



General Assembly

Distr.: Limited
13 May 2011

Original: English

UNEDITED VERSION

Human Rights Council

Working group on the universal periodic review

Eleventh session

Geneva, 2-13 May 2011

Draft report of the Working Group on the Universal Periodic Review¹

Papua New Guinea

¹ The final document will be issued under the symbol A/HRC/18/18. The annex to the present report is circulated as received.

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its eleventh session from 2 to 13 May 2011. The review of Papua New Guinea was held at the 16th meeting on 11 May 2011. The delegation of Papua New Guinea was headed by Mr. Robert G. Aisi, Ambassador and Permanent Representative of Papua New Guinea at the United Nations. At its 17th meeting held on 13 May 2011, the Working Group adopted the report of Papua New Guinea.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Papua New Guinea: Cameroon, Maldives and Switzerland.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Papua New Guinea:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/11/PNG/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/11/PNG/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/11/PNG/3).
4. A list of questions prepared in advance by Czech Republic, Ireland, Latvia, Norway, Slovenia, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Papua New Guinea through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Papua New Guinea stated that its UPR report was part of its obligation under General Assembly Resolution A/Res/60/251 as well as Human Rights Council Resolution 5/1. The report, it added, outlines the human rights situation in the country in a frank manner, describes how the various human rights treaties to which it is party are being implemented, notes achievements and best practices, and highlights challenges and constraints Papua New Guinea face.
6. Papua New Guinea then described the consultative process engaged in the preparation of the report. It was highlighted that an inter-agency committee was formed which included: as co-Chairs the Departments of Foreign Affairs and Trade and Community Development; the Justice and Attorney General, National Planning and Rural Development, Finance, Labor and Industrial Relations, Ombudsman Commission, the Correctional Services, Constitutional and Law Reform Commission, the Supreme Court, University of Papua New Guinea and other stakeholders.
7. Papua New Guinea added that a smaller sub-group from this inter-agency committee, the National UPR Taskforce, was tasked to compile inputs from stakeholders and prepare the UPR Report.

8. It was then highlighted that a rigorous consultation process was undertaken with stakeholders throughout the country which included: Government Departments and Agencies, Non-Governmental Organizations, Churches, civil society, academia, community leaders, youth representatives and other relevant stakeholders. The Taskforce organized four regional consultations which engaged stakeholders at the provincial, district, and local levels. The consultation undertaken was open, transparent and all-inclusive.

9. Papua New Guinea declared that, like other countries it is faced with human rights issues and challenges. It was considered that most of these challenges can be attributed, among others, to the country's current stage of development; cultural diversity, which though not an excuse is a very distinct feature of the country, lack of basic health, education and other services and inaccessibility to government services.

10. Papua New Guinea stated further that while it agreed that governments must take ownership and provide leadership in addressing human rights issues, one of the most effective ways to accomplish this is to work with the United Nations, the donor community, the private sector, and civil society stakeholders

11. Papua New Guinea then explained that it considered that the UPR process and the presentation of its report to the Human Rights Council, to be part of its efforts to garner the collective support of the international community to address human rights issues in the country. It added that the recent visit of the Special Rapporteur on Torture signaled the country's willingness to be open and frank in dealing with the challenges it faces.

12. Papua New Guinea affirmed that its National Constitution accords all persons living in the country the basic rights and freedoms espoused by the Universal Declaration of Human Rights. It noted that the country has ratified most United Nations human rights conventions. It explained that the delay in ratification of certain instruments should be attributed to the country's lack of resources and capacity constraints.

13. It was added that the country has put in place the necessary laws and institutional mechanisms to address human rights issues but that it was experiencing an increase in human rights challenges such as sorcery-related killings and the use of cheap/affordable mobile telephones services and access to internet to commit human rights violations. Papua New Guinea recognized the need to review existing laws to address these fast evolving phenomena.

14. It was then highlighted that the country has put in place relevant laws to deal with issues such as domestic and sexual violence, and child and youth protection. Relevant institutions are being set up to address human rights issues and complement on-going work. The ongoing process to establish a National Human Rights Commission was given as an example and it was affirmed that with all aspects of structure, finance and other resolved it is envisaged that this Commission should begin to operate in 2012.

15. It was stated, moreover, that other critical challenges to be addressed include improvements in correctional services and rehabilitation, empowerment of women in politics and business, gender equality, lack of appropriate legal framework, lack of capacity, access to legal and justice services, lack of basic services, health and education related issues, infrastructural developments, HIV/Aids, climate change and cultural diversity.

16. Papua New Guinea stated further that the current economic situation will change significantly due to the development of the multibillion dollar liquefied natural gas (LNG) project in the country. Aided by this important economic project, the country will experience unprecedented economic growth and development and by 2020, the projected GDP would be around US\$ 24 billion.

17. Papua New Guinea added that the greatest challenge would be the translation of that economic growth to tangible benefits to address the development challenges facing the country, such as the improvement of vital infrastructure networks, provision of basic education and health services and the improvement of the standard of living for the majority of the population.

18. It was acknowledged that socio-economic development has not been impressive with high illiteracy, lack of basic education, health services, infrastructure and increased lawlessness. Additionally, the country is far behind in its Human Development indicators and is ranked 145 of 175 countries. This scenario poses significant challenges for the country to achieve the Millennium Development Goals (MDGs) by 2015.

19. Papua New Guinea stated that, in its efforts to address these and other challenges, it had undertaken important initiatives such as, among others, the establishment of the Papua New Guinea Human Rights Commission, the establishment of the Law and Justice Sector Program, the National Land Development Program and National Policy on Disability. It was added that these important initiatives require support and assistance through partnerships with the international community.

20. Finally, the delegation of Papua New Guinea declared that it was prepared to engage in frank and open discussions on the human rights situation in the country. The hope was expressed that through the interactive dialogue, constructive ideas could be discussed on how to address human rights challenges facing the country.

B. Interactive dialogue and responses by the State under review

21. During the interactive dialogue, 36 delegations made statements. The delegation of Papua New Guinea was thanked for its frank presentation of the report, for responses to questions and for the country's constructive engagement in the universal periodic review process. Recommendations made during the dialogue are to be found in section II of the present report.

22. Australia commended Papua New Guinea for its efforts to strengthen the rule of law and justice and progress towards greater gender equality in the justice system and access to justice. It noted the success of the "Let's Look Out for Moresby" program and encouraged Papua New Guinea to address the concerns of the Special Rapporteur on Torture following his visit. It made recommendations.

23. Switzerland praised Papua New Guinea's efforts to bridge certain legislative gaps in the field of human rights protection and encouraged it to continue these initiatives. It expressed concern over the situation of women and the excessive use of force by security forces, notably cases of torture. It highlighted that the last execution had taken place in 1954. Switzerland made recommendations.

24. Indonesia fully supported Papua New Guinea's efforts to raise the standard of living of its population. It encouraged the Government to ensure that the stipulations of the conventions to which Papua New Guinea is a party to are fully incorporated into domestic law. Indonesia encouraged Papua New Guinea's efforts to ensure that women and girls victims of violence have access to immediate and effective means of redress and protection. Indonesia made recommendations.

25. Nicaragua welcomed Papua New Guinea's transparency in preparing the national report. It noted the long-term vision of plans and policies for development and poverty alleviation, particularly participation of women and reintegration of detainees into society. It invited Papua New Guinea to take advantage of the UPR for its national project "Vision 2050". It made a recommendation.

26. Algeria noted that Papua New Guinea was a young country, emerging from the long and complex night of colonialism and, like Algeria, had the moral duty to be constantly engaged in decolonization. It noted that despite natural resource wealth, economic and social rights continued to be a challenge, notably the right to food, to health, to housing and access to drinking water and sanitation. It made recommendations.

27. Slovenia welcomed the adoption of the Equality and Participation Bill, the Sexual Offences and Crimes against Children Act, and the launch of the National Disability Policy. It was concerned by the persistence of domestic violence and gender discrimination, and by reports of abuse of power by the police. Slovenia regretted delays in ensuring the rights of persons with disability and that education was neither free nor compulsory. Slovenia made recommendations.

28. The Czech Republic noted with concern that only a small percentage of the population was registered at birth and that this may negatively impact on the legal status of women. It was also concerned at torture and systematic beatings of detainees upon arrest, or within the first hours of detention, and at the fact that those who attempt to escape from prisons are often tortured and disabled upon recapture. It made recommendations.

29. Malaysia commended Papua New Guinea for its commitment to socio-economic development, demonstrated by its "Vision 2050". It shared the view that progress in poverty eradication, infrastructure development, economic growth and human resource development, contributed to the fulfilment of human rights. It noted challenges regarding unemployment, violence against women and girls, HIV/AIDS, administration of justice and rule of law. It made recommendations.

30. Slovakia welcomed the inclusion of new offences, like marital rape in the Criminal Code. It acknowledged the challenges faced by Papua New Guinea due to environmental threats as a result of climate change, and natural disasters. It noted that, in 2010, CEDAW called on Papua New Guinea to strengthen its efforts to provide a discrimination and violence-free educational environment. Slovakia made recommendations.

31. Brazil regretted that Papua New Guinea's national report had been submitted late and asked that information be provided about the difficulties encountered in its preparation. It commended the revision of criminal legislation on rape and greater protection for women. It noted a need for further efforts to combat abuse and discrimination of women. It recognized initiatives towards a national education policy and expressed concern over violence against children and child prostitution. It made recommendations.

32. Germany asked how the Government ensured the application of the 2003 law to protect persons affected by HIV/AIDS from discrimination. It noted that the Special Rapporteur on Torture indicated that police beatings often reached the level of torture, as defined in CAT. Germany also noted that CEDAW had expressed concerns at reports of brutal torture, killings of women and girls, especially old women, accused of witchcraft. Germany made recommendations.

33. Thailand welcomed steps taken towards the establishment of a national human rights institution, noting that once it was established, it could join the Asia Pacific Forum on NHRIs. It was concerned that poverty, and certain traditional values and cultures, placed women and children in vulnerable positions. It noted a need to ensure that the local village court justice system meet international human rights standards. It made recommendations.

34. China noted that Papua New Guinea actively promoted women's participation in the decision-making process and protected children's rights. It commended Papua New Guinea's efforts to improve medical and health services, to reduce infant and maternal mortality and to prevent the spread of HIV/AIDS. China called on the international

community to provide the necessary assistance to Papua New Guinea. China made a recommendation.

35. Maldives stated that it was important that the UPR WG understand that Papua New Guinea, like Maldives, faces enormous challenges because of its size, geography and capacity constraints. Noting that Papua New Guinea's projected GDP will nearly be the double in 2020, it stated that business projects should be people-centered, and executed with respect for human rights and caution because of their environmental risk. Such projects, in Maldives' opinion, have the potential to further enhance the promotion of human rights. Maldives made recommendations.

36. Papua New Guinea highlighted that the country understood that awareness question was an issue that had to be addressed, and which had emerged in the regional consultations undertaken in the preparation of the national report.

37. Regarding questions raised concerning law enforcement agencies, it was explained that this issue had been raised many times and that a policy is now being examined which would hold the perpetrators responsible. It was added that these are discussions that need to be undertaken. Moreover, a need for training and awareness programs within the various different law enforcement agencies exists. Papua New Guinea added that the visit of the Special Rapporteur on Torture had been instructive, and the recommendations made were being undertaken in terms of review.

38. In response to comments and recommendations made during the interactive dialogue, with respect to questions raised regarding the death penalty, it was pointed out that at present the death penalty is a part of the country's laws and that only at such a time when Parliament repeals or amends the law will that law be not applicable. Courts have in some cases invoked the death penalty. However, in all of those cases, the penalty has been commuted to life sentence through an appeal to the Supreme Court. It was explained that it would, therefore, be slightly erroneous to state that a moratorium exists, if such a statement is taken to imply that the death penalty has not been invoked. Nevertheless, there has been much debate on this issue and this is a discussion that has to be undertaken within the communities.

39. As for birth registration, it was clarified that the Department of Community Development has now undertaken a role in addressing this issue. On this, it was stated that once again there was a need of greater awareness on the part of parents and the communities to take the necessary steps to register births.

40. Regarding domestic violence, Papua New Guinea stated that the issue had been addressed and underscored that such acts are criminal offences. It was further stated that this is another matter that requires awareness of law enforcement agencies to ensure that these adequately treat the issue as a crime.

41. Papua New Guinea added that the ratification of the Convention of Persons with Disabilities is being seriously considered and that consultations have already taken place.

42. Papua New Guinea then provided information on action taken regarding HIV AIDS, explaining that the stigmatization of persons with the disease had been criminalized nearly a decade ago. It was added that in recent times there has been a slight drop in the rates of HIV-AIDS as a result of awareness raising and the provision of retroviral medication to persons with HIV.

43. On sorcery, Papua New Guinea acknowledged that this has been a major issue but reiterated that the country's great diversity is a challenge and called on the international community to assist the country to address this reality. It was recalled that the legislation concerning the matter is currently under review and details of this process were provided, which is being conducted by the Constitutional and Law Reform Commission.

44. Regarding questions on education, it was highlighted that this is also an issue that is being addressed and the economic projects described should effect this matter. It was explained that one of the issues that should be kept in mind is that 400 of the 800 languages which exist in the country are used in the elementary schools, which is a form of education.

45. **Morocco** welcomed the Government for its ambitious vision of the country's development over a period of 40 years. It asked for more information on this project, notably the necessary budget, as well as possible assistance that could be accorded from the international community. Morocco reiterated its appeal to the international community to provide Papua New Guinea with all necessary assistance in order to face its challenges and ultimately guarantee the full realization of human rights. Morocco made a recommendation.

46. **Japan** expressed concern at the proliferation of domestic and sexual violence against women and children as well as human trafficking and forced labour, while it took positive note of the adoption of the National Strategic Plan 2010-2050 on women and gender development. It also noted the launch of a National Disability Policy based on the Convention on the Rights of the Persons with Disabilities. Japan made recommendations.

47. **The Republic of Korea** expressed the belief that the ratification of the CRPD should follow the adoption of recent measures such as the 2009 National Policy on Disabilities and the National Advisory Committee on Disability. It commended the Government for initiatives for the promotion of human rights in spite of environmental threats. It made recommendations.

48. **Poland** appreciated the adoption of numerous policies, plans and programmes in the framework of the National Strategic Plan – Papua New Guinea Vision 2050, though it noted that with concern that human rights infrastructures and legislation were not yet fully developed. Poland was concerned at the persistence of harmful practices affecting women and girls and insufficient anti-discriminatory legislation. Poland made recommendations.

49. **France** noted with satisfaction that the death penalty had not been applied in Papua New Guinea since 1954. It highlighted that the Special Rapporteur on Torture had noted grave dysfunctions in the penitentiary system in May 2010. It asked about progress made in establishing a national human rights institution and shared CEDAW's concerns on the persistence of discrimination against women. It made recommendations.

50. **Norway** welcomed the recent commitment by Papua New Guinea to halt deforestation, a step that will help protect the indigenous habitat and ecosystem, but it was concerned at reports that the 2010 amendment to the Environment Act undermined the rights of indigenous communities regarding their customary lands. Norway wished to see reports on measures taken by the Government to fight sexual abuse. Norway made recommendations.

51. **Hungary** commended Papua New Guinea for the enactment of the Lakautim Pikinini Act, which aims to provide wider protection to all children in the country. It asked for information on measures taken to ensure the rights of persons internally displaced because of natural disasters. Hungary expressed concern that the current legal framework resulted in the creation of three categories of refugees and that informally adopted children were forced to work long hours and deprived of education and medical treatment. Hungary made recommendations.

52. **The United States of America** were concerned about widespread violence against women and girls; underrepresentation of women and non-Melanesians in the Parliament; public corruption; human trafficking, including women and children subjected to forced prostitution and involuntary domestic servitude; police misconduct including excessive use of force, severe abuse of detainees and very poor conditions of prisons. It made recommendations.

53. **Canada** welcomed the Government's consideration to establish an independent human rights commission and the adoption of the National Strategic Plan - Papua New Guinea Vision 2050, to address low social and economic indicators. It was, however, concerned at ongoing discrimination and violence against women and children, including sexual violence, as well as persistent police and intertribal violence and impunity, poor prison conditions and abuse of detainees. Canada made recommendations.

54. **Mexico** welcomed legislative measures taken in the field of health, child protection and people with disabilities. It also welcomed the existence of the Ombudsman Commission and hoped that the initiative to create a human rights commission would succeed. It asked about the vulnerability of indigenous peoples to natural disasters. It made recommendations.

55. **Spain** asked about measures taken to improve access to sanitary assistance and drinking water in view of epidemics of cholera and tuberculosis and the high incidence of HIV/AIDS. Additionally, noting that Parliament had recently rejected a draft law aimed at reserving a certain number of seats for women, it asked and about action taken to guarantee gender equality. It made recommendations.

56. **Chile** congratulated Papua New Guinea for the wide consultation process undertaken in the preparation of the national report and for the future establishment, in 2012, of a human rights commission, in conformity with the Paris Principles. It noted Papua New Guinea's challenges in socio-economic development and environment, highlighting the creation of a government authority evaluating the consequences of climate change and development. It made recommendations.

57. Regarding the creation of the Human Rights Commission, Papua New Guinea explained that proposed legislation has been drafted and is currently under review though there have been some delays. However the delegation conveyed that the commitment to establish this overdue and vital body was there.

58. On CEDAW, Papua New Guinea explained that it had presented its report in May last year and that currently it was working on creating a framework whereby the Government would attempt to address various issues, including legislation. The commitment to protecting the rights of women, the rights of children and in fact the rights of everybody is guaranteed in the Constitution, under the provision that related to equality. However it was a question of implementation.

59. In relation to the Environment Act, it was explained that the current situation is that it is before the courts and the constitutionality of it is being challenged.

60. On issues regarding trafficking in persons, Papua New Guinea explained action is being taken to address this issue. Papua New Guinea has been consulting with various countries n this issue.

61. On the issue of corruption, the delegation noted that there was widespread community awareness of this issue and it needed to be addressed. The colleagues of the Ombudsman Commission, created under the Constitution as an independent body from the government, were working with the government to attend many of the issues that arise as a result of corruption. It was added that there is a national anti-corruption strategy and that Papua New Guinea has signed the Convention dealing with corruption.

62. The call for civil society in general to be included in the way forward after these consultations was noted and it was reiterated that civil society had been consulted. It noted that on many issues it was imperative that all of society and all of government are involved in consultations.

63. As for questions raised on the increase in representation of women in Parliament, it was stated that the issue was before Parliament that is seating this week. The delegation noted however that Papua New Guinea had three levels of government and the provincial level and local government level already have mandatory provisions within relevant laws that apply and also women who serve in those levels of government.

64. **Holy See** noted that around 800 tribes with diverse languages and cultural traditions made Papua New Guinea a true mosaic of peaceful coexistence and respect. It congratulated the efforts made to conserve and protect the identity of these groups and to ensure freedom of religion and expression. It made recommendations.

65. **Cuba** noted that despite important natural resources, Papua New Guinea faced challenges such as improvement of infrastructure, education and health services, and standard of living. This situation was made worse with the global financial crisis and unjust economic order. It highlighted Papua New Guinea's basic education policy and National Health Plan. It made recommendations.

66. **Argentina** welcomed the 2010-2050 National Strategic Plan and asked about results achieved to date regarding advancement of women. It made recommendations.

67. **New Zealand** was deeply concerned about the extremely high rate of maternal mortality and morbidity, and stated that violence was a serious problem for women and girls in Papua New Guinea. It was also concerned about sexual and physical attacks of women, a lack of accountability for perpetrators of such abuses, possible moves to curtail the powers of the Ombudsman, and inhuman treatment and torture in prisons. It made recommendations.

68. **South Africa** appreciated that the national report had set out the challenges faced by Papua New Guinea to ensure the effective enjoyment of all human rights by its population. Those challenges included reporting to Treaty Bodies and lack of capacity to implement fully various policies. It encouraged the international community to provide Papua New Guinea with the technical assistance required to overcome those challenges. It made recommendations.

69. **Costa Rica** noted Papua New Guinea's call for technical assistance and encouraged it to make use of all available tools to obtain it. It congratulated the country for action taken regarding sexual and domestic violence and for its commitment to ratify the core human rights instruments. It recognized the country's challenges and expressed concern for the impact of climate change and environmental degradation. It made recommendations.

70. **The United Kingdom of Great Britain and Northern Ireland** was concerned at the alarming reports of police abuse and urged Papua New Guinea to end impunity for such abuses. It requested further information on the Government's response to the report by the Special Rapporteur on Torture after his visit. It also noted a deeply rooted negative perception of women and the increase in reports of sorcery-related crime. It made recommendations.

71. **Haiti** welcomed Papua New Guinea and the open and inclusive approach taken in the preparation of the national report. Haiti made recommendations.

72. **Cameroon** noted with interest the legislative measures taken for the promotion of civil and political rights as well as economic and social rights, notably legislation on sexual crimes against minors, treatment and prevention of HIV/AIDS, protection of children and juvenile justice. It called on the assistance of the Council and the international community for the country.

73. **Samoa** acknowledged Papua New Guinea's efforts to prepare the national report and highlighted the 11th UPR session as special since four Pacific island countries were

reviewed. It congratulated Papua New Guinea for the progress made in treaty ratification, for submitting its 2010 report to CEDAW, and for progress made in legislative reform on sexual violence and crimes against women and children. It made recommendations.

74. Papua New Guinea thanked the delegations that had spoken. Regarding questions on cooperation with Treaty Bodies, Papua New Guinea reiterated what had been stated about the need to cooperate with international organizations such as UNDP and regional organizations such as UNESCAP. It was recalled that a consequence of being a UN member is the issue of reporting, which is often a challenge because of capacity issues faced. Papua New Guinea explained that these obligations are important to the country.

75. On the proposed amendments to curtails Ombudsman's power, it was explained that these are currently being challenged before the Supreme Court and that the judicial process should address the issue in due time.

76. With regard to the ratification of treaties it was reiterated that all efforts will be made to address this issue. On invitations to Special Rapporteurs, it was explained that the country would welcome further visits and that the country was open to such visits.

77. In conclusion, Papua New Guinea reiterated that the reporting process had been very important and had involved all of the citizens. The report presented was forthright and attempted to cover as much as possible. Papua New Guinea called on the international community to assist the country. It was clarified that the help required was not so much financial, but rather technical, such as the exchange of expertise, social workers and others. Papua New Guinea acknowledged the contribution of many donors, including partners in the Pacific, Asia and Europe. Papua New Guinea thanked speakers for their remarks and contributions and affirmed that the country would try its best to make sure that the framework of human rights and the Constitutional provisions are respected.

II. Conclusions and/or recommendations

78. The recommendations listed below have been examined by Papua New Guinea and enjoy its support:

1. **Consider becoming party to important international legal instruments other than those to which it is party (Indonesia);**
2. **Consider the possibility of signing and ratifying the main universal human rights instruments to which it is not yet party (Haiti);**
3. **Accede to the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women and fully incorporate the Convention on the Elimination of All Forms of Discrimination against Women into domestic legislation without delay (United Kingdom);**
4. **Study the possibility of ratifying CAT, OP-CEDAW and CED (Argentina);**
5. **Consider ratifying CAT (Poland);**
6. **Consider ratifying the Convention on the Rights of Persons with Disabilities, believing that the ratification should follow recent measures such as the launch of National Policy on Disability in 2009 and the establishment of the National Advisory Committee on Disability (Republic of Korea);**
7. **Proceed to ratify Convention on the Rights of Persons with Disabilities (CRPD) (Australia);**

8. **Ratify the Convention on the Rights of People with Disabilities (Slovenia);**
9. **Ratify CRPD and incorporate a disability perspective into its Vision 2050 and other development plans and programmes (Maldives);**
10. **Withdraw the reservations issued to seven articles to the Convention relating to the Status of Refugees 1951 (Hungary);**
11. **Continue working towards the harmonization of its national legislation with those rights contained in international human rights norms to which Papua New Guinea is a State party to (Nicaragua);**
12. **Pursue efforts with regional and international communities in seeking financial and technical assistance to domesticate ratified international treaties (Samoa);**
13. **Incorporate the provisions of CEDAW, ratified in 1995, into the domestic legal system (Poland);**
14. **Harmonize national legislation and carry out the necessary efforts in order to implement the CEDAW (Mexico);**
15. **Take appropriate measures to fully implement CEDAW (Hungary);**
16. **Develop further and implement policies and legislation aimed at gender equality and the empowerment of women, including combating all forms of gender-related violence (Brazil);**
17. **Consider reinforcing the legal framework for the prevention of violence against women (Argentina);**
18. **Take steps to implement a comprehensive legal framework addressing all forms of violence against women and children (Canada);**
19. **Introduce and implement a comprehensive legal framework to protect women and girls against all forms of gender-based violence and in particular that it introduces legislation that prohibits domestic violence (Norway);**
20. **Make every effort to eliminate domestic violence, with special attention to enact and implement a comprehensive legal framework addressing all forms of violence against women, sharing the international communities' concerns on the lack of laws specifically prohibiting violence against women and girls within the family (Republic of Korea);**
21. **Accelerate its review of the law on sorcery and sorcery-related killings and to strengthen enforcement of relevant legislation. (Czech Republic);**
22. **Review the law on sorcery and sorcery-related killings and investigate, prosecute and punish perpetrators of such crimes (Poland);**
23. **Pursue efforts with regional and international communities in seeking financial and technical assistance to establish a National Human Rights Institution (Samoa);**
24. **Undertake all measures to ensure the establishment of the National Human Rights Commission with the support of the international community (Thailand);**
25. **Take the necessary steps towards the establishment of a national human rights institution, in accordance with the Paris Principles (Canada);**

26. **Continue the process for the establishment of a National Human Rights Institution in conformity with the Paris Principles (Morocco);**
27. **Continue efforts to consolidate a National Human Rights Institution in accordance with the Paris Principles (Costa Rica);**
28. **Complete the establishment of the National Human Rights Institution (Maldives);**
29. **Establish a national human rights institution in accordance with the Paris Principles (Poland);**
30. **Establish a national human rights institution in accordance with the Paris Principles (Argentina);**
31. **Establish a National Human Rights Institution in line with the Paris Principles (Norway);**
32. **Ensure the establishment of an independent National Human Rights Commission, in line with the Paris Principles, by 2012 as stated in the national report (South Africa);**
33. **Create as early as possible a national institution for the protection of human rights in conformity with the Paris Principles (France);**
34. **Without delay, meet its stated intent of establishing an independent national human rights institution in accordance with the Paris Principles (New Zealand);**
35. **Undertake a national awareness campaign about the lasting negative effects of gender-based violence (United States of America);**
36. **Support efforts to create safe places for women who have been victims of gender-based violence (New Zealand);**
37. **Take necessary measures to implement the National Disability Policy (Japan);**
38. **Promote the creation of a database regarding persons with disabilities with the objective of guiding relevant policies to made their rights effective (Mexico);**
39. **Improve its cooperation with the UN Treaty Bodies by reporting on the implementation of its obligations under the Conventions it has ratified; namely ICESCR, ICCPR, ICERD, CEDAW and the CRC (Norway);**
40. **Consider requesting technical cooperation and assistance for the preparation and submission of reports to the UN Treaty Bodies (Chile);**
41. **Pursue efforts with regional and international communities in seeking financial and technical assistance to report on and implement ratified treaties, and UPR follow-up (Samoa);**
42. **Extend a standing invitation to Special Procedures mandate-holders as a way of informing and supporting human rights reforms (Maldives);**
43. **Extend an open and standing invitation to all special procedures, welcoming with satisfaction the official invitation to the Special Rapporteur on Torture in 2010 (Spain);**
44. **Issue an invitation to the UN Special Rapporteur on Violence against Women (Slovenia);**

45. **Extend an invitation to the UN Special Rapporteur on Violence against Women, its Causes and Consequences to visit Papua New Guinea (Norway);**
46. **Invite the Special Rapporteur on Violence against Women to visit the country (Canada);**
47. **Take further steps to promote the rights of women and end all forms of discrimination experienced by the female population of Papua New Guinea (South Africa);**
48. **Adopt a national gender policy and an action plan aimed to ensure equality between men and women within the framework of domestic law (Switzerland);**
49. **Take measures to ensure greater representation in Parliament for women (New Zealand);**
50. **Take effective measures to prevent alleged abuse and violence by police officers, encouraging the Government to respond appropriately to the Special Rapporteur on Torture's concern and recommendations on this matter (Republic of Korea);**
51. **Continue to take a comprehensive approach through its law and justice, civil society and health programs to address the high incidence of violence against women (Australia);**
52. **Undertake more effective measures to address the problems of impunity and violence against women and girls including through strengthening of law enforcement and the judicial system (Malaysia);**
53. **Consider prohibiting corporal punishment by law within the family and other institutions (Chile);**
54. **Modify its legislation to ensure that the provisions prohibit and penalize the sale and trafficking of girls and boys under the age of 18 for sexual and labour exploitation (Hungary);**
55. **Increase efforts to prosecute offenders of human trafficking, identify and protect trafficking victims, and make efforts to prevent trafficking crimes (United States of America);**
56. **Enhance human rights training for police forces and ensure their accountability for respecting human rights (Slovenia);**
57. **Ensure a comprehensive HR training for its law enforcement personnel with a view to prevent any excessive use of force and to investigate, prosecute and punish the perpetrators of such HR violations in accordance to international standards (Slovakia);**
58. **With the continued support of the international community, reinforce the capacity of law enforcement authorities through awareness-raising of police and other law enforcement officials to ensure their compliance with international human rights standards and by adopting relevant legislation (Japan);**
59. **Conduct relevant human rights training for senior police (New Zealand);**
60. **Look to replicate successful programs which aim to keep adolescents out of the prison system wherever possible (Australia);**

61. **Enhance the transparency of its public decision making and the use of public resources for public purposes (United States of America);**
 62. **Take necessary measures ensuring that all children are registered at birth (Czech Republic);**
 63. **Ensure that all children are registered at birth and make every effort to register all persons not previously registered (Slovakia);**
 64. **Increase efforts to ensure the registration of all children at birth (Brazil);**
 65. **Continue its committed efforts in economic and social development and improving people's living standard so as to protect effectively the rights of its people (China);**
 66. **Continue implementing strategies and plans for the socio-economic development of the country (Cuba);**
 67. **Continue implementing programs and measures aimed at ensuring universal and quality health and education services to all its population (Cuba);**
 68. **Prioritise efforts to achieve the maternal health and basic education Millennium Development Goals (Australia);**
 69. **Redouble efforts to reduce maternal mortality, including through the recent maternal health ministerial taskforce and the emergency response action plan (New Zealand);**
 70. **With international assistance, intensify efforts against the spread of HIV/Aids in the country with more attention to prevention and care for affected children (Algeria);**
 71. **Continue its leading international efforts to tackle global warming, including by reminding developed countries and other major emitting states of their obligation to help promote and protect human rights by reducing greenhouse gas emissions to safe-levels. (Maldives);**
 72. **Continue taking measures that favour the increase of enrolment rates in all its territory (Chile);**
 73. **Take appropriate measures in accordance with its international obligations aimed at ensuring universal education including free and compulsory primary education (Malaysia);**
 74. **Pursue efforts with regional and international communities in seeking financial and technical assistance to advance human rights in Papua New Guinea (Samoa);**
 75. **Engage civil society in the UPR follow-up process (Poland);**
79. The following recommendations will be examined by Papua New Guinea which will provide responses in due time, but no later than the 18th session of the Human Rights Council in September 2011.
1. **Take steps to ratify all human rights instruments (Norway);**
 2. **Ratify as soon as possible important international human rights instruments to which it is not yet a party, *inter alia*, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with**

- Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance and issue a standing invitation to Special Procedures (Japan);
3. Consider ratifying CAT and its Optional Protocol, and CRPD (Brazil);
 4. Ratify the Convention against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment (Slovenia);
 5. Consider acceding to the main international human rights instruments of which it is not party, particularly CAT and its Optional Protocol (Costa Rica);
 6. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), as well as its Optional Protocol (Switzerland);
 7. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and accede to its Optional Protocol (United Kingdom);
 8. Ratify the Convention against Torture and the Optional Protocol thereto and to bring the definition of torture in line with the international standards in order to criminalize such treatment (Czech Republic);
 9. Ratify the CAT and its Optional Protocol, and consider designating the NHRI, when established, as the country's National Preventive Mechanism (Maldives);
 10. Become party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (New Zealand);
 11. Sign and ratify CAT, CED and CRPD (Spain);
 12. Accede, as a priority, to ICMW as well as to the Convention on the Rights of Persons with Disabilities and to the two Optional Protocols to the CRC (Algeria);
 13. Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, a protocol to the Convention against Transnational Organized Crimes (United States of America);
 14. Ratify the 1954 Convention related to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness (Slovakia);
 15. Consider ratifying ILO Convention 169 and take operational steps to implement the UN Declaration on the Rights of Indigenous Peoples (Norway);
 16. Ensure without delay the full incorporation of CEDAW provisions into domestic law, and take further steps to prevent all forms of gender-based violence (Slovenia);
 17. Put in place legislation ensuring the equality of men and women and prohibiting discrimination against women (Canada);
 18. Eliminate any legislation that has discriminatory effects against women in family and public life in consistency with CEDAW, by, inter alia, including "gender" as a prohibited ground of discrimination in its Constitution (Norway);

19. **Review its national legislation so as to repeal all laws giving rise to discrimination against women and girls, with the aim to bring the domestic system into line with the commitments made at the international level (Switzerland);**
20. **Amend its legislation to include the principle of equality between men and women and for the Parliament to adopt the Equality and Participation Bill in order to enhance gender equality in the political sphere (Norway);**
21. **Develop a legislative reform package to eliminate gender-based violence (Germany);**
22. **Enact and implement a comprehensive legal framework addressing all forms of violence against women (Poland);**
23. **Adopt an adequate legal framework to combat all forms of violence against women and put in place an effective complaint system in order to bring the perpetrators of these acts before justice (France);**
24. **Adopt legislative measures to eliminate gender-violence and ensure that all women and girls victims of gender violence have access, among others, to sanitary, legal and emergency services as recommended by CEDAW (Spain);**
25. **Withdraw support from the proposed amendment which would curtail the power of the Ombudsman Commission especially its ability to investigate independently human rights violations (United Kingdom);**
26. **Consider including the component of human rights education and training in its national education programme as well as the training programmes for the Police and those who administrate justice (Costa Rica);**
27. **Develop proactive strategies for economic development and social cultural transformation with the priorities given to addressing the problems of discrimination against women, gender-based violence, HIV/AIDS epidemic, child labour, corporal punishment of children and sorcery-related killings (Thailand);**
28. **Strengthen its cooperation with Treaty Bodies and to give the highest possible attention to the recommendations of the CRC and the CEDAW and different UN joint reports (Haiti);**
29. **Implement the recommendations of the Special Rapporteur on torture in order to remedy to the violations to fundamental rights highlighted, by him during his visit notably, the generalized ill-treatment of detainees, the total absence of rights of incarcerated persons, degrading conditions of detention and the absence of a control mechanism, leading to excessive periods of preventative detention (France);**
30. **Increase involvement in matters of state by women and ethnic minorities (United States of America);**
31. **Abolish the death penalty in its legislation, while taking note of the absence of executions in the country since 1954 (Spain);**
32. **Abolish the death penalty and adopt laws favouring the protection of women, and to combat domestic violence (Holy See);**

33. Fully abolish the death penalty (Czech Republic);
34. Take steps to abolish the death penalty entirely, including the ratification of the second OP to ICCPR (Slovakia);
35. Invest adequate financial and manpower resources to improve its prison conditions, to the level required by its human rights obligations (United States of America);
36. Take effective measures to ensure that the condition of persons in detention are in conformity with relevant international standards (Canada);
37. Prohibit corporal punishment of children in all settings and ensure protection against child labour and child prostitution (Slovenia);
38. Implement effective criminal justice mechanisms to combat impunity (United States of America);
39. Implement strict judicial measures to fight impunity, including the investigation and prosecution of racial hatred and related violence through criminal legal proceedings and other measures (Canada);
40. Take stronger measures to professionalize the police force by demanding accountability and retraining key personnel, including seeking the assistance of international law enforcement experts (United States of America);
41. Carry out effective and independent investigations of allegations of excessive use of force by the security forces to bring perpetrators of these acts to justice and ensure that victims benefit from full reparations (Switzerland);
42. Investigate all cases of torture and bring perpetrators to justice (Czech Republic);
43. Ensure that all complaints of violence, including sexual violence against detainees perpetrated or facilitated by police are fully investigated and that suspected perpetrators are brought to justice, in line with concerns raised by the Special Rapporteur on Torture (Germany);
44. Provide comprehensive human rights training for law enforcement officers, including on issues related to forced eviction and violence against detainees and to racial discrimination and xenophobia (Canada);
45. Take immediate measures to investigate cases of brutal torture and killings of girls and women, especially old women, accused of witchcraft, and to prosecute and punish perpetrators (Czech Republic);
46. Vigorously investigate all reports of sorcery-related killings to ensure that the perpetrators are brought to justice; and develop and implement strategies, including social and cultural change, to prevent further killings (United Kingdom);
47. Circulate and implement the recently adopted UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the “Bangkok Rules”, and seek necessary support from the UNODC and the OHCHR (Thailand);
48. Ensure that all complaints on gender-based violence, regardless of perpetrators, be investigated and brought to justice (Maldives);

49. Undertake effective measures to ensure accessibility of legal and judicial services to persons in rural and remote areas (Malaysia);
50. Implement programs to increase human rights awareness of village and community leaders as well as develop measures to ensure that decisions made by village courts are in line with international standards, particularly the principle of non-discrimination; and at the same time, undertake measures to promote among its citizens, greater awareness of their rights and access to the formal judicial system (Thailand);
51. Provide adequate judicial review and compensation for cases of government projects that cause negative environmental impacts on land and resources of traditional land-owners to ensure that their rights to property and right to environment are duly respected. Engagement with local communities in the decision-making process of any government project should also be promoted (Thailand);
52. Decriminalize sexual relations between consenting adults of same sex (Slovenia);
53. Decriminalize sexual relations between consenting adults of the same sex (France);
54. Amend national legislation to include “sexual orientation” and “gender” as prohibited grounds for discrimination (United Kingdom);
55. Take concrete and practical measures to protect human rights defenders who according to a UN joint report have been threatened, attacked and in some cases murdered (Haiti);
56. Review its laws related to abortion, and more specifically, to remove punitive provisions imposed on women who undergo abortion and provide them with access to quality services for the management of complications arising from unsafe abortion (Czech Republic);
57. Step up efforts to improve and conserve the environment including by strengthening the relevant laws and providing its public with the necessary information, education and awareness regarding the impacts of climate change, environmental pollution and degradation (Malaysia);
58. Increase its scrutiny over extractive and logging industries and associated companies and businesses, with a view to reducing its negative impact on the environment and consequently, its unwarranted effects on the full enjoyment of human rights (Maldives);
59. Review its legal measures and if necessary, request the necessary technical assistance so as to ensure that boys and girls of all regions of the country have access to free and compulsory primary education (Mexico);
60. Ensure all children’s accessibility to education, including by providing necessary resources to the educational system (Slovakia);
61. Consider the possibility of ensuring free and compulsory education, at least at the primary level (Algeria);
62. Guarantee universal basic education, in accordance with the international human rights treaties it had ratified, and ensure that primary education is compulsory and free for all (Indonesia);

63. **Ensure compulsory, free and accessible primary education for all. Enhance also the availability and accessibility of secondary and higher education and close the gender gap at all levels of education (Slovenia);**
64. **Ensure that primary education is free and compulsory and also prioritize the accessibility of secondary education making it progressively free in accordance with the new Universal Plan on Basic Education (Spain);**
65. **Adopt further measures to ensure universal primary education free of charge (Brazil);**
66. **Continue working towards the elimination of the user-pay policy for education with the aim of providing free primary education, as per Millennium Development Goal 2 (South Africa);**
67. **Work closely with its citizens, especially the indigenous population in order to promote environmental protection (Norway);**
68. **Stop the increasing deforestation and indiscriminate exploitation of minerals since on one hand this limits the right of indigenous peoples to live in their traditional agricultural lands and on the other hand, contributes enormously to the ecosystem's imbalance and accelerates climate change with the negative consequences it brings (Holy See);**
69. **Review the 2010 amendment to the Environment Act in order to ensure consistency with the objectives of the UN Declaration on the Rights of Indigenous Peoples. (Norway);**
80. The recommendations below did not enjoy the support of Papua New Guinea.
 1. **Continue to suspend capital punishment by putting in place, as a first step, a *de jure* moratorium against executions and eventually abolishing the death penalty (Switzerland);**
 2. **Confirm the *de facto* moratorium on the death penalty by definitively and *de jure* abolishing the death penalty in all circumstances (France);**
81. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Papua New Guinea was headed by Mr. Robert G. Aisi, Ambassador and Permanent Representative of Papua New Guinea at the United Nations in New York and composed of the following members:

- Mr Sakias Tameo, Director – International Organisations Branch, Department of Foreign Affairs and Trade;
 - Mr Joseph Molita, Legal Adviser, Ombudsman Commission of Papua New Guinea;
 - Mr Patrick Niembo, Legal Adviser, Ombudsman Commission of Papua New Guinea;
 - Mrs Nanai Puka-Areni, Legal Adviser, Papua New Guinea Constitutional Law and Reform Commission; and
 - Mr. Dino Mas, Second Secretary, Permanent Mission of Papua New Guinea to the United Nations in New York.
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