



**Submission to the Universal Periodic Review of Papua New Guinea**

Human Rights Watch

**March 2021**

## Introduction

1. Human Rights Watch submits the following information regarding Papua New Guinea's implementation of recommendations it accepted through its 2015 Universal Periodic Review (UPR) as well as information about developments in the human rights situation in Papua New Guinea not addressed in the 2015 review.<sup>1</sup> This submission is not a complete review of the implementation of all recommendations either fully or partially supported by Papua New Guinea, nor is it a comprehensive review of Papua New Guinea's protection of human rights in the domestic sphere.
2. The submission covers human rights concerns monitored by Human Rights Watch including women's rights, children's rights, police abuse and criminal justice, disability rights, LGBT rights, and treatment of asylum seekers and refugees, as detailed below.

## Women's rights

3. Despite Papua New Guinea ratifying the Convention on the Elimination of All Forms of Discrimination against Women in 1995,<sup>2</sup> Papua New Guinea still remains one of the most dangerous places in the world to be a woman or girl,<sup>3</sup> highlighting the government's failure to implement effective policies to prevent and respond to gender-based violence and discrimination.
4. During the 2015 UPR, Papua New Guinea supported 49 recommendations on women's rights, including to "ensure access to adequate shelter, psychosocial, legal, and health-care services for survivors of domestic violence, including in rural areas" (104.124),<sup>4</sup> and "to adopt measures that all cases of violence against women, including sorcery-related and sexual violence are duly investigated and the perpetrators prosecuted and punished" (104.115)<sup>5</sup>. Papua New Guinea supported the recommendation to fully implement the Family Protection Act 2003 (104.99) (see, 104.100, 104.101, 104.132, 104.107, 104.133),<sup>6</sup> and finalize the Family and Sexual Violence Strategy without delay (104.99).<sup>7</sup>
5. Despite the government criminalizing domestic violence in 2013, few perpetrators of violence against women and girls are brought to justice. In June 2020 alone, there were 647 cases of domestic violence reported in Port Moresby.<sup>8</sup> A 2020 academic study found that in 19-months, a specialist police unit set up to receive complaints of sexual violence in Boroko, Port Moresby,

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<sup>1</sup> Additional information on the human rights issues in Papua New Guinea can be found at Human Rights Watch, *Papua New Guinea– World Report 2020*, <https://www.hrw.org/world-report/2021/country-chapters/papua-new-guinea>.

<sup>2</sup> Office of the United Nations High Commissioner for Human Rights, "UN Treaty Body Database – Papua New Guinea", 2021, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=134&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=134&Lang=EN), (accessed March 4, 2021).

<sup>3</sup> Ben Zand, "Port Moresby: The World's Most Dangerous City to be a Woman?" *BBC*, September 26, 2018, (accessed March 4, 2021), <https://www.bbc.com/news/av/stories-45654549>.

<sup>4</sup> All paragraph cites are to United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Australia, A/HRC/33/10/Add.1, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PGIndex.aspx>; Recommendation by Canada (104.124).

<sup>5</sup> Recommendation by Czech Republic (104.115).

<sup>6</sup> Recommendations by Australia (104.99), Switzerland (104.100), Republic of Korea (104.101), Sweden (104.132), Norway (104.107), Canada (104.133).

<sup>7</sup> Recommendation by Australia (104.99).

<sup>8</sup> Natalie Whiting and Bethanie Harriman, "Papua New Guinea Women Demand End to Domestic Violence After Death of 19-year-old Mother Jenelyn Kennedy," *ABC News*, July 4, 2020, (accessed March 4, 2021), <https://www.abc.net.au/news/2020-07-04/murder-of-19yo-png-mum-sparks-uprising-against-domestic-violence/12412656>.

averaged 27 complainants per month, 90 percent of whom were female, and 74 percent of whom were under age 18.<sup>9</sup>

6. There remains a dire lack of services for people requiring assistance after having suffered family violence. Shelters are absent in most areas and in short supply everywhere, qualified counsellors are rare, case management is barely provided, legal aid is almost entirely absent, and there is no safety net to assist survivors, especially those with children, who need temporary support and assistance to leave their abusers. Much of the effort on the ground to try to end family violence in Papua New Guinea seems to be coming from activists outside the government.
7. Failure to protect women and girls from domestic violence, offer adequate services, and ensure access to justice puts Papua New Guinea at odds with its binding international human rights obligations, but also its national constitution. The Papua New Guinea Constitution, adopted in 1975, emphasizes equality, including between women and men.<sup>10</sup>

### Sorcery related violence

8. Sorcery related violence is rampant in Papua New Guinea, usually targets women, and often goes unreported.<sup>11</sup> Women accused of “sorcery” are often attacked by violent mobs, risk being tortured and killed, yet the perpetrators are rarely held to account.<sup>12</sup> Ruth Kissam, a sorcery related violence activist, was reported in 2019 in *The National* calling the current laws ineffective and calling on the government to enforce the law and prosecute both the perpetrators and instigators.<sup>13</sup>
9. Papua New Guinea supported a recommendation to “take steps to investigate all reports of gender-based violence, including accusations of sorcery, that perpetrators are brought to justice in fair trials, and that victims receive reparation and are given access to healthcare and other relevant services” (104.134).<sup>14</sup>
10. There have been some recent investigations and prosecutions, but they are rare. In November 2020, in East Sepik province, police said five people accused of sorcery were killed in one week, including a woman, a teenage student, a 13-year-old-boy, a man, and his son.<sup>15</sup> Police charged three people with the willful murder of the woman, the student and the 13-year-old-boy.<sup>16</sup> Human Rights Watch does not know the current status of the prosecution.<sup>17</sup>

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<sup>9</sup> Judy Putt and Sinclair Dinnen, “Sexual Violence Against Children in Papua New Guinea: What the Criminal Justice Data Tells Us,” *Devpolicy Blog*, October 30, 2020, (accessed March 4, 2021), <https://devpolicy.org/sexual-violence-against-children-in-papua-new-guinea-what-the-criminal-justice-data-tells-us-20201030-1/>.

<sup>10</sup> Human Rights Watch, *PNG: Bashed Up: Family Violence in Papua New Guinea*, November 4, 2015, <https://www.hrw.org/report/2015/11/04/bashed/family-violence-papua-new-guinea>.

<sup>11</sup> Rebecca Kuku, “‘They Just Slaughter Them’: How Sorcery Violence Spreads Fear Across Papua New Guinea,” *The Guardian*, November 14, 2020, (accessed March 4, 2021), [https://www.theguardian.com/world/2020/nov/14/they-just-slaughter-them-how-sorcery-violence-spreads-fear-across-papua-new-guinea?CMP=share\\_btn\\_tw](https://www.theguardian.com/world/2020/nov/14/they-just-slaughter-them-how-sorcery-violence-spreads-fear-across-papua-new-guinea?CMP=share_btn_tw).

<sup>12</sup> Charlie Campbell, “How a 7-Year-Old Girl Survived Papua New Guinea’s Crucible of Sorcery,” *Time*, July 16, 2019, (accessed March 4, 2021), <https://time.com/longform/papua-new-guinea-witchcraft-justice/>.

<sup>13</sup> The National, “Law Protecting Women ‘Weak,’” March 25, 2019, (accessed March 4, 2021), <https://www.thenational.com.pg/law-protecting-women-weak>.

<sup>14</sup> Recommendation by Norway (104.134).

<sup>15</sup> Kuku, “‘They Just Slaughter Them,’” *The Guardian*.

<sup>16</sup> The National, “5 Sorcery-Related Deaths Reported,” November 9, 2020, (accessed March 4, 2021), <https://www.thenational.com.pg/5-sorcery-related-deaths-reported/>.

<sup>17</sup> Kuku, “‘They Just Slaughter Them,’” *The Guardian*.

11. In June 2019, six men in New Ireland were sentenced to eight years' jail for torturing three women in 2015, whom they had accused of practicing sorcery.<sup>18</sup> In 2018, eight men were sentenced to death and 88 were imprisoned for life for sorcery-related killings.<sup>19</sup>

## Maternal Health

12. More than 2,000 women and girls die in childbirth in Papua New Guinea each year.<sup>20</sup> These deaths are largely preventable and result from conditions such as hemorrhages, infections, and pre-eclampsia or eclampsia.<sup>21</sup> The risk of maternal death is increased by limited access to hospitals, with 80 percent of the population living outside urban centers.<sup>22</sup> Despite not supporting a recommendation received during the previous cycle to decrease maternal, child and infant mortality,<sup>23</sup> Papua New Guinea has an obligation to uphold women's right to life, and further take all necessary measures to increase life expectancy.<sup>24</sup>
13. ***Papua New Guinea should:***
- Investigate acts of violence against women and girls, including domestic violence and sorcery related violence, and prosecute perpetrators, regardless of the location of the offense or the suspect.
  - Ensure availability of shelter, medical, psychosocial, legal, and other services for survivors of domestic violence and sorcery related violence, including in rural areas.
  - Establish a system to provide a financial safety net for survivors of family violence and sorcery related violence who require assistance to meet their family's basic needs, including those who become destitute due to a separation from an abusive partner.
  - Ensure the Family Protection Act 2003 is fully implemented.
  - Ensure that hospitals and rural medical services are properly funded, and that rural nurses and doctors are adequately trained to prevent women and girls from dying during childbirth.

## Children's rights

14. Children as young as ten can be held criminally responsible under national legislation,<sup>25</sup> which falls short of international standards. The UN Committee on the Rights of the

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<sup>18</sup> Radio NZ, "Six PNG Men Jailed for Abusing Women Accused of Sorcery," July 4, 2019, (accessed March 4, 2021), <https://www.rnz.co.nz/international/pacific-news/393644/six-png-men-jailed-for-abusing-women-accused-of-sorcery>.

<sup>19</sup> Catherine Graue, "Eight Sentenced to Death, 88 Get Life in Prison Over PNG Sorcery Murders," *ABC News*, July 26, 2018, (accessed March 4, 2021), <https://www.abc.net.au/news/2018-07-26/papua-new-guinea-sorcery-murders-death-sentence/10038442>.

<sup>20</sup> Natalie Whiting, "PNG's Population is Booming, But Many Women Remain Under Intense Pressure to Have Babies," *ABC News*, October 26, 2019, (accessed March 4, 2021), <https://www.abc.net.au/news/2019-10-26/png-population-growth-tipping-the-country-towards-disaster/11603372>.

<sup>21</sup> World Health Organization, "Minister Pledges to Reduce High Maternal and Newborn Mortality," February 28, 2019, <https://www.who.int/papuanewguinea/news/detail/28-02-2019-minister-pledges-to-reduce-high-maternal-and-newborn-mortality> (accessed March 4, 2021).

<sup>22</sup> Shane McLeod, "PNG: Coronavirus Promises a Testing Time for Marape," *The Interpreter*, March 18, 2020, (accessed March 4, 2021), <https://www.lowyinstitute.org/the-interpreter/papua-new-guinea-testing-time-marape>.

<sup>23</sup> Recommendation from Thailand (104.146).

<sup>24</sup> CCPR, Article 6, Human Rights Committee, General Comment 36, para. 26; CEDAW, CEDAW General Recommendation 24, para. 31.

<sup>25</sup> Papua New Guinea Criminal Code Act, Article 30 (1), [http://www.paclii.org/pg/legis/consol\\_act/cca1974115/](http://www.paclii.org/pg/legis/consol_act/cca1974115/) as amended by Criminal Code (Amendment) Act 2014, [http://www.paclii.org/cgi-bin/sinodisp/pg/legis/num\\_act/cca2014195/cca2014195.html?stem=&synonyms=&query=Criminal%20Code%20Amendm ent%20Act%20](http://www.paclii.org/cgi-bin/sinodisp/pg/legis/num_act/cca2014195/cca2014195.html?stem=&synonyms=&query=Criminal%20Code%20Amendm ent%20Act%20).

Child recommends that countries increase their minimum age of criminal responsibility to at least 14.<sup>26</sup>

15. Papua New Guinea pledged to “provide access to basic services such as health, education and justice to populations living in remote areas” (104.144),<sup>27</sup> and to “improve health care and reduce infant and young child mortality” (104.141; see, 104.146).<sup>28</sup> Papua New Guinea has an underfunded health system and children are particularly vulnerable to disease. An estimated 13,300 individuals ages 0-19 died in 2019,<sup>29</sup> mostly from preventable diseases,<sup>30</sup> and large numbers of children experienced malnutrition resulting in stunted growth.<sup>31</sup>
16. Papua New Guinea committed to “step up efforts to improve literacy rates among its population, focusing on women and girls, notably in rural areas” (104.70),<sup>32</sup> and to “reinforce policies that favor access to education for rural populations” (104.51).<sup>33</sup> In April 2020, schools closed down temporarily disrupting the education of 2.4 million students due to the Covid-19 pandemic, and the government, with international assistance, was still trying to return children to classes late in 2020. Before the shutdown, school attendance rates for children had improved, but remained markedly low. In 2016, net enrolment rates were only 18 percent in pre-primary, 74 percent in primary, and 32 percent in secondary education, with proportionately lower participation by girls.<sup>34</sup>
17. International human rights law makes clear that all children have a right to free, compulsory, primary education.<sup>35</sup> Papua New Guinea’s “Tuition Fee Free (TFF)” education policy was launched in 2012 but it continued to fail to deliver free education consistently between provinces.<sup>36</sup> In January 2021, the Papua New Guinea government ended the free education policy and announced that parents will be required to pay any gap in schooling costs.<sup>37</sup> This policy applies to children of all ages.<sup>38</sup>

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<sup>26</sup> The United Nations Committee on the Rights of the Child recommends that state parties increase their minimum age to at least 14 years of age. United Nations, Committee on the Rights of the Child, “Children’s Rights in Juvenile Justice,” General Comment No.24 (201x), replacing General Comment No.10 (2007), UN Doc CRC/C/GC/24 (2019), <https://www.ohchr.org/Documents/HRBodies/CRC/GC24/GeneralComment24.pdf> (accessed March 19, 2020), p. 9, para. 33.

<sup>27</sup> Recommendation from Pakistan (104.144).

<sup>28</sup> Recommendations from China (104.141), Thailand (104.146).

<sup>29</sup> UN Inter-agency Group for Child Mortality Estimation, “Stillbirth Rate – Total,” 2020, <https://childmortality.org/data> (accessed March 8, 2021).

<sup>30</sup> United Nations International Children’s Emergency Fund (UNICEF), Papua New Guinea, “Health,” undated, <https://www.unicef.org/png/what-we-do/health> (accessed March 4, 2021).

<sup>31</sup> Save the Children, “Short Changed: The Human and Economic in Papua New Guinea,” <https://www.savethechildren.org.au/getmedia/565e0352-6a4f-46c1-bea8-331acd1b4c8c/png-nutrition-report.pdf.aspx> (accessed March 4, 2021).

<sup>32</sup> Recommendation from Mexico (104.70).

<sup>33</sup> Recommendation from the Holy See (104.51).

<sup>34</sup> UNESCO Institute of Statistics “Papua New Guinea,” undated, <http://uis.unesco.org/en/country/pg> (accessed March 8, 2021).

<sup>35</sup> United Nations, Human Rights Office of the High Commissioner, “International Standards,” undated, <https://www.ohchr.org/EN/Issues/Education/SREducation/Pages/InternationalStandards.aspx> (accessed March 8, 2021).

<sup>36</sup> Rachel Mason Nunn and Genevieve Nelson, “PNG: Has Education Policy Reform Worked?” *The Interpreter*, <https://www.lowyinstitute.org/the-interpreter/png-has-education-policy-reform-worked> (accessed March 8, 2021).

<sup>37</sup> Independent State of Papua New Guinea, Ministry of Education, “Ministerial Policy Statement 01/2021 Government Tuition Fee Subsidy (GTFS) Policy For 2021 For General Education Sector Schools,” January 2021, <http://education.gov.pg/documents/MPS-No-1-of-2021-GTFS-Policy.pdf> (accessed March 8, 2021).

<sup>38</sup> *Ibid.*

18. As of March 2021, 107 countries had endorsed the Safe Schools Declaration, an inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict.<sup>39</sup> Papua New Guinea has not endorsed the Declaration.
19. ***Papua New Guinea should:***
- Raise the age of criminal responsibility to a minimum age of at least 14 years or older.
  - Direct funding and support to child protection services.
  - Implement national strategies to improve access to healthcare for children.
  - Urgently address barriers to education for children, including a specific focus on ending the gender disparities in primary and secondary education.
  - Make primary education compulsory and free.
  - Endorse and implement the Safe Schools Declaration.

## **Police abuse**

20. Papua New Guinea committed to “fully investigate all complaints of violence perpetrated or facilitated by the security forces, and ensure that suspects are brought before the Courts in a timely manner (104.136)<sup>40</sup> (see, 104.131, 104.128).<sup>41</sup> The Papua New Guinea police have a long record of violence with impunity, including against children. In September 2020, then Police Minister Bryan Kramer<sup>42</sup> acknowledged that the police force has a “rampant culture of police ill-discipline and brutality.”<sup>43</sup> Kramer said the government is taking steps to reform the police force<sup>44</sup> without elaborating on those steps.
21. Despite the establishment of a police task force in 2018 to investigate unlawful conduct by police officers in Port Moresby, police violence continues, especially targeting those suspected of crimes. In November 2019, a video emerged on social media of police viciously beating three men in Port Moresby. Two police officers were charged and suspended following the release of the video.<sup>45</sup>
22. In August 2018, two police officers were captured on video beating a 15-year-old naked boy in Kimbe, West New Britain, while he pleaded with them to stop. The video garnered significant attention, and it was reported that the police officers had been arrested and charged. Human Rights Watch has been unable to verify whether the two police officers were ever held to account for their actions.
23. ***Papua New Guinea should:***
- Investigate and promptly prosecute police officers who commit criminal offences such as torture, and sexual violence and prohibited forms of ill-treatment including use of excessive force, including against children.
  - Investigate and prosecute commanding officers who know or should know of such acts, and who fail to prevent or punish them.

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<sup>39</sup> Ministry of Foreign Affairs of Norway, “States That have Endorsed the Safe Schools Declaration,” November 4, 2020, [https://www.regjeringen.no/en/topics/foreign-affairs/development-cooperation/safeschools\\_declaration/id2460245/](https://www.regjeringen.no/en/topics/foreign-affairs/development-cooperation/safeschools_declaration/id2460245/) (accessed March 8, 2021).

<sup>40</sup> Recommendation from New Zealand (104.136).

<sup>41</sup> Recommendations from Switzerland (104.131), Germany (104.128).

<sup>42</sup> Department of Justice and Attorney General Papua New Guinea, “Honorable Bryan Kramer – Minister for Justice,” undated, <https://www.justice.gov.pg/index.php/arob-access-vc-information-through-awareness/42-justice-ministry/182-hon-ano-pala-cmg-mp> (accessed March 8, 2021).

<sup>43</sup> Ben Doherty, “Papua New Guinea Police Accused of Gun Running and Drug Smuggling by Own Minister,” *The Guardian*, September 18, 2020, (accessed March 4, 2021), <https://www.theguardian.com/world/2020/sep/18/papua-new-guinea-police-accused-of-gun-running-and-drug-smuggling-by-own-minister>.

<sup>44</sup> *Ibid.*

<sup>45</sup> “Papua New Guinea Video Shows Police Abuse,” Human Rights Watch news release, November 11, 2019, <https://www.hrw.org/news/2019/11/11/papua-new-guinea-video-shows-police-abuse>.

- Improve the speed and efficiency with which cases of criminal action by police are sent to the public prosecutor.

## Death penalty

24. Papua New Guinea still imposes the death penalty for crimes such as murder, treason, and rape amongst others, although authorities have not carried out any executions since 1954. Papua New Guinea stated that “a de facto moratorium” on the death penalty “was a sensitive issue,”<sup>46</sup> and did not accept any recommendations to “abolish the death penalty and establish a moratorium on executions” (104.85; see, 104.84).<sup>47</sup>
25. In November 2020, Papua New Guinea was among the minority of United Nations member states that voted against a UN resolution opposing the death penalty.<sup>48</sup> An estimated 16 people at least are on death row; however, exact numbers are difficult to verify.<sup>49</sup>
26. **Papua New Guinea should:**
  - Abolish the death penalty and commute all current death sentences.

## Sexual orientation and gender identity

27. Papua New Guinea did not support any recommendations on same-sex relations during the 2015 UPR. Papua New Guinea noted recommendations to “amend national legislation to include sexual orientation and gender as prohibited grounds for discrimination” (104.75). Sweden (104.79), Slovenia (104.78), and France (104.77) also called for Papua New Guinea to decriminalize same-sex relations. Papua New Guinea noted a recommendation to “take measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity” (104.76).<sup>50</sup>
28. International human rights law establishes that matters of sexual orientation and gender identity, including consensual sexual relations, are protected under the right to privacy and the right to be protected against arbitrary and unlawful interference with, or attacks on, one’s private and family life and one’s reputation and dignity. Criminalizing same-sex intimacy violates these international obligations, which has been affirmed by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.<sup>51</sup>

<sup>46</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review: Papua New Guinea, UN Doc. A/HRC/33/10/ (July 2016), p. 8, para 45.

<sup>47</sup> Recommendations from Portugal (104.85), Philippines (104.84).

<sup>48</sup> “Asian Nations Reject UN Vote Against Death Penalty,” Human Rights Watch news release, November 24, 2020, <https://www.hrw.org/news/2020/11/25/asian-nations-reject-un-vote-against-death-penalty>.

<sup>49</sup> Cornell Centre on Death Penalty Worldwide, “Independent State of Papua New Guinea (Papua New Guinea),” September 10, 2019, <https://deathpenaltyworldwide.org/database/?country=Papua%20New%20Guinea#f13-5> (accessed March 4, 2021).

<sup>50</sup> Recommendation from Chile (104.76).

<sup>51</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 UNTS 171, entered into force March 23, 1976. Articles 2 and 26 of the ICCPR affirm the equality of all people before the law and the right to freedom from discrimination. Article 17 protects the right to privacy. See also Human Rights Council, “Report of the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity,” UN Doc. A/72/172 (July 19, 2017), paras. 32-35; *Toonen v. Australia*, 50th Sess., Communication No. 488/1992, UN Doc CCPR/C/50/D/488/1992, April 14, 1994, Section 8.7; ACHR, Article 11; Inter-American Commission on Human Rights, “Violence Against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas,” (Inter-American Commission on Human Rights, 2015), pp. 85, <http://www.oas.org/en/iachr/reports/pdfs/ViolenceLGBTIPersons.pdf>.

29. Same-sex relations are still punishable by up to 14 years' imprisonment in Papua New Guinea's criminal code.<sup>52</sup> While there is little information on actual convictions, the law is sometimes used as a pretext by officials and employers to harass or extort money from gay and lesbian people in Papua New Guinea, including gay refugees.<sup>53</sup>
30. **Papua New Guinea should:**
- Amend national legislation, including the national constitution, to include "sexual orientation" and "gender identity" as prohibited grounds for discrimination – including in the employment, housing, access to education, and health care sectors. Specify effective measures to identify, prevent, and respond to such discrimination.
  - Decriminalize sexual relations between consenting adults of the same sex.

## Disability rights

31. Papua New Guinea ratified the Convention on the Rights of Persons with Disabilities (CRPD) in September 2013<sup>54</sup> and has developed a National Policy on Disability (2015 – 2025),<sup>55</sup> yet people with disabilities are often unable to go to school or work because of lack of accessibility, stigma, and other barriers.
32. Papua New Guinea supported a recommendation to “take practical steps to implement fully the CRPD at both the federal and state levels to ensure that persons with disabilities enjoy equal rights and opportunities in Papua New Guinea (104.150).”<sup>56</sup>
33. Papua New Guinea has limited data regarding people with disabilities. However, according to the World Health Organization, 15 percent of the world's population have a disability. This means an estimated 1.2 million people in Papua New Guinea live with a disability out of a population of approximately 8 million people.
34. In many cases, people with disabilities are prevented due to inaccessible infrastructure from leaving their homes.<sup>57</sup> Access to mental health services are limited,<sup>58</sup> and traditional healers are the only option for many people with psychosocial disabilities. Children with disabilities in Papua New Guinea face abuse, discrimination, exclusion,<sup>59</sup> lack of accessibility,<sup>60</sup> and a wide range of barriers to education.<sup>61</sup>

<sup>52</sup> Papua New Guinea Criminal Code Act, Article 210 and 212, [http://www.paclii.org/pg/legis/consol\\_act/cca1974115/](http://www.paclii.org/pg/legis/consol_act/cca1974115/).

<sup>53</sup> Human Rights Watch, *World Report 2020 Papua New Guinea: Events of 2019*, <https://www.hrw.org/world-report/2020/country-chapters/papua-new-guinea>.

<sup>54</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), “UN Treaty Body Database Ratification Status for Papua New Guinea,” undated, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=134&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=134&Lang=EN) (accessed March 4, 2021).

<sup>55</sup> Department for Community Development and Religion, “Papua New Guinea National Policy on Disability 2015 – 2025,” undated, [https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/02/PNG\\_National\\_Disability\\_Policy.pdf](https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/02/PNG_National_Disability_Policy.pdf) (accessed March 4, 2021).

<sup>56</sup> Recommendation by Canada (104.150).

<sup>57</sup> National Disability and Resource Centre, “Disability in Papua New Guinea,” undated, <http://ndrac.weebly.com/disability-in-png.html> (accessed March 8, 2021).

<sup>58</sup> Lulu Mark, “Call for Disability Response Team,” *The National*, May 1, 2020, (accessed March 8, 2021), <https://www.thenational.com.pg/call-for-disability-response-team/>.

<sup>59</sup> Papua New Guinea Department of Education, “National Education Plan 2015 – 2019,” [https://www.education.gov.pg/documents/NEP\\_2015-2019\\_DoE.pdf](https://www.education.gov.pg/documents/NEP_2015-2019_DoE.pdf), (accessed March 8, 2021), p. 37.

<sup>60</sup> Papua New Guinea Post Courier, “Education A Right That Is for All,” January 14, 2021, (accessed March 8, 2021), <https://postcourier.com.pg/education-a-right-that-is-for-all/>.

<sup>61</sup> Jeremy Goro and Kilala Devette-Chee, “Issues Paper: Children with Disabilities Must Be Considered in Access to Education in Papua New Guinea,” National Institute Research Institute Papua New Guinea, January 2020, [https://pngnri.org/images/Publications/IP34\\_Children\\_with\\_disabilities\\_must\\_be\\_considered\\_in\\_access\\_to\\_education\\_in\\_Papua\\_New\\_Guinea.pdf](https://pngnri.org/images/Publications/IP34_Children_with_disabilities_must_be_considered_in_access_to_education_in_Papua_New_Guinea.pdf) (accessed March 8, 2021).



35. ***Papua New Guinea should:***

- Implement the Convention on the Rights of Persons with Disabilities to ensure people with disabilities enjoy equal rights and opportunities in their communities.
- Develop targeted measures to address barriers faced by people with a disability, especially in urban areas; and monitor and measure impact of reducing discrimination and improving access to services.
- Ensure meaningful access to quality and inclusive education for all children with disabilities.

## **Refugee rights**

36. The detention center on Manus Island closed in October 2017 after a Papua New Guinea court ruled the detention facility was unconstitutional.<sup>62</sup> Most of the refugees and asylum seekers were initially transferred to other facilities on the island,<sup>63</sup> and in 2019 authorities transferred the those remaining on Manus, approximately 120 men, to Port Moresby.<sup>64</sup> Hundreds of refugees have since moved to the United States for resettlement,<sup>65</sup> and hundreds have been transferred to Australia for medical treatment. Medical facilities in Papua New Guinea are woefully inadequate and have proven unable to cope with the complex medical needs of asylum seekers and refugees, particularly their mental health needs.<sup>66</sup> As of January 2021, 137 refugees and asylum seekers remained in Papua New Guinea, transferred there by the Australian government since 2013. Refugees and asylum seekers in Papua New Guinea endure violence, threats, and harassment, with little protection from authorities.<sup>67</sup>

37. Papua New Guinea did not support any recommendations regarding the treatment of asylum seekers and refugees during the 2015 UPR (104.161, 104.159).<sup>68</sup>

38. ***Papua New Guinea should:***

- End “offshore processing” arrangements with the Australian government and ensure that the remaining refugees and asylum seekers who wish to be are transferred to Australia or settled in a country where they are safe, and their rights are protected.
- Ensure that all asylum seekers with negative refugee assessments are entitled to appeal their decision through a fair trial process, and that no person is returned to a country where they may face persecution, torture, or other serious harm.

## **International justice**

39. The International Criminal Court is a court of last resort for the prosecution of serious international crimes, including genocide, war crimes, and crimes against humanity. Over 123 countries have

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<sup>62</sup> Liam Fox, “Manus Island Detention Centre to Close At 5pm Today, 600 Men Refusing to Leave,” *ABC News*, October 31, 2017, (accessed March 4, 2021), <https://www.abc.net.au/news/2017-10-31/manus-island-detention-centre-to-close-at-5pm-today/9102768>.

<sup>63</sup> Refugee Council of Australia, “Offshore Processing Statistics,” March 1, 2021, <https://www.refugeecouncil.org.au/operation-sovereign-borders-offshore-detention-statistics/2/> (accessed March 8, 2021).

<sup>64</sup> Helen Davidson, “Remaining Manus Island Refugees Offered Voluntary Relocation to Port Moresby,” *The Guardian*, August 20, 2019, (accessed March 4, 2021), <https://www.theguardian.com/australia-news/2019/aug/20/remaining-manus-island-refugees-offered-voluntary-relocation-to-port-moresby>.

<sup>65</sup> Andrew and Renata Kaldor Centre for International Refugee Law, “Australia–United States Resettlement Arrangement,” March 24, 2020, <https://www.kaldorcentre.unsw.edu.au/publication/australia%E2%80%93united-states-resettlement-arrangement> (accessed March 8, 2021).

<sup>66</sup> “Australia: Retain Emergency Medical Care for Refugees,” Human Rights Watch news release, August 22, 2019, <https://www.hrw.org/news/2019/08/22/australia-retain-emergency-medical-care-refugees>.

<sup>67</sup> Fox, “Manus Island Detention Centre to Close At 5pm Today,” *ABC News*.

<sup>68</sup> Recommendations from Sweden (104.161), Mexico (104.159).

ratified the Rome Statute, including 19 from the Asia-Pacific region.<sup>69</sup> Papua New Guinea has not ratified the Rome Statute.

40. ***Papua New Guinea should:***

- Ratify the Rome Statute and implement the statute in national legislation, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity, and war crimes before its national courts.

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<sup>69</sup> International Criminal Court, “The States Parties to the Rome Statute,” undated, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#P](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#P) (accessed March 4, 2021).