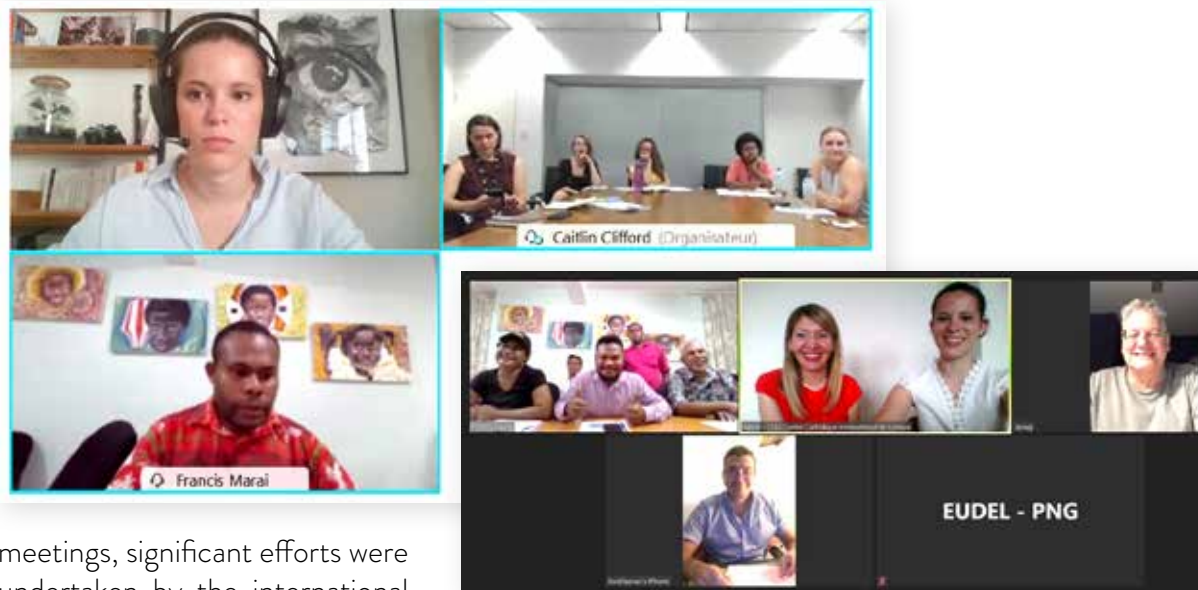
Prior to the 39th session, four of the five project activities were completed. Starting from December 2020, a local Steering Committee was created to establish cooperation with in-country like-minded civil society organizations focusing on the main human rights issues in PNG. Afterwards, in February 2021, a three-day workshop gathering 16 local civil society organisations was conducted in Port Moresby (PNG) to introduce and train them on the functioning of the Universal Periodic Review and on opportunities for civil society to efficiently interact with it. From this consultation, the coalition, thus created, was able to finalise a joint UPR submission² on four thematic priorities: women's rights, children's rights, rights of people with disabilities and environmental protection.



The third activity featured local lobbying activities to Embassies and other diplomatic missions based in or competent on Papua New Guinea. Despite the challenges posed by the Covid-19 pandemic, representatives from the coalition were able to reach out to many diplomatic missions and organise some bilateral virtual meetings with them. An executive and updated summary³ of the joint submission was prepared to be disseminated to the diplomatic missions.

The fourth activity took place in October 2021. Three representatives from the NGO coalition were able to take part in the UPR pre-session organised by UPR Info on 6th October 2021 in order to present all the issues detailed in the joint UPR submission to Permanent Missions in Geneva. Despite the sanitary crisis preventing in-person bilateral





meetings, significant efforts were undertaken by the international partners of the project to reach out to interested Permanent Missions and share the UPR submission and its executive summary.



Following the third UPR of Papua New Guinea held on 4th November 2021, the online side event taking place on 24th November 2021 provided an opportunity to highlight relevant recommendations directed to PNG while encouraging the government to accept them and focus on their implementation.

Panellists Miss Mou Begura from the Department of Foreign Affairs and International Trade of Papua New Guinea, Ms Priscilla Kare and Rev Roger Joseph from the PNG NGO coalition alongside Dr. Silviu Jora from the EU delegation in PNG and Miss Josephine Mann from the UN Office of the High Commissioner for Human Rights showed great expertise on the issues at stake and demonstrated their willingness to collaborate to advance the human rights situation in PNG particularly through the implementation of the UPR recommendations addressed to PNG during the 39th session of the working group on the Universal Periodic Review.

The aim of this report is to present a summary of the discussion which took place during the online event.

2. <https://ccig-iccg.org/wp-content/uploads/2021/06/CCIG-Joint-UPR-submission-for-PNG-2021-final.pdf>
3. <https://ccig-iccg.org/wp-content/uploads/2021/12/Advocacy-tool-light.pdf>

PANEL

MISS MOU BEGURA

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General Secretary
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EU Delegation in PNG



MISS JOSEPHINE MANN

Human Rights Officer
Office of the High Commissioner for Human Rights (OHCHR)



MODERATOR

MS. MARIA D'ONOFRIO

Secretary General
International Catholic Centre of Geneva (CCIG)



EXECUTIVE SUMMARY

In her opening remarks, **Ms. Maria D’Onofrio** (Secretary General, CCIG) thanked all partner organisations that helped coordinate and co-sponsor the event, as well as the City of Geneva and Misesan Cara for their financial support and their continuous assistance for the realization of the event.

Ms. D’Onofrio went on to recall that the event was taking place within the framework of a larger project aiming to enhance the capacities of human rights defenders in Papua New Guinea and which supported a coalition of 16 civil society organisations based in PNG. She further indicated that the aim of the event was to address main human rights concerns in PNG and discuss the implementation of UPR recommendations addressed to PNG during the 39th session of the Working Group of the Universal Periodic Review, while looking for concrete opportunities for collaboration in this context.



The first speaker to take the floor was **Miss Mou Begura**, Acting Director of the International Organisations Branch, Department of Foreign Affairs and International Trade (DFAIT) of Papua New Guinea. Miss Begura started her presentation by reflecting on the national report submitted by Papua New Guinea for its 3rd cycle. She indicated that the Department of Foreign Affairs and International Trade had been responsible for drafting this report.

The national report of Papua New Guinea submitted for the UPR third cycle focused on a number of issues including ratification of international treaties and conventions; updates on implementing domestic policies or enactment of relevant domestic laws; establishment of national institutions and mechanisms; and specific areas such as rights of women, rights of the child, rights of the persons living with disability and cross-cutting issues such as human rights and the environment. This work conducted by the Department of Foreign Affairs and International Trade highlighted the challenges encountered by the Government in implementing recommendations from the two previous reviews in 2011 and 2016. On that note, Miss Begura stated that for an effective implementation of recommendations and protection of human rights there needs to be a collaboration at all sectors of society.

She further went on to describe the major challenges faced by Papua New Guinea in the implementation of the 3rd UPR cycle recommendations. The first obstacle identified was an inadequate understanding of what constitutes human rights and the significance of protection and promotion of

«For an effective implementation of recommendations and protection of human rights there needs to be a collaboration at all sectors of society.»

«Systemic and systematic education and awareness on human rights are primordial to overcome inadequate understanding of human rights and of the significance of protection of these rights in order to build and sustain peaceful societies»

these rights in order to build and sustain peaceful societies. To overcome this, systemic and systematic education and awareness on human rights are paramount.

The second obstacle identified related to the struggle faced by the government to effectively implement domestic human rights laws and policies due to a myriad of factors including, but not only, malfunctioning governance and political influence.

The disconnection of all the efforts carried out at the national level and the lack of collaboration between civil society and

the government were also identified as challenges leading to a duplication of roles and an inability to share vital information and data, despite the fact that all actors are serving the same interest and desire to improve the human rights situation in Papua New Guinea.

Furthermore, the government sometimes faces major challenges in appropriately managing vital resources to bring about the improvement of human rights in the country. In order to tackle this issue, advocacy should be conducted at the political level to ensure awareness about human rights and the mainstreaming of fiscal planning that targets improving current human rights issues and policies, such as for the fight against gender-based violence.

Finally, there should be a better coordination and control of domestic implementation programmes by development partners to avoid duplication and ensure a close working relationship between national coordination actors and development partners.

Miss Begura then proceeded to inform the audience that the government was currently working on an implementation plan for the next 4 years (2022 – 2025). This will provide an opportunity to consult with all stakeholders, to plan consultations at regional and provincial level, to develop a stakeholder mapping and to identify areas where civil society and development partners could support the government in the implementation of UPR recommendations.

In conclusion, she reiterated how the government recognises and values the work of civil society and faith-based organizations and that it remains committed to working in collaboration with these organisations and the UN system.

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Next to take the floor, **Ms Priscilla Kare**, representative of Callan Services for People with Disabilities National Unit in PNG focused on the situation of women, children and people with disabilities in Papua New Guinea.

She started by addressing the issue of women's participation in Parliament, politics and decision-making. She highlighted the fact that no women had been elected in 2017 into the current Parliament and that the upcoming 2022 elections will represent a key opportunity to take measures to address this issue and increase the number of female candidates and elected women.

Regarding the issue of gender-based violence, she welcomed the National Strategy 2016-2025 adopted by the government to prevent and respond to gender-based violence, but deplored the fact that some provinces are still missing provincial secretariats to implement related activities. She also outlined several other measures adopted but lacking implementation, such as the adoption

«The upcoming 2022 elections will represent a key time to address the issue of women's participation in Parliament, politics and decision-making by increasing the number of female candidates and elected women.»

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.

Ms. Kare further raised that belief in sorcery was widespread across PNG and sometimes led persons accused of sorcery to being victims of physical violence including torturing which could result in their death. Despite several actions taken to fight this phenomenon, many cases were still documented.

In total, 13 UPR recommendations were addressed to the Government of Papua New Guinea concerning gender equality and women's right to participation and 21 concerning the eradication of violence against women, including sorcery-accusation related violence, in addition to specific recommendations aimed at reinforcing women's protection through ratification of international instruments.

With regard to children's rights, Ms Kare emphasised challenges regarding the right to education, including the lack of accessibility to primary and secondary education and the high fees left to be paid by parents or students themselves, despite measures such as the Papua New Guinea's Tuition Fee Policy (GTFP) and the Higher Education Loan Program (HELP).

Concerning children's right to health, she highlighted the lack of awareness of health and hygiene practices and difficulties in accessing adequate health services and facilities that contribute to high

incidences of illness and disease as well as the high rate of infant and maternal mortality, particularly in rural areas. A Child Health Policy and Plan 2009-2020 was adopted, but no report of its outcomes was published.

Regarding juvenile justice, Ms. Kare pointed out that despite the establishment of Juvenile Court Officers, children in conflict with the law face many challenges in detention and lack access to diversion alternatives. Moreover, she highlighted that around 75% of the child population experiences violent discipline at home, as reported by Save the Children in 2019. The new Lukautim Pikinini (Child Welfare) Act adopted in 2015 to respond to this issue still lacks adequate implementation.

«Despite the establishment of Juvenile Court Officers, children in conflict with the law face many challenges in detention and lack access to diversion alternatives.»

18 UPR recommendations were addressed to the Government concerning children's rights, most of them highlighting the need to act to fully ensure their right to education and protect them from all forms of violence, in addition to specific recommendations aimed at the ratification of international instruments.

The last topic discussed by Ms. Pricilla Kare related to the rights of people with disabilities. She began by highlighting the lack of figures on the topic due to the absence of a national disability data management system. She then described the specific situation of children with disabilities and their difficulties in accessing inclusive education because of the lack of adequate infrastructures. Indeed, out of the

19 Inclusive Education Resources Centres (IERCs), only five are currently engaged in piloting inclusive learning. Discriminations and stigma already faced by people with disabilities on a daily basis were even exacerbated during the Covid-19 pandemic. Following this, Ms. Kare detailed the obstacles they also faced to take part in public affairs, namely the lack of up-to-date information in the electoral commission voter's registry and the danger associated with voting venues.

5 recommendations were addressed to PNG concerning the rights of people with disabilities during the UPR. Ms. Kare concluded her intervention by calling upon the government to accept and implement all the recommendations related to the rights of women, children and people with disabilities.



The third speaker was **Reverend Roger Joseph**, General Secretary of PNG Council of Churches who discussed the issues regarding environmental protection in PNG.

After describing the geographical situation of Papua New Guinea and its cultural and natural treasures, he explained that there were 8 major gold and copper mines and 5 minor ones in PNG, and that the country

recorded the largest number of round timber exports in the world.

Despite these rich resources, Rev. Roger Joseph pointed out that the poverty was still a major issue, particularly impacting rural population, due in part because the government completely owns any mineral extracted below six feet on customary land.

He also denounced several malpractices related to tailing waste management and the destruction of rainforest due to timber production through the Special Agriculture Business Leases (SABL) which impacted the environment and the local population. The civil war in Bougainville was taken as an example where 20 000 lives were lost.

The situation of the mining of the seabed conducted by the Canadian Nortolus company and the strong resistance from local populations in several regions was also described, while clarifying that this opposition was not against development but for the protection of nature and the local populations.

«Too often environmental destruction and the relation of local population with nature is disregarded by developers and governments, disproportionately impacting the poor, the oppressed, the underprivileged and the marginalized.»



He pointed out that too often environmental destruction and the relationship of local populations with nature is disregarded by developers and governments, disproportionately impacting the poor, the oppressed, the underprivileged and the marginalized. When facing these issues, the Churches are committed to fight against them, to ensure responsibility, accountability and answers and to take into consideration the relations between humans but also with nature and the universe.

In this regard, he welcomed the 9 recommendations addressed to PNG during the 3rd Universal Periodic Review on environmental issues and on the impact of business activities on the enjoyment of human rights. He concluded by reiterating the commitment of Churches and civil society to work for a better protection of the environment.



Next to take the floor, **Dr. Silviu Jora**, Chargé d'affaires a.i. of the European Union delegation in PNG, began his intervention by thanking the organisers and acknowledging the liaison with grassroots organisations and human rights defenders ahead of the UPR which greatly contributed to the EU's delegation inputs for the review.

As underlying issues, he noted the fragility of the institutional capacity to implement recommendations, the lack of a human rights commission and the number of human rights treaties yet to be ratified by PNG.

However, he also presented the progress made by PNG since 2016 specifically regarding gender-based violence (GBV) - such as the recently established Parliamentary Collation against GBV - and the participation of women in politics. He also recognised the efforts carried out to ensure the rights of persons with disability, access to education and environmental rights of local population



while noting that several challenges remained regarding implementation.

As for the commitment of the EU delegation on these topics, he indicated that a special program aiming at supporting human rights defenders in PNG will start in 2022. Regarding gender equality and gender-based violence he noted that many challenges remained including prosecutions of those responsible. Thus, starting in 2022, the EU

will focus on the empowerment of gender-based violence victims. In this regard, Dr. Jora noted that the UPR recommendations on women's rights and gender-based violence will be supported by the EU gender Action Plan (GAP3). Regarding sorcery-accusation related violence and killings specifically, the panellist announced that the EU will be allocating additional resources to combat this highly disturbing phenomenon.

«Starting in 2022, the EU will focus on the empowerment of gender-based violence victims.»

Dr Jora then proceeded to briefly discuss the situation of the death penalty and the worrying step back that occurred in August 2021 with the annulment of temporary orders of 14 persons sentenced to death. He further went on to highlight positive aspects of human rights in PNG especially regarding freedom of expression.

He concluded his intervention by noting the active participation of civil society organisations, particularly faith-based ones, and reiterating the delegation's wish to further collaborate with them for the effective implementation of the UPR recommendations in PNG.




The last panellist was **Miss Josephine Mann**, Human Rights Officer at the Office of the High Commissioner for Human Rights (OHCHR) in PNG. She started her intervention by recalling that the OHCHR supports both the government and the civil society in reviewing and implementing UPR recommendations.

She explained that the UN was working on different themes including the ratification of treaties and reporting to treaty bodies, equality and non-discrimination, administration and access to justice, as well as the promotion of the right to health, children's rights and a sustainable environment.

On these topics, several actions were carried out by the UN bodies. For example, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concerns regarding customary laws applied by village courts beyond their authority and recommended a review of those laws. Support was also provided to civil society organisations in terms of access to justice and the rule of law, particularly in cases of violence against women and children.

In this regard, Miss Mann noted several structural barriers to accessing justice and recommended the establishment of a gender-responsive justice system to support survivors' access to justice. On

that note, she highlighted the positive steps taken in 2019 including the establishment of gender advisor officers and gender-sensitive training to sensitize police officers.



«A quarter of children are not in schools due to the disparity in access to education.»

Despite the implementation of several measures, Miss Mann shared concerns regarding the juvenile justice system and pointed out the possibility for the Royal PNG Constabulary to detain children below the age of 10. Thus, she recommended to raise the minimum-age of criminal responsibility to 14 years.

With regard to gender-based violence, the panellist shared some data illustrating the high incidence of such acts and the lack of support for survivors. She went on to inform the audience

that the EU and UN Spotlight initiative was launched in 2020 and that a GBV parliamentary committee was set up. She further recommended support and funding for gender-responsive justice, and law enforcement sector reform through measures including the adoption of Codes of Conduct, training specialized units and the maintaining of a high-level commitment to eliminating GBV by funding the National GBV Secretariat, establishing provincial GBV Secretariats and activating the GBV Parliamentary Committee.

Regarding children's health, she pointed out the high rate of child and maternal mortality due to the lack of access to health services and underlined the need to ensure that access to supplies and better geographical coverage meets the increasing need on these topics.

Miss Mann also dedicated part of her intervention to environmental issues. After recalling PNG's comprehensive set of laws and policies, she underlined the several challenges faced on that topic and recommended the ensuring of reliable and accurate environmental monitoring and effective enforcement of environmental regulations and Codes of Practice, while integrating public environmental concerns into national policies.

She also discussed the issue of violence against children pointing out that recent data suggest that 75% of children experience some form of violence.

Finally, she addressed the issue of access to education and denounced the fact that a quarter of children were not in schools due to the disparity in access to education. Thus, she recommended to integrate gender equality at all levels of education and to complete, adopt and roll out the National Out-of-School Children strategy, particularly in remote and rural communities, to ensure access to education.

Miss Mann concluded her intervention by recalling the UN commitment to support and collaborate with the government, civil society organisations, churches and all other stakeholder for the implementation of UN recommendations over the next four years.

INTERACTIVE DIALOGUE

The panellists' presentations were followed by questions from members of the audience who took the floor to express their views on the topics discussed and asked the speakers about concrete ways to implement the UPR recommendations.

A first question was addressed to Miss Begura about the recommendations that the PNG government plans to accept, the topics that will be prioritized during the implementation phase and the opportunities for collaboration with civil society organisations. Miss Begura replied by saying it was still too early to indicate which of the 161 recommendations PNG will accept. However, she indicated that improvement was sought in all areas and that to this end resource allocation and collaboration with civil society organisations, working more closely with local communities, was essential. To encourage collaboration, a mapping of civil society organisations will be extremely useful.

The next question was addressed to Dr. Jora and was related to the role that the EU could play in the implementation of recommendations related to the environment. For the next 7 years, one of the main priorities of the EU delegation will be on forestry, biodiversity and climate change, promoting sustainable economic activities and combatting illegal activities. 55% of the budget allocation for the delegation will be dedicated to this issue and the delegation will be also supporting the government on this topic.



Then a question was raised for Ms. Priscilla Kare regarding the most efficient actions to address sorcery-accusation related violence. She replied that resources were needed to address the various pitfalls identified such as the population's lack of faith in the justice system due to its remoteness, cost, the unaccountability of perpetrators and the lack of reporting on cases.

A question was directed to Miss Begura again and related to the absence of a database for people with disability, even though it was already recommended in the first UPR cycle in 2011, and asked how PNG would effectively ensure the rights of persons with disabilities especially in the view of its ratification of the Convention on the rights of persons with disabilities. Miss Begura indicated that she could not reply to the question immediately but that she will follow-up with her colleagues on this issue.

Another question was addressed to Miss Mann regarding the type of collaboration that could be envisaged between the UN, local NGOs and the authority, and the kind of support that could be provided by the OHCHR and other UN agencies for the follow-up of UPR recommendations. To this question, Miss Mann replied that the OHCHR was working with the government in tracking the implementation of the Sustainable Development Goals and all UPR recommendations, including by providing training.

As the event concluded, organisers and panellists were thankful for this opportunity to gather a wide range of actors from the government of Papua New Guinea, the local civil society and the international community to discuss human rights issues in the country, common priorities and opportunities for collaboration.



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