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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Papua New Guinea

Addendum

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

* The present document was not edited before being sent to the United Nations translation services.

1. The Government of Papua New Guinea is pleased with the preparation of the first UPR Report and its subsequent presentation to the Human Rights Council. Following the presentation of the Report, the PNG Delegation was overwhelmed with positive comments and recommendations of the Council Members.
2. The Human Rights Council made 146 recommendations of which PNG accepted 75 and rejected 2 in Geneva in May. The other 69 recommendations were deferred for further consideration and decision making in Port Moresby.
3. The PNG Government deliberated on the 69 recommendations and accepted another 39 and rejected 30 of them. This would mean that of the 146 recommendations posed by the Council, PNG accepts 114 and rejects 32 of them.
4. PNG is a young democratic country, founded on the principles of democracy, good governance, and rule of law. The country's National Constitution accords all persons living in the country their basic rights and fundamental freedoms that are commonly shared amongst humanity, irrespective of race, creed, religion or nationality.
5. Specific laws have also been enacted to address the various human rights issues in the country. PNG has also put in place institutional and administrative mechanism to take carriage of the promotion and protection of human rights in the country. A milestone achievement I wish to note here is the establishment of the PNG National Human Rights Commission that should come into operation in 2012.
6. The international human rights treaties and conventions including the UN Declaration of Human Rights augments well with the National Constitution and relevant human rights laws of the country. PNG is committed to fulfilling its commitments and obligations under the various international legal instruments, such as the international conventions pertaining to racial discrimination, rights of the child, discrimination against women; and the international covenants on the Civil and Political Rights, and Economic, Social and Cultural Rights.
7. As a young country, PNG is faced with many complexities that hinder PNG's capacity to protect and promote human rights issues in the country. Issues of capacity and resource constraints as well as tough geographical terrains, cultural diversity and lack of infrastructure developments seriously undermine PNG's efforts to implement the human rights commitments and obligations.
8. These factors as well as issues of capacity and resource constraints have been the major considerations which have led PNG to reject 32 of the recommendations. A few of those recommendations pertain to PNG's laws on death penalty, which cannot be easily repealed by Parliament. Despite the existence of this law, PNG has never enforced it since enactment.
9. The core of our work pertains to the rights of women and children. In this regard, I am pleased to inform the Council that the PNG Government passed the first vote on a parliamentary bill that will provide for 22 reserved seats for women to contest our General Elections.
10. The successful completion of the process and eventually making it into law would pave the way of increased representation of women in the highest political decision making body in the country. It would be a great achievement for the country in terms of women's rights, gender empowerment, and equal participation of women in the development of the country.
11. The PNG Government's UPR Report is submitted to the Council for its favorable consideration and adoption.

List of recommendations examined by Papua New Guinea along with the position taken

| <i>Recommendations</i> | <i>PNG Positions</i> | <i>Explanatory Notes</i> |
|------------------------|----------------------|---|
| 79.1. | Accept | PNG will ratify all treaties, however it will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein. |
| 79.2. | Reject | PNG ratifies on the basis of national priorities and may not be possible to implement the recommendations in its entirety. |
| 79.3. | Accept | Because this recommendation does not in itself impose a legal obligation to ratify these international instruments but it allows for the government to consider ratifying with or without reservations. |
| 79.4. | Accept | There are constitutional rights in this regard that are provided for under the PNG Constitution. |
| 79.5. | Accept | Refer to notes under 3. |
| 79.6. | Accept | Refer to notes under 3. |
| 79.7. | Accept | Refer to notes under 3. |
| 79.8. | Reject | PNG implements at its own pace and may not be possible meet the international line of definition. |
| 79.9. | Reject | HRC is intended to deal with all Human Rights issues and not only specific issues in relation to torture. |
| 79.10. | Accept | Refer to notes under 3. |
| 79.11. | Accept | Refer to notes under 3. |
| 79.12. | Accept | PNG is in the process of ratifying the Convention on Persons with Disabilities. |
| 79.13. | Accept | Process has already begun with relation to the ratification of these instruments. |
| 79.14. | Accept | This related to Refugee Convention – we are in process of withdrawing our reservations to the Refugee convention and this related area will also be considered. |
| 79.15. | Reject | PNG does not have issues pertaining to indigenous rights and issues and the legal instrument may not be fully compatible with PNG laws and policies. |
| 79.16. | Accept | It is an ongoing effort of the PNG Government. |
| 79.17. | Reject | Constitution makes adequate provision for all citizens regardless of race, tribe, place of origin, political |

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| | | <p>opinion, color, creed, gender, religion. It further enables the enactment of legislation for the protection or advancement of welfare, special benefits of females, children, young persons, members of underprivileged or less advanced groups or residents of less advanced areas.</p> <p>Most existing laws do not explicitly discriminate against women.</p> |
| 79.18. | Reject | <p>Most existing laws do not explicitly discriminate against women. The constitution already provides for equality – and gender is one of this.</p> <p>Furthermore, a proposed legislation has already been drafted to allow for greater women participation in parliament.</p> |
| 79.19. | Reject | <p>Refer to reasons under 17 and 18.</p> |
| 79.20. | Accept | <p>Parliament had passed the first reading on a Parliamentary Bill that will provide for 22 reserved seats for women to contest in General Elections.</p> |
| 79.21. | Reject | <p>There has already been a legislative review of all existing laws to ensure CEDAW compliance. Only implementation aspect that is still outstanding.</p> |
| 79.22. | Accept | <p>Amendments have been done to relevant laws concerning violence against women. For instance the amendments to the Criminal Code Act recognizing marital rape.</p> <p>There is currently work on a Family Protection Bill that will include Interim protection orders in relation to domestic violence.</p> |
| 79.23. | Accept | <p>The proposed Family Protection Bill will cater for this.</p> |
| 79.24. | Accept | <p>That's the ongoing effort of the PNG Government.</p> |
| 79.25. | Reject | <p>There is a Supreme Court challenge and we cannot be presumptuous on this matter.</p> |
| 79.26. | Accept | <p>It's an ongoing effort of the PNG Government.</p> |
| 79.27. | Accept | <p>That is an ongoing effort of the PNG Government.</p> |
| 79.28. | Reject | <p>Due to competing interests and priorities of Government, it may not be possible to give it highest priority.</p> |
| 79.29. | Accept | <p>PNG's efforts to address the concerns are often hampered by capacity and resource constraints. However, the recommendations can be effectively pursued with the support of the UN and other development partners.</p> |

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| 79.30. | Reject | In PNG, ethnic minority is not an issue. |
| 79.31. | Reject | It is within the purview of the National Parliament and repelling the law would not be easy as it requires two-thirds majority of Parliament. |
| 79.32. | Reject | Refer to reasons under 31. |
| 79.33. | Reject | Refer to reasons under 31. |
| 79.34. | Reject | Refer to reasons under 31. |
| 79.35. | Reject | May not be possible to perform to international level due to capacity and resource constraints of the PNG Government. |
| 79.36. | Reject | PNG can do its best but it is not possible to meet the international standards due to capacity and other resource constraints. |
| 79.37. | Accept | Work is currently underway in relation to reviewing the laws relating to corporal punishment. |
| 79.38. | Reject | Not fully applicable in PNG. |
| 79.39. | Reject | Racial hatred is not so much of an issue in PNG. |
| 79.40. | Accept | It is an ongoing effort of the PNG Government. |
| 79.41. | Accept | It is an ongoing issue that the PNG Government is addressing within the Police Force. |
| 79.42. | Reject | Due to capacity and resource constraints, it is not possible to investigate all cases. |
| 79.43. | Reject | Refer to reasons under 42. |
| 79.44. | Reject | In PNG, the Police Force is not faced racial discrimination and xenophobia to focus efforts in these areas. |
| 79.45. | Accept | This is in line with our current review of our laws relating to Sorcery. |
| 79.46. | Accept | It is an ongoing effort and priority of PNG Government. |
| 79.47. | Accept | |
| 79.48. | Accept | That is the current position and efforts of the PNG Government. |
| 79.49. | Accept | This is an important area as people in the rural/remote areas do not have access to these services. |
| 79.50. | Accept | In line with Village Courts Programs and projects and the current work initiatives that the relevant PNG Government Department are engaged in. |

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| 79.51. | Accept | This touches on the sovereign independence of our Judiciary. Any matter regarding judicial review is a matter for our Courts to decide based on the uniqueness of each case. |
| 79.52. | Reject | There is ongoing national consultation on this issue and as such no definite answer can be provided at this stage. |
| 79.53. | Reject | Refer to reasons under 52. |
| 79.54. | Reject | Refer to reasons under 52. |
| 79.55. | Accept | It is an important and emerging issue that the PNG Government will address. |
| 79.56. | Reject | Accepting this recommendation will go against the spirit of our Constitution which is founded on Christian principles. Having said this however, by practice abortion is allowed based on specific medical grounds. |
| 79.57. | Accept | It is an important ongoing priority of the PNG Government. |
| 79.58. | Accept | Refer to reasons under 57. |
| 79.59. | Accept | That is the policy direction of the PNG Government. |
| 79.60. | Reject | Due to capacity and resource constraints as well as geographical impediments, it is not possible for all children to access education in PNG. |
| 79.61. | Accept | That is the policy direction of the PNG Government. |
| 79.62. | Accept | This is consistent with the PNG Government's policy. |
| 79.63. | Accept | That is the policy direction of the PNG Government. |
| 79.64. | Accept | That is the policy direction of the PNG Government. |
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| 79.66. | Accept | That is the policy direction of the PNG Government. |
| 79.67. | Accept | That is the policy direction of the PNG Government. |
| 79.68. | Reject | PNG economically depends on its many mining projects and the Government cannot stop the exploration of mines in the country. |
| 79.69. | Reject | Indigenous rights are non issues in PNG and it may not be consistent to link the UN Declaration to the 2000 Environment Act. |
