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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-ninth session**  
1–12 November 2021

## **Summary of Stakeholders' submissions on Papua New Guinea**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 20 submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>2</sup> and cooperation with international human rights mechanisms and bodies<sup>3</sup>**

2. Amnesty International recommended to ratify the remaining core human rights treaties, and expedite ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty, the Optional Protocol of the Convention against Torture, and the two optional protocols on the Convention of the Rights of the Child.<sup>4</sup>

3. Joint Submission 7 (JS7 - World Coalition Against the Death Penalty and Eleos Justice) recommended to sign and ratify the Convention against Torture as well as the Second Optional Protocol to the ICCPR.<sup>5</sup>

4. Joint Submission 14 (JS14 - Papua New Guinea Tribal Foundation (PNGTF), Highlands Women Human Rights Defenders Movement (HWHRDM), Morobe Development Foundation (MDF), and Youth for Change (YFC)) stressed that the implementation of the CAT and its articles that are directed at Duty Bearers must be drafted into a policy so that Duty Bearers adopt the policy as part of their Code of Ethics and that they must uphold these codes during and beyond their official hours of duties and penalties must be imposed accordingly when the codes are breached.<sup>6</sup>

5. Joint Submission 6 (JS6 - Asia Pacific Refugee Rights Network (APRRN) and the Global Detention Project (GDP)) recommended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the



Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and its Optional Protocol.<sup>7</sup>

6. Human Rights Watch recommended to implement the Convention on the Rights of Persons with Disabilities to ensure people with disabilities enjoy equal rights and opportunities in their communities.<sup>8</sup>

7. Oceania Human Rights stressed that PNG must uphold international human rights instruments and undertake national action to ratify the core international human rights treaties by immediate ratification of the remaining covenants and conventions beginning with the International Covenant on Economic, Social & Cultural Rights (ICESCR) and the core 9 human rights instruments. PNG should also ratify the Optional Protocols of each international human rights instrument providing for individual petitions to the committees.<sup>9</sup>

8. Oceania also urged the PNG government to issue an invitation to the Independent Expert on Albinism to visit and implement the recommendations to realize human rights for all peoples with albinism.<sup>10</sup>

9. Joint Submission 10 (JS10 - CIVICUS, PIANGO and Transparency International PNG) advised to extend an invitation to UN Special Procedure mandate holders including: the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right to freedom of peaceful assembly and of association; and the Special Rapporteur on the independence of judges and lawyers.<sup>11</sup>

10. Human Rights Watch recommended to 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.<sup>12</sup>

11. The International Campaign to Abolish Nuclear Weapons (ICAN) welcomed that Papua New Guinea participated in the negotiation of the Treaty on the Prohibition of Nuclear Weapons treaty and voted in favor of its adoption at the United Nations in New York in 2017, however it has not yet signed or ratified the treaty. ICAN recommended that Papua New Guinea signs and ratifies the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.<sup>13</sup>

## **B. National human rights framework**

12. Joint Submission 8 (JS8 - Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen's Constitutional Forum (CCF)) advised to implement the CEDAW and previous UPR recommendations concerning Gender Based Violence (GBV) and Sorcery Accusation Related Violence (SARV) which it has accepted.<sup>14</sup>

13. Joint Submission 10 (JS10 - CIVICUS, PIANGO and Transparency International PNG) encouraged systematic consultation with civil society on the implementation of the UPR, including by holding periodical comprehensive consultations with the civil society. It requested to incorporate the results of UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations.<sup>15</sup>

14. Team Porgera (Joint Submission 4 - JS4) recommended to include human rights principles as one of the core subjects in primary schools, high schools, colleges and other institutions like policing college, defence force colleges and correctional institutions.<sup>16</sup>

15. The UPR Project at BCU recommended to create a PNG National Human Rights Institution and increase its support for the Asia Pacific Forum of National Human Rights Institutions in their important contribution to the regional abolition of the death penalty.<sup>17</sup>

16. Team Porgera (Joint Submission 4 - JS4) stressed that the Government must allow the National Human Rights Commission to work independently. The Government must not have access to appointing the office bearers of the National Human Rights Commission.<sup>18</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Cross-cutting issues**

#### *Equality and non-discrimination*

17. Papua New Guinea's Constitution states that all persons are entitled to the fundamental rights and freedoms of the individual, which includes 'life, liberty, security of the person and the protection of the law' and "freedom from inhuman treatment'. It specifically states in the preamble and in article 55 that the same rights and privileges should be afforded irrespective of race, political opinion, colour, or sex, but does not include sexual orientation or gender identity. Joint Submission 2 (JS2 - Kaleidoscope and Sexual Rights Initiative - SRI) recommended to amend the preamble and article 55 of the Constitution to include sexual orientation and gender identity as grounds which cannot be used to restrict entitlement to fundamental rights and freedoms. It also advised to introduce laws and policies to prohibit discrimination on the basis of sexual orientation, gender identity, and intersex status.<sup>19</sup>

18. Human Rights Watch advised to 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 and prevent, and respond to such discrimination and decriminalize sexual relations between consenting adults of the same sex.<sup>20</sup>

19. Joint Submission 13 (JS13 - Hetura NCD LGBT Group and KP Advocacy Consortium PNG) encouraged PNG to develop legislations and policies and implement comprehensive guidelines that allow legal gender recognition and the ability to self-identify in all official and administrative documents, including the option of identifying as male, female or an alternative option. It also stressed that proposed legal gender recognition processes should be quick, transparent, affordable and accessible, and respect free and informed choice, personal integrity and right to privacy. It recommended to implement awareness and sensitization programs for public officials, local representatives and other state actors on sexual orientation, gender identity and expression (SOGIE) and human rights issues to address stigma among trans and gender diverse people.<sup>21</sup>

20. Joint Submission 8 (JS8 - Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen's Constitutional Forum (CCF)) recommended the establishment of a Network/Organisation for Older People as well as concrete steps to ensure the right to social security for older persons and a study and recommendations in relation to the needs of older people - in relation to health, food and shelter.<sup>22</sup>

#### *Development, the environment, and business and human rights*<sup>23</sup>

21. Amnesty International recommended to ensure human rights defenders, indigenous communities and the right to freedom of expression are protected in raising climate change and environmental issues, including in relation to extractive industries, and ensure civic society participation, equality and diversity (including on gender) in the development of climate and environmental policies.<sup>24</sup>

22. Oceania Human Rights stressed that PNG must adopt a human rights based approach involving the people in the decision-making process for both international instruments in the Nationally Determined Contribution (NDCs) for the upcoming UN Framework Convention on Climate Change Conference of Parties in Glasgow in 2021 and Voluntary National Review (VNR) in future High Level Political Forums.<sup>25</sup>

23. The Centre for Environmental Research & Development (CERD) mentioned that in extractive industries and particularly in the mining and environmental sector, local people

were segregated strategically into small factions so they become weak, voiceless and simultaneously create conflict amongst themselves, while those in authority or the powerful carry on with their businesses without paying much attention to the issues that concern the local people. Local population, non-governmental organizations and minority (Indigenous) groups have for so long been treated in this way. That includes their participation in the planning stage to project closure. The Centre recommended to ensure that a condition of granting Mining Licenses would be consultations with local inhabitants in the impact areas.<sup>26</sup>

24. Joint Submission 3 (JS3 - Center for Environmental Law and Community Rights (CELCOR), Evangelical Lutheran Church of Papua New Guinea (ELCPNG) and Ozeanien-Dialog(OD)) requested to appoint a Commission of Inquiry into the Human Rights abuses in the extractive industry sector, a halt to all mining developments of the Sepik Development Projects and the Wafi Golpu Mining Project until all the solutions to tailings are technologically and mechanically safe for all lives including human beings who live within the vicinity of the proposed tailing disposals. It encouraged to instruct the Conservation and Environment Protection Authority to cancel the Environment Permit issued to Wafi Golpu Mining Project in January 2021.<sup>27</sup>

25. Team Porgera (JS4) encouraged the government to ratify the convention on the right to remedy for breach of provisions of the environmental act 2000, 2015 and 2020 within a period of four-five (4-5) years.<sup>28</sup>

26. Joint Submission 3 (JS3) called on the Government to stop all Deepsea Tailing Practices and find the safest tailing treatment methods if any mine is to proceed in the future.<sup>29</sup>

27. Team Porgera (Joint Submission 4 - JS4) stressed that the government must provide remedy for failing its due diligence breaching Business and Human Rights and Guiding Principles Act 2011 and advise the relevant companies.<sup>30</sup>

28. West Coast Development Foundation recommended to review the Government Commitment in 2016 to address logging issue and to ensure adherence to the UN Guiding Principles on Business and Human Rights. PNG should adopt a National Action Plan on Business and Human Rights that includes the issues of Sea Bed Mining and should develop a strategy to promote knowledge and understanding of the UN Guiding Principles on Business and Human Rights to communities, government officials and the private sector. The International Seabed Authority and Respective National Governments must stop issuing both mining and exploration licenses until more is known about the impacts on ecosystem and communities and until civil society makes an informed decision about whether this industry should proceed. Prior to developing legislative frameworks for seabed mining, Governments must undertake a consultation process to ensure they have the consent of their civil societies for this industry.<sup>31</sup>

## 2. Civil and political rights

*Right to life, liberty and security of person*<sup>32</sup>

29. Team Porgera (Joint Submission 4 - JS4) referred to more than 940 cases of deaths and injured victims or survivors of Porgera Gold Mining recorded through the company controlled grievance office at Porgera. People were mercilessly killed on the Porgera mining related cases, as well as in other parts of Enga Province and in other provinces. Killings were also taking place in the cities and towns centres in the country. Team Porgera urged the Government to ratify a convention on the Extrajudicial Killings and end impunity on the extrajudicial killings.<sup>33</sup>

30. Joint Submission 7 (JS7 - The World Coalition Against the Death Penalty and Eleos Justice) urged to Government to abolish the death penalty before the next UPR cycle and immediately commute all death sentences and take steps for the transfer of individuals on death row into the general prison population.<sup>34</sup>

31. The UPR Project at BCU recommended that the government of Papua New Guinea should adopt an official moratorium on the death penalty, amend national legislation to

abolish the punishment in all circumstances; and ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.<sup>35</sup>

32. The International Center for Advocates Against Discrimination (ICAAD) recommended to define torture as a serious offence, punishable by sanctions commensurate with the gravity of the torture and ensure that no statement obtained by torture is invoked as evidence in any proceedings.<sup>36</sup>

33. The European Centre for Law and Justice noted that it was critical that Papua New Guinea take immediate action to put an end to Sorcery Accusation Related Violence (SARV). Awareness and education campaigns about SARV were necessary, so that the public is educated about the practice and encouraged to report incidents. It was critical that the government provide aid and assistance for the victims of SARV related attacks. Additional training and resources for law enforcement were also critical to ensure that all cases go reported and are thoroughly investigated.<sup>37</sup>

34. The European Centre stressed that the government must also increase funding and resources to better combat human trafficking as well as increase training for police to identify and investigate human trafficking. It was also important that government create awareness campaigns to educate the population about human trafficking and how to identify it and report it to the police.<sup>38</sup>

*Administration of justice, including impunity, and the rule of law*

35. Joint Submission 14 (JS14 - Papua New Guinea Tribal Foundation (PNGTF), Highlands Women Human Rights Defenders Movement (HWHRDM), Morobe Development Foundation (MDF), and Youth for Change (YFC)) promoted stronger law enforcement mechanisms and courts to address Gender Based Violence and Sorcery Accusation Related Violence.<sup>39</sup>

36. Human Rights Watch reported that Papua New Guinea police had a long record of violence with impunity, including against children. In September 2020, then Police Minister acknowledged that the police force has a “rampant culture of police ill-discipline and brutality.” 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.<sup>40</sup>

37. Human Rights Watch recommended to 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. It requested to investigate and prosecute commanding officers who know or should know of such acts, and who fail to prevent or punish them and improve the speed and efficiency with which cases of criminal action by police are sent to the public prosecutor.<sup>41</sup>

38. Amnesty International requested the establishment of an independent and effective investigations and complaints mechanism to address allegations of torture and other ill-treatment and other forms of abuse by the police and security forces; ensure it has a broad and strong mandate and fully complies with international law and standards and effectively engages with civil society in the process.<sup>42</sup>

39. Joint Submission 2 (JS2 - Kaleidoscope and Sexual Rights Initiative) urged training for members of the police force in respect of LGBTIQI issues, audit for police treatment of LGBTIQI persons to aim to elimination police discrimination and violence towards LGBTIQI persons and mechanisms to hold police accountable for harassment and impunity.<sup>43</sup>

40. Team Porgora (Joint Submission 4 - JS4) recommended that the National Human Rights Court Track must be entertained by the law reform commission for the government to legislate for marginalised citizens’ benefits meeting the UN’s Vision 2050 and the Sustainable Development Goals.<sup>44</sup>

41. It also recommended to establish Free Legal Aid Office all over the 22 provinces in Papua New Guinea including the Autonomous Region of Bougainville within a period of four-five (4-5) years.<sup>45</sup>

*Fundamental freedoms and the right to participate in public and political life*<sup>46</sup>

42. Joint Submission 8 (JS8 - Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen's Constitutional Forum (CCF)) recommended to review cybercrime laws to ensure consistent with International Covenant on Civil and Political Rights and take steps to ensure the safety of human rights defenders and whistleblowers.<sup>47</sup>

43. Joint Submission 10 (JS10 - CIVICUS, PIANGO and Transparency International PNG) called on the Government of PNG to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.<sup>48</sup>

44. JS10 also urged the Government to provide human rights defenders, civil society members and journalists with a safe and secure environment in which they can carry out their work. It urged to review and amend criminal defamation provisions in the Cybercrime Act to ensure that it is in line with ICCPR article 19 and international law and standards in the area of the freedom of expression.<sup>49</sup>

### **3. Economic, social and cultural rights**

*Right to health*<sup>50</sup>

45. Team Porgera (Joint Submission 4 - JS4) stressed that the government must ratify a convention on the free community health-care plan to save lives and rescue those people in need of health care.<sup>51</sup>

46. Human Rights Watch reiterated that hospitals and rural medical services should be properly funded, and that rural nurses and doctors be adequately trained to prevent women and girls from dying during childbirth.<sup>52</sup>

47. Joint Submission 1 (JS1-the Leprosy Mission Papua New Guinea and the International Federation of Anti-Leprosy Associations (ILEP) in collaboration with the PNG Disability Sector Coalition (DSC) and the PNG Assembly of Disabled Persons (ADP)) recommended to speak directly to the civil society and organisations of persons with disability during national emergencies, such as Covid-19. Through speaking to these groups, the Ministries can ensure that everyone can access the information they need to stay safe and healthy. All midwives, nurses, and other healthcare professionals working within maternal health services should also be provided with training and information that will equip them to provide the best possible care for persons with disability and leprosy.<sup>53</sup>

48. The Ministry of Health should hold the public accountable to the Mental Health Act 2015, and begin the process of scaling up mental health services within the country. By working in partnership with the civil society, they can make plans to better care for this woefully underserved population within PNG and raise awareness about mental illness, which will reduce stigma.<sup>54</sup>

*Right to education*<sup>55</sup>

49. Joint Submission 1 (JS1 - the Leprosy Mission Papua New Guinea and the International Federation of Anti-Leprosy Associations (ILEP) in collaboration with the PNG Disability Sector Coalition (DSC) and the PNG Assembly of Disabled Persons (ADP)) stressed that the Government should provide more training and resources (including assistive technology) to schools and teachers so they are better equipped to cater to the needs of children with disability and children affected by leprosy. They should approach the civil society and organisations of persons with disability to seek support in developing resources that will best equip schools to challenge discrimination in the classroom and welcome pupils with disabilities back.<sup>56</sup>

50. The Government should, in the period leading up to the next UPR, begin collecting comprehensive data that details the school attendance rates of children with disabilities and children affected by leprosy. The Government should immediately increase funding for institutions that are delivering academic courses and training workshops for mainstream and specialist teachers of children with disabilities.<sup>57</sup>

51. Joint Submission 11 (JS11) recommended to increase the number of children who have access to education, particularly by implementing the Government Tuition Fee Subsidy Policy and providing adequate resources to schools throughout the country.<sup>58</sup>

#### 4. Rights of specific persons or groups

##### *Women*<sup>59</sup>

52. The International Center for Advocates Against Discrimination (ICAAD) recommended to implement national programs to change prevailing social norms, address gender roles within schools and community and implement programs to promote income equality and increase political participation of women. It also advised to strengthen legislation to criminalize all forms of GBV including sexual harassment and introduce measures that limit the use of contentious factors in the sentencing of GBV cases including de facto provocation, reconciliation, and other gender stereotypes and victim-blaming.<sup>60</sup>

53. Joint submission 1 (JS1 - the Leprosy Mission Papua New Guinea and the International Federation of Anti-Leprosy Associations (ILEP) in collaboration with the PNG Disability Sector Coalition (DSC) and the PNG Assembly of Disabled Persons (ADP)) recommended that any Government-based interventions to tackle gender-based violence should include perspectives from women with disabilities and leprosy so that these interventions will not forget their specific needs. Often their experiences of gender-based violence are even more horrific than those you hear from the wider female population. Their voices must be heard and they must be included in all related interventions.<sup>61</sup>

54. Human Rights Watch stressed to investigate acts of violence against women and girls, including domestic violence and sorcery related violence (SARV), and prosecute perpetrators, regardless of the location of the offense or the suspect. It highlighted the necessity to ensure availability of shelter, medical, psychosocial, legal, and other services for survivors of domestic violence and sorcery related violence (SARV), including in rural areas.

55. Human Rights Watch advised to establish a system to provide a financial safety net for survivors of family violence and sorcery related violence (SARV) who require assistance to meet their family's basic needs, including those who become destitute due to a separation from an abusive partner.<sup>62</sup>

56. ICAAD urged PNG to take concrete measures to protect women, who remain marginalized, discriminated against and at the high risk of being subjected to violence.<sup>63</sup>

57. Team Porgera (Joint Submission 4 - JS4) recommended that women and young girls be given the equal opportunity to contest on all electorates including the governor seat and a total of 112 seats must be created for women and girls to participate in the governing of the nation.<sup>64</sup>

58. Joint Submission 11 (JS11 - International Catholic Centre of Geneva, Callan Services for Persons with Disabilities National Unit (CSNU), Caritas PNG, Dominicans for Justice and Peace, Edmund Rice International (ERI), Femili PNG, International Catholic Mission Society (Missio), Istituto Internazionale Maria Ausiliatrice, Lae Circuit Lutheran Youths, Magna Carta PNG Inc (MCPNGI), Marist International Solidarity Foundation (FMSI), Papua Native Landowners Association Inc, Piginini Watch PNG, PNG Council of Churches, Papua New Guinea Flying Labs, PNG Tribal Foundations, Project Sepik, World Vision and Youth for Change) recommended to ensure women's representation in politics and decision-making institutions by amending the Organic Law on the Integrity of Political Parties and Candidates and providing support to women candidates.<sup>65</sup>

*Children*<sup>66</sup>

59. Human Rights Watch recommended to raise the age of criminal responsibility to a minimum age of at least 14 years or older and direct funding and support to child protection services. It also encouraged to implement national strategies to improve access to healthcare for children and make primary education compulsory and free and implement the Safe Schools Declaration.<sup>67</sup>

60. Team Porgera (JS4) highlighted the need to place kids whose parents have died from HIV and Aids in orphanages when they are homeless without any one to caretaker to give them access to education.<sup>68</sup>

61. Joint Submission 11 (JS11) encouraged to improve the healthcare of children, in particular by ensuring access to health services and facilities adequately equipped throughout the country and fight against child mortality notably by increasing the supervision of births by skilled health workers.<sup>69</sup>

62. Global Partnership to End Violence Against Children (Joint Submission 5 - JS5) noted with concern the legality of corporal punishment of children in Papua New Guinea and hoped that Papua New Guinea will enact a legislation to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, and repeal article 278 of the Criminal Code 1974 and article 42 of the Constitution, as a matter of urgency.<sup>70</sup>

*Persons with disabilities*

63. Human Rights Watch recommended to develop targeted measures to address barriers faced by people with a disability, especially in urban areas; monitor and measure impact of reducing discrimination and improving access to services.<sup>71</sup>

64. Joint submission 1 (JS1 - the Leprosy Mission Papua New Guinea and the International Federation of Anti-Leprosy Associations (ILEP) in collaboration with the PNG Disability Sector Coalition (DSC) and the PNG Assembly of Disabled Persons (ADP)) stressed that PNG has yet to pass comprehensive disability legislation. The PNG government should pass the draft Disability Bill that has been under development since 2018. The Government should work harder to ensure that the CRPD is being implemented properly and the violations of the Convention are addressed. Disability Inclusion and Human Rights should be a compulsory subject in all Law and Justice training. This will limit the number of persons with disability who are not receiving adequate support from the judicial system.<sup>72</sup>

65. JS1 urged to appoint a Vision 2050 Disability Champion to be responsible for ensuring that Vision 2050 programmes of action ensure access to and mainstreaming of disability rights. The Disability Champion should have regular consultations with civil society and organisations of persons with disabilities so that the latest issues are addressed. This Disability Champion should have the necessary resources to achieve effective monitoring. The Government should also be deliberate about including the voices of persons with disability in the development of the Medium Term Development Plan IV (2023–2027).<sup>73</sup>

*Minorities and indigenous peoples*

66. Joint Submission 9 (JS9 - Cultural Survival and the American Indian Law Clinic of the University of Colorado) recommended to ensure that the Free, Prior and Informed Consent of Indigenous Peoples is achieved before approving any permits for extractive industries on or near their lands. They also promoted consultation with affected communities to improve government regulation and oversight of existing extractive industries operating in the country and engagement with Indigenous communities to study and put in place culturally relevant efforts to combat intra-tribal violence. In this context, the government should consult with Indigenous Peoples to develop mitigation strategies for the impacts of climate change and adopt a national plan that will implement the principles outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>74</sup>



*Migrants, refugees, asylum seekers and internally displaced persons*<sup>75</sup>

67. Human Rights Watch urged to 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. PNG should 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.<sup>76</sup>

68. Joint Submission 6 (JS6 - Asia Pacific Refugee Rights Network (APRRN) and the Global Detention Project (GDP)) recommended to investigate the challenges faced by refugees who have chosen to settle in PNG, including the registration of marriage and births of children, access to support, and freedom of movement within the country – and take genuine steps to address these challenges as well as those related to family reunion eligibility and requirements for refugees. It urged to review the Migration Act to include provisions that will increase refugee protection and commit to full implementation of the National Refugee Policy.<sup>77</sup>

69. JS6 stressed that Bomana Immigration Centre should not be used in its current condition for anyone with a deportation order and ensure that the detention of anyone at this facility is for the shortest possible time. The detention facility needs to have appropriate material conditions and people in detention need to be provided with frequent access to means of communications, access to lawyers and visitors and independent detention monitors. It also requested to commission an independent investigation of the operation of Bomana Immigration Centre in 2019-20 and the circumstances of the arrest of the 53 men detained there.<sup>78</sup>

70. Amnesty International recommended that all asylum seekers with negative asylum assessments should be entitled to appeal their decision through a fair trial process, and that no person is returned to their country of origin in breach the principle of non-refoulement.<sup>79</sup>

71. Joint Submission 12 (JS12 - Catholic Bishops Conference of Papua New Guinea and Solomon Islands and CARITAS PNG) called on the government to totally uplift the 7 reservations on the Refugee Convention to benefit all refugees in PNG, to prioritize issuing legal identity documents to all West Papuan refugees recognized by the government and provide support to this group to ensure they have access to meaningful employment and financial independence.<sup>80</sup>

72. They also advised to consult widely and formulate an inclusive national policy framework in line with the Guiding Principle on Internal Displacement (OCHA) aimed at preventing human induced displacement, providing protection, humanitarian assistance, and durable solutions.<sup>81</sup>

## 5. Specific regions or territories

73. Joint Submission 8 (JS8 - Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen’s Constitutional Forum (CCF)) requested respect and assistance to the people of Bougainville as they fulfil their aspirations for self-determination.<sup>82</sup>

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *Civil society*

#### *Individual Submissions:*

AI	Amnesty International;
OHR	Oceania Human Rights;
ICAAD	The International Center for Advocates Against Discrimination;

CHR	The UPR Project at BCU Centre for Human Rights, School of Law Birmingham City University;
WCDF	West Coast Development Foundation.
<i>Joint Submissions:</i>	
JS1	<b>Joint Submission 1 submitted by:</b> The Leprosy Mission Papua New Guinea and the International Federation of Anti-Leprosy Associations (ILEP) in collaboration with the PNG Disability Sector Coalition (DSC) and the PNG Assembly of Disabled Persons (ADP);
JS2	<b>Joint Submission 2 submitted by:</b> Kaleidoscope and Sexual Rights Initiative – SRI;
JS3	<b>Joint Submission 3 submitted by:</b> Center for Environmental Law and Community Rights (CELCOR), Evangelical Lutheran Church of Papua New Guinea (ELCPNG) and Ozeanien-Dialog(OD);
JS4	<b>Joint Submission 4 submitted by:</b> Team Porgera;
JS5	<b>Joint Submission 5 submitted by:</b> Global Partnership to End Violence Against Children;
JS6	<b>Joint Submission 6 submitted by:</b> Asia Pacific Refugee Rights Network (APRRN) and the Global Detention Project (GDP);
JS7	<b>Joint Submission 7 submitted by:</b> Joint Submission from the World Coalition Against the Death Penalty and Eleos Justice;
JS8	<b>Joint Submission 8 submitted by:</b> Joint Submission of the Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen’s Constitutional Forum (CCF);
JS9	<b>Joint Submission 9 submitted by:</b> Cultural Survival and the American Indian Law Clinic of the University of Colorado;
JS10	<b>Joint Submission 10 submitted by:</b> Joint Submission of CIVICUS, PIANGO and Transparency International PNG;
JS11	<b>Joint Submission 11 submitted by:</b> International Catholic Centre of Geneva, Callan Services for Persons with Disabilities National Unit (CSNU), Caritas PNG, Dominicans for Justice and Peace, Edmund Rice International (ERI), Femili PNG, International Catholic Mission Society (Missio), Istituto Internazionale Maria Ausiliatrice, Lae Circuit Lutheran Youths, Magna Carta PNG Inc (MCPNGI), Marist International Solidarity Foundation (FMSI), Papua Native Landowners Association Inc, Pikinini Watch PNG, PNG Council of Churches, Papua New Guinea Flying Labs, PNG Tribal Foundations, Project Sepik, World Vision and Youth for Change;
JS12	<b>Joint Submission 12 submitted by:</b> Joint Submission of the Catholic Bishops Conference of Papua New Guinea and Solomon Islands and CARITAS PNG;
JS13	<b>Joint Submission 13 submitted by:</b> Hetura NCD LGBT Group and KP Advocacy Consortium PNG;
JS14	<b>Joint Submission 14 submitted by:</b> Papua New Guinea Tribal Foundation (PNGTF), Highlands Women Human Rights Defenders Movement (HWHRDM), Morobe Development Foundation (MDF), and Youth for Change (YFC).

<sup>2</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of

	the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

- <sup>3</sup> For relevant recommendations see A/HRC/33/10, paras. 104.1–104.25.
- <sup>4</sup> Amnesty International, page 4.
- <sup>5</sup> JS7: Joint Submission from the World Coalition Against the Death Penalty and Eleos Justice, para 7.1.
- <sup>6</sup> JS 14: Joint Submission 14 (JS14 - Papua New Guinea Tribal Foundation (PNGTF), Highlands Women Human Rights Defenders Movement (HWRDM), Morobe Development Foundation (MDF), and Youth for Change (YFC)), para 3.3.
- <sup>7</sup> JS6: Joint Submission of Asia Pacific Refugee Rights Network (APRRN) and the Global Detention Project (GDP), para 3.3.
- <sup>8</sup> Human Rights Watch, para 35.
- <sup>9</sup> Oceania Human Rights submission.
- <sup>10</sup> Oceania Human Rights submission.
- <sup>11</sup> JS10: Joint Submission of CIVICUS, PIANGO and Transparency International PNG, para 6.5.
- <sup>12</sup> Human Rights Watch, para 40.
- <sup>13</sup> The International Campaign to Abolish Nuclear Weapons (ICAN) submission.
- <sup>14</sup> JS8: Joint Submission of the Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen's Constitutional Forum (CCF), para 2.6.
- <sup>15</sup> JS10: Joint Submission of CIVICUS, PIANGO and Transparency International PNG, para 6.6.
- <sup>16</sup> JS4: Team Porgera submission, para 21.1.
- <sup>17</sup> The UPR Project at BCU, Centre for Human Rights page 8.
- <sup>18</sup> JS4: Team Porgera submission, para 3.2.
- <sup>19</sup> JS2: Kaleidoscope and Sexual Rights Initiative – SRI page 4.
- <sup>20</sup> Human Rights Watch para 30.
- <sup>21</sup> JS13: Joint Submission of Hetura NCD LGBT Group and KP Advocacy Consortium PNG, paras 23–25.
- <sup>22</sup> S8: Joint Submission of the Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen's Constitutional Forum (CCF), para 5.1.
- <sup>23</sup> For relevant recommendations see A/HRC/33/10, paras 104.154–104.157.
- <sup>24</sup> Amnesty International page 5.
- <sup>25</sup> Oceania Human Rights submission.
- <sup>26</sup> The Centre for Environmental Research & Development (CERD), para 1.
- <sup>27</sup> Joint Submission 3, para III Recommendations.
- <sup>28</sup> JS4: Team Porgera submission, para 7.4.
- <sup>29</sup> Joint Submission 3, para III Recommendations.
- <sup>30</sup> JS4: Team Porgera submission, para 6.6.
- <sup>31</sup> West Coast Development Foundation, page 4.
- <sup>32</sup> For relevant recommendations see A/HRC/33/10, paras 104.128–104.131, 104.180–104.191.
- <sup>33</sup> JS4: Team Porgera submission, para 10.1, 10.3 and 10.5.
- <sup>34</sup> JS7: Joint Submission from the World Coalition Against the Death Penalty and Eleos Justice, para 7.1.
- <sup>35</sup> The UPR Project at BCU, Centre for Human Rights page 8.
- <sup>36</sup> Submission from the International Center for Advocates Against Discrimination (ICAAD), page 6.
- <sup>37</sup> The European Centre for Law and Justice (ECLJ), para 17.

- <sup>38</sup> The European Centre for Law and Justice (ECLJ), para 17.
- <sup>39</sup> JS14: Joint Submission of Papua New Guinea Tribal Foundation (PNGTF), Highlands Women Human Rights Defenders Movement (HWHRDM), Morobe Development Foundation (MDF), and Youth for Change (YFC), para 3.5.
- <sup>40</sup> Human Rights Watch, paras 20–21.
- <sup>41</sup> Human Rights Watch, para 23.
- <sup>42</sup> Amnesty International, page 4.
- <sup>43</sup> JS2: Kaleidoscope and Sexual Rights Initiative–SRI page 5.
- <sup>44</sup> JS4: Team Porgera submission, para 1.2.
- <sup>45</sup> JS4: Team Porgera submission, para 2.5.
- <sup>46</sup> For relevant recommendations see A/HRC/33/10, paras 104.69.
- <sup>47</sup> JS8: Joint Submission of the Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen’s Constitutional Forum (CCF), para 6.1.
- <sup>48</sup> JS10: Joint Submission of CIVICUS, PIANGO and Transparency International PNG, para 6.2.
- <sup>49</sup> JS10: Joint Submission of CIVICUS, PIANGO and Transparency International PNG, para 6.3.
- <sup>50</sup> For relevant recommendations see A/HRC/33/10, paras 104.141–104.146.
- <sup>51</sup> JS4: Team Porgera submission, para 8.2.
- <sup>52</sup> Human Rights Watch, para 13.
- <sup>53</sup> JS1: Joint Submission on the rights of persons with disability and persons affected by leprosy within PNG, page 6.
- <sup>54</sup> JS1: Joint Submission on the rights of persons with disability and persons affected by leprosy within PNG, page 7.
- <sup>55</sup> For relevant recommendations see A/HRC/33/10, paras 104.51, 104.70, 104.147, 104.149.
- <sup>56</sup> JS1: Joint Submission on the rights of persons with disability and persons affected by leprosy within PNG, page 5.
- <sup>57</sup> JS1: Joint Submission on the rights of persons with disability and persons affected by leprosy within PNG, page 5.
- <sup>58</sup> JS11: International Catholic Centre of Geneva, Callan Services for Persons with Disabilities National Unit (CSNU), Caritas PNG, Dominicans for Justice and Peace, Edmund Rice International (ERI), Femili PNG, International Catholic Mission Society (Missio), Istituto Internazionale Maria Ausiliatrice, Lae Circuit Lutheran Youths, Magna Carta PNG Inc (MCPNGI), Marist International Solidarity Foundation (FMSI), Papua Native Landowners Association Inc, Pikinini Watch PNG, PNG Council of Churches, Papua New Guinea Flying Labs, PNG Tribal Foundations, Project Sepik, WorldVision and Youth for Change, para 17.
- <sup>59</sup> For relevant recommendations see A/HRC/33/10, paras. 104.52, 104.60–104.128.
- <sup>60</sup> Submission from the International Center for Advocates Against Discrimination (ICAAD), page 6.
- <sup>61</sup> JS1: Joint Submission on the rights of persons with disability and persons affected by leprosy within PNG, page 4.
- <sup>62</sup> Human Rights Watch para 13.
- <sup>63</sup> Submission from the International Center for Advocates Against Discrimination (ICAAD), page 6.
- <sup>64</sup> JS4: Team Porgera submission, para 4.3.
- <sup>65</sup> JS11: International Catholic Centre of Geneva, Callan Services for Persons with Disabilities National Unit (CSNU), Caritas PNG, Dominicans for Justice and Peace, Edmund Rice International (ERI), Femili PNG, International Catholic Mission Society (Missio), Istituto Internazionale Maria Ausiliatrice, Lae Circuit Lutheran Youths, Magna Carta PNG Inc (MCPNGI), Marist International Solidarity Foundation (FMSI), Papua Native Landowners Association Inc, Pikinini Watch PNG, PNG Council of Churches, Papua New Guinea Flying Labs, PNG Tribal Foundations, Project Sepik, World Vision and Youth for Change, para 2.
- <sup>66</sup> For relevant recommendations see A/HRC/33/10, paras 104.54, 104.119.
- <sup>67</sup> Human Rights Watch para 19.
- <sup>68</sup> JS4: Team Porgera submission, para 14.2.
- <sup>69</sup> JS11: International Catholic Centre of Geneva, Callan Services for Persons with Disabilities National Unit (CSNU), Caritas PNG, Dominicans for Justice and Peace, Edmund Rice International (ERI), Femili PNG, International Catholic Mission Society (Missio), Istituto Internazionale Maria Ausiliatrice, Lae Circuit Lutheran Youths, Magna Carta PNG Inc (MCPNGI), Marist International Solidarity Foundation (FMSI), Papua Native Landowners Association Inc, Pikinini Watch PNG, PNG Council of Churches, Papua New Guinea Flying Labs, PNG Tribal Foundations, Project Sepik, World Vision and Youth for Change, para 30.
- <sup>70</sup> JS5: Global Partnership to End Violence Against Children submission, page 1.
- <sup>71</sup> Human Rights Watch para 35.
- <sup>72</sup> JS1: Joint Submission on the rights of persons with disability and persons affected by leprosy within PNG, page 2.

- <sup>73</sup> JS1: Joint Submission on the rights of persons with disability and persons affected by leprosy within PNG, page 3.
- <sup>74</sup> JS9: Joint Submission from the Cultural Survival and the American Indian Law Clinic of the University of Colorado, pages 7–8.
- <sup>75</sup> For relevant recommendations see A/HRC /33/10, paras 104.161.
- <sup>76</sup> Human Rights Watch para 38.
- <sup>77</sup> JS6: Joint Submission of Asia Pacific Refugee Rights Network (APRRN) and the Global Detention Project (GDP), para 4.2.16.
- <sup>78</sup> JS6: Joint Submission of Asia Pacific Refugee Rights Network (APRRN) and the Global Detention Project (GDP), para 4.3.11.
- <sup>79</sup> Amnesty International, page 5.
- <sup>80</sup> JS12: Joint Submission of the Catholic Bishops Conference of Papua New Guinea and Solomon Islands and CARITAS PNG, page 6.
- <sup>81</sup> JS12: Joint Submission of the Catholic Bishops Conference of Papua New Guinea and Solomon Islands and CARITAS PNG, page 8.
- <sup>82</sup> JS8: Joint Submission of the Diplomacy Training Program (DTP), Pacific Islands Association of NGOs (PIANGO) and Citizen’s Constitutional Forum (CCF), para 13.1.
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