RIGHT TO INFORMATION, FREEDOM OF EXPRESSION AND MEDIA FREEDOM IN PAPUA NEW GUINEA

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TRANSPARENCY INTERNATIONAL PAPUA NEW GUINEA INC.

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Situation in Papua New Guinea

Issue 1: Right to Information

- **Implementation of previous recommendation:**
  - ✓ **Brazil:** Consider reviewing current legislation on access to information, with the aim of strengthening, both online and offline, the rights to privacy, to freedom of expression and to peaceful assembly and association.
  - ✓ **Marshall Islands:** Introduce legislation on access to information that is in line with international standards.

New developments:

- ✓ A Draft National Right to Information Policy is currently being developed through the PNG Open Government Partnership Platform. It underwent a series of consultation with the final validation being held in June 2026.
- ✓ In 2023, The Supreme Court of PNG in the case of ***Mesulam v Joku,*** passed a landmark ruling establishing the public-interest test for withholding official documents.

Situation in Papua New Guinea

Issue 1: Right to Information

- **Current Situation:**
  - ✓ Right to Information remains a protected right under section 51 of the PNG Constitution.
  - ✓ Despite the constitutional guarantee on Right to , PNG still has no Right to Information legislation.
  - ✓ Courts remain important in interpreting and upholding the constitutional right to information - in the absence of RTI legislation

Recommandations

Issue 1: Right to Information

We recommend that the Papua New Guinea government to:

- **PRIORITISE** the enactment of a Right to Information (RTI) Act giving full effect to Constitution s.51 of the Constitution.
- **ESTABLISH** an independent RTI Commission dedicated to facilitate information requests and order disclosure.
- **DEMONSTRATE** a culture of proactive disclosure of high-value public information in a timely manner.

Situation in Papua New Guinea

Issue 2: Freedom of Expression

- **Implementation of previous recommendation:**
  - ✓ **Spain:** Guarantee the rights to freedom of expression and association, by reviewing the regulations that have the effect of limiting the exercise of those rights and freedoms and persecuting their defenders.

- **New Developments:**
  - ✓ The **Cybercrime Code Act 2016** has been used in criminalise genuine online expression including those by human rights defenders.
  - ✓ In 2024, the Government Passed the **National Counter-Terrorism Act 2024** giving broad definition of “Terrorism”. Executive powers used under this act to In March 2025 to shut down Facebook for a day without prior notice, leaving roughly 1.4 to 1.6 million users in the country offline.
  - ✓ In 2025, the Government endorsed the **National Social Media Policy 2025**, introducing measures including digital ID requirements and greater oversight of social media platforms.

Situation in Papua New Guinea

Issue 2: Freedom of Expression

- **Current Situation:**
  - ✓ Freedom of expression remains a protected right under Section 46 of the in PNG Constitution.
  - ✓ Emerging development in the digital space (policy and legislative) pose a risk of limiting genuine public discourse.
  - ✓ No clear safeguards to protect freedom of expression and ensure that legitimate public discourse can continue without undue interference.

Recommandations

Issue 2: Freedom of Expression

We recommend that the Papua New Guinean government to:

- **REVIEW & AMEND** criminal defamation provisions in the **Cybercrime Code Act 2016** to ensure these are in line with ICCPR article 19 and international law and standards on freedom of expression.

- **REVIEW & AMEND** the **National Anti-Terrorism Act 2024** to narrow the definition of “terrorism” and ensure that its provisions cannot be used to criminalise peaceful online expression.

- **REVIEW** the **National Social Media Policy 2025** in line with ICCPR article 19 and international law and standards on freedom of expression.

- **ENSURE** protection of human rights defenders, whistleblowers and public-interest critics from harassment, intimidation and targeted lawsuits.

Thank you!

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- CIVICUS
- Pacific Island Association of Non-Government Organisations (PIANGO)
- Transparency International Papua New Guinea (TIPNG)