STATEMENT

Pre-Session Papua New Guinea
Geneva, Switzerland | 25th August 2026
Delivered by: Transparency International Papua New Guinea

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My name is Mariah, and I am speaking on behalf of Transparency International Papua New Guinea (PNG), with our partners CIVICUS and the Pacific Island Association of Non-Government Organisations.

Our submission focuses on two interconnected areas of civic space in PNG. These are Access to information and Freedom of expression.

These rights are constitutionally protected in PNG. However, there remains a significant gap between these constitutional guarantees and the ability to exercise these rights in practice

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ISSUE 1 — RIGHT TO INFORMATION

In the last UPR cycles, two recommendations were put forward by Brazil and Marshall Islands, to review and introduce Law on Right to Information in accordance with international standards.

Access to Information is a guaranteed right under Section 51 of the PNG Constitution. This section further calls for the enactment of a RTI law. To date, there is no law RTI Law.

The passing of a Right to Information Law has been a long-standing reform for PNG. Since the last cycle there has been notable progress:

- A Draft National Right to Information Policy is currently being developed through the PNG Open Government Partnership Platform. The policy has undergone a series of consultations, with its final validation held in June 2026. Once endorsed by the National Executive Council , it will then pave the way for the drafting of the RTI Law.

- The courts play an important role in upholding citizens' rights to access information. As seen in the recent case of *Mesulam v Joku*, whereby the PNG Supreme Court in 2023, passed a landmark ruling on section 51 of the PNG constitution. The ruling established a public interest test that must be satisfied by the responding agency when assessing a request for information under section 51.

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While the ruling set an important judicial precedence - the reliance on litigation alone cannot provide an accessible and predictable system for citizens, journalists and civil society seeking public information. There is still a need for the government to establish an legal mechanism through which citizens can fully exercise that right.

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As such, we now recommend that the Government of Papua New Guinea:

- Prioritize the Enactment of a Right to Information Act giving full effect to Section 51 of the Constitution.

- Establish an independent RTI Commission to facilitate requests and order disclosure.

- Demonstrate a culture of proactive disclosure by making high-value public information available in a timely manner.

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ISSUE 2 — FREEDOM OF EXPRESSION

During the previous UPR cycle, Spain recommended that Papua New Guinea guarantee the rights to freedom of expression and association by **reviewing regulations that limit the exercise of these rights and by protecting their defenders**.

Since the last review, we have documented three (3) key legislative & policy developments related to freedom of expression

- The **Cybercrime Code Act 2016** has been used in criminalise genuine online expression including those by human rights defenders. Notably In 2024, an environmental human rights defender was arrested and charged under the Act after re-sharing social media content concerning a senior public officer of a state agency. In the same year, a gender activist was arrested and charged for defamation by her former partner over a social media posts in which she shared her reactions to the overturning of his criminal convictions.

- In 2024 the PNG Government passed the **National Counter-Terrorism Act** . This act establishes a broad definition of "terrorism" which civil society fear could be used to restrict freedom of expression and public discourse if not applied properly. As seen in the recent event in 2025, the Papua New Guinea government using executive powers under the Act, shut down Facebook for a day without prior notice, leaving roughly 1.4 to 1.6 million users in the country offline.[1]

- In October 2025, the Government also endorsed the **National Social Media Policy 2025**, introducing greater oversight of social media platforms. The policy aims to regulate online behaviour by requiring users aged 14 and over to obtain a digital ID to access social media platforms, mandating platform registration and compliance with PNG laws

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[1] Silenced nation: the unprecedented Facebook shutdown in PNG - Devpolicy Blog from the Development Policy Centre

Freedom of expression remains a protected right under Section 46 of the PNG. While emerging development in the digital space (policy and legislative), are intended to regulate online behaviour, it must not seek to restrict this right. Government must ensure that the regulation of online spaces be done in a manner that is justified, proportionate and accompanied by **clear safeguards** to protect freedom of expression and ensure that legitimate public discourse can continue without undue interference.

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We therefore recommend that the Government of Papua New Guinea:

- Review and amend the criminal defamation provisions of the Cybercrime Code Act 2016 to ensure they are consistent with Article 19 of the ICCPR and international standards on freedom of expression.

- Review and amend the National Counter-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 to ensure that it complies with Article 19 of the ICCPR and international standards on freedom of expression.

- Ensure protection for human rights defenders, whistleblowers and public-interest critics from harassment, intimidation and targeted lawsuits.

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Thank you for your attention