



Universal Periodic Review (UPR)
for
Independent State of Papua New Guinea

25th Session (April - May 2016)

NGO Submission

by

International Presentation Association (IPA)

(with Special Consultative Status with UN ECOSOC)

Submitted in Geneva, September 2015

Introduction:

- 1.1 The International Presentation Association (IPA) is an NGO with special consultative status with the Economic and Social Council at the United Nations. Representing Presentation women, Associates and co-workers, the IPA has over two thousand members living and working in 23 countries. The IPA is particularly concerned with: human rights, women and children, indigenous peoples, the environment and sustainable living.
- 1.2 This report is based on a Research Project conducted in 2014 by a Papuan New Guinea women, and is written in her third language.¹ The Report draws on the work and experience of the Sisters and other workers in consultation with 1,709 men, women and youth in the various villages in both Coastal and Highland areas in of Papua New Guinea. Included in this project were the Leaders in Health Care and Education Services for the different regions.² The author of the report was commissioned by IPA to raise awareness of human rights issues and the UPR and how this impacts upon the lives of the people. The case studies and reports in the Appendix are part of this Research Project.
- 1.3 The project was conducted in regions of Papua New Guinea typical of the less developed areas of the country where the majority of people depend on subsistence living.
- 1.4 Whilst this report is based on the lives and experiences of the people in certain regions, the issues highlighted within would be common to other regions of Papua New Guinea, especially in the more remote communities. The recommendations made here, if implemented, will prevent the continued contravention of the people of Papua New Guinea's Human Rights and fundamental freedoms and respect the inherent dignity of all citizens.

¹ *The Voice of Women, Children and Indigenous People of Papua New Guinea*. 2014 (Name of Author and areas where the author visited are withheld to protect the Author and those who participated in the research Project.)

² Appendix (i)

Human Rights Issues Identified in the Research Project³

1. Issues Affecting Women and Girls

2.1 PNG remains a strongly patriarchal society, where women and girls are considered to have no intrinsic dignity or rights within the society. The report highlighted several case studies in which women and girls have been subjected to various forms of abuse; verbal, physical and particularly sexual⁴. These accounts on the prevalence of rape against women has been further documented in independent studies which suggests that as many as 50% of women have experienced rape⁵. It has also been corroborated in the reports of the Special Rapporteurs who have recently visited PNG in the intervening years since the previous PNG UPR Review⁶.

2.2 This environment, in which violence against women and girls is endemic, contributes to the following realities and perceptions noted in the report:

- i. Lack of security and law and order;
- ii. Fear of being beaten, raped and robbed;
- iii. Fear of those affected by drug addiction and alcoholism;
- iv. Traditional beliefs of the power of evil which affects personal safety (sanguma);
- v. Women and girls who have HIV, (or accused of having HIV) are denied an education and other basic needs;
- vi. Lack of infrastructure such as proper health facilities or roads help contribute to high mortality rates;
- vii. Pregnant teenagers are denied an education and often left to raise their child alone;
- viii. Education for women and girls is seen as not important in this patriarchal context.
- ix. Emphasis is placed on the traditional roles of women.

2.3 These illustrate clear violations of fundamental human rights and present a failing of the PNG government to achieve its obligations under the 6 human rights instruments

³ Op.cit P. 3

⁴ Appendix IV

⁵ Rachel Jewkes, Emma Fulu, Tim Roselli, Claudia Garcia-Moreno (2013) 'Prevalence of and factors associated with non-partner rape perpetration: findings from the UN Multi-country Cross-sectional Study on Men and Violence in Asia and the Pacific'. 1(4) *The Lancet* 323

⁶ See UN Human Rights Council, *Report of the special Rapporteur on extrajudicial, summary or arbitrary executions*, 30 March 2013, A/HRC/29/37 Add.1 and *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, 18 March 2013, A/HRC/23/49 Add.2

ratified, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁷.

2.4 Despite some positive legislative progress in recognising and combating these problems⁸, the lack of effective law and order undermines the enforcement and protection of women's rights. One aspect of the problem is the lack of access to the justice system, both in terms of police and the judiciary, for remote communities. An increase in personnel and resources which can service these communities is urgently needed. In addition to this, and in line with previous commitments from the PNG government,⁹ it is necessary for such personnel to have adequate training in protection of human rights particularly as they relate to the rights of women.

2.5 In relation to the wider promotion of human rights throughout the community, PNG still falls significantly behind. The research project clearly showed that, prior to the implementation of this project, there was little or no awareness of human rights among the people of these regions. It further shows that minimal progress has been made since 2011 both in establishing a National Human Rights Institute and in mainstreaming human rights through national education programmes¹⁰. When presented with the Millennium Development Goals the people stated the MDGs 'mean nothing to us because our rights are not being met'.

2.6 The establishing of "Safe Houses" is an urgent need for the many women and children affected by violence; particularly in regard to those women and children in fear of their lives or banished from their villages due to accusations of sorcery.¹¹ Currently such services are non-existent. As the report illustrates, many women and girls feel trapped in abusive households due to lack of viable avenues through which they can escape their situation. Social and psychological support for women and programmes for rehabilitation are also essential. At the same time men and boys in the community need to be exposed to training programmes confronting their behaviour and attitudes especially when it comes to violence against women and children. They also need access to programmes to address personal and communal attitudes related to violence in general.

⁷ Instruments ratified include: the *International Covenant on Civil and Political Rights* (ICCPR), *International Covenant on Economic, Social and Cultural Rights* (ICESCR), the *International Convention for the Elimination of All Forms of Racial Discrimination* (CERD), the *Convention on the Rights of the Child* (CRC), the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) and the *Convention on the Rights of Persons with Disabilities* (CRPD).

⁸ The passing of the *Family Protection Act 2013* was an important step towards combating violence against women

⁹ PNG accepted recommendations on this contained in the *Report of the Open Working Group on the Universal Periodic Review: Papua New Guinea, A/HRC/18/18* (for example see recommendation 79.26)

¹⁰ Again a recommendation accepted in the previous UPR report but legislative progress in implementing this has remained in limbo for many years.

¹¹ See Rapporteur's Reports, Appendix IV, Case Studies 1-5

2.7 Law and order has been reported as being largely ineffective due to various factors, including: lack of legislation at the PNG Government level, poor training of police and magistrates, irregular payments of salary and insufficient funding, particularly for basics such as petrol for their vehicles or availability of vehicles. The system as such fails to protect women and youth against the perpetrators of violence in violation of the PNG Constitution which uniquely almost wholly incorporates the *UN Declaration of Human Rights* and other human rights instruments.¹²

2.8 Exacerbating these many institutional problems are wider systemic perceptions of women in regard to their place in society. Women in PNG have been long conditioned to believe themselves as inferior to men. This belief has served to perpetuate inequality and perversely can itself contribute to the prevalence of violence, lack of freedom of speech and participation in decision making.

2. Issues Affecting Children

3.1 Education is critical in effecting attitudinal and behavioural change in society. A community is strengthened by the access to quality education. The reality is that many children are denied an education due to lack of access to schools and teachers (some children walk 4 hours to obtain an education in a primary school and often the children commence in grade 3 as an Infants School is many hours walk from the villages.) Few students have an opportunity to Secondary Schooling much less higher education

3.2 Further to this, children face various additional challenges around education, namely:

- i. Totally inadequate provision of schooling;
- ii. Students drop out of school unable to pay the fees or parents do not send their children to school as they can't pay the fees despite current Government Policy of fee free education.¹³
- iii. Children required to mind younger siblings or work in the garden
- iv. Physical, sexual or verbal abuse¹⁴
- v. Teachers and Nurses are not well paid, or can go without pay for many months, especially in remote areas.
- vi. Violence within the family is endemic so children perpetrate violence against each other¹⁵
- vii. High mortality rate for many children under five due to lack of access to adequate healthcare¹⁶

¹² PNG Constitution Section 36 cites freedom of inhuman treatment and Section 37 protection of the law.

¹³ PNG Planning Minister, Charles Abel announced at APEC High Policy Dialogue, May 2015, the Government policy of fee free education for all enabled more students to attend schools.

¹⁴ Op.cit p. 18

¹⁵ Ibid P. 14

- viii. Peer pressure exerted under the influence of drugs and alcohol.
- ix. Many young teenage males are killed when suspected of sanguma (possessed by evil spirits).¹⁷

3.3 These factors have created a situation in PNG where the right to education remains unfulfilled.

4. Issues Affecting Youth

4.1 The youth, as the future of PNG, continue to grow disaffected with lack of educational opportunities and unemployment. They live in a society constrained by the clash of world values from traditional societal and cultural beliefs and practices to that of the developed world.

4.2 Access to technology is increasing but pornography is easily available and counter-productive to their healthy maturing to adulthood.

4.3 Drugs and alcohol fuel violence, the breakdown of family life and can lead to criminal behaviour.

4.4 Youth programmes must be supported within the local community. The National government would need to recognise the importance of such programmes and give financial support to Church and other community groups.

4.6 Procedures for accountability and monitoring all education, health and social services and initiatives must be strengthened at the local and National level.

4.7 All in all, these identified human rights issues have some common contributing factors such as; political influence, geographical barriers, demographical and ethnical differences in customs, traditions and beliefs. The lack of organizational structures within the society and the province is a real stumbling block for fair and just service delivery to all at the grassroots level. A plea for more local autonomy (i.e. at the Regional and Province level) needs to be considered by the National level. More equitable funding and resources should be made available to remote communities.

¹⁶ Ibid P. 16

¹⁷ Ibid P. 16 “During the walk, at 5.00am, I witnessed a young lad, accused of being possessed of by an evil spirit or a sanguma as we call it in Pidgin, killed by another young man surrounded by elders from the Village.”

5. The Voice of the Indigenous People of Papua New Guinea:

5.1 The indigenous people live in extreme poverty between the conflicts of traditional culture and lifestyle and the increasing influence of the developing world.¹⁸

5.2 The Research Project revealed many human rights issues for indigenous people in PNG but we have focused this submission on ***Violence against Women and Youth***.

6 Recommendations¹⁹

We make the following recommendations:

that the Government of Papua New Guinea:

- 6.1** Instigate a national awareness-raising and education campaign against the killing of people suspected of sanguma (sorcery and witchcraft) and enforce legal action against those committing or inciting such atrocities. We strongly support the recommendations made in the 2014 report of the Special Rapporteur on extrajudicial, summary and/or arbitrary executions
- 6.2** take urgent measures to improve the service delivery in remote Provinces for health, education and social services
- 6.3** enforce the protection of women and girls against all forms of gender-based violence (*Family Protection Act 2013*)
- 6.4** promote and put into practise the positive place of women in society
- 6.5** i) increase funding for the police force; ii) improve human rights training for police; iii) increase the police practice of and accountability for human rights
- 6.6** fund workshops in every district to train men to become positive role models, advocating for the elimination of violence against women
- 6.7** prioritise youth programmes when planning and engage with and support such programmes through NGOs and Church bodies
- 6.8** work in partnership to establish and fund in each province ongoing costs for Rehabilitation Centres and “Women’s Safe Homes”
- 6.9** train Law and Enforcement personnel to protect and support those in Safe Houses.
- 6.10** raise the salary of Teachers, Nurses and Health Care Workers, pay on a regular basis and ensure the provision of necessary facilities and resources in the work place for these employees
- 6.11** enforce the *Lukautim Pikinini Act 2009* and raise more awareness of children’s rights.
- 6.12** as a matter of urgency establish within the next twelve months a National Human Rights Institution, with provincial offices, to provide protection, promotion and respect of Human Rights throughout the country.

¹⁸ Op.cit

¹⁹ Ibid P.5

7. Conclusion:

7.1 The failure of the justice system in Papua New Guinea to respond appropriately in cases of sorcery and all forms of violence against women and girls is evident in its inability to protect victims and witnesses. Papua New Guinea accepted that it needs to put in place comprehensive laws to combat violence against women.²⁰ At the same time, no matter how good the laws, a well-trained and non-corrupt police force and Law agencies are essential. Members of the Police Force and Law agencies must respect the law and enforce it. Rather than be influenced by local pressure groups or any single person to turn a blind eye or act corruptly, such behaviour must be confronted and the culture changed. The recommended “Safe Houses”, if and when established, would not be safe unless the local community and law and order personnel and structures worked together to ensure their safety.

7.2 The United Nations is currently in the process of defining post 2015 development agenda. When some of the Indigenous Pastoral Workers in Papua New Guinea were recently presented with the draft list of seventeen Sustainable Development Goals and when asked to choose the three they considered top priority they were unable to do so. They were confused by the language and complexity of the stated draft goals. As far as they were concerned the need to work towards achieving the Millennium Development Goals was still a priority for them and the people of Papua New Guinea. These are human rights issues they can now identify with. To achieve the MDGs then is a dream but seen as a long way off given the reality of the complexities of the cultural, societal and political situation of the country. The lack of development, infrastructure, health and education services mitigate against the people’s dreams being realised in the foreseeable future but they hold the hope that things will change (albeit slowly and a step at a time) and that a better and safer future will be a legacy for their children.

²⁰ UN Human Rights Council, *Report of the Open Working Group on the Universal Periodic Review: Papua New Guinea*, A/HRC/18/18

Appendix I

The Research Project involved consultation with the following;

- Diocesan Pastoral Team
- Principals, Head Teachers, Teachers and Board of Governors of a number of Schools in the Province
- Officers in charge of Health Centres and nurses of two Health Centres and three AID Posts
- Workers in Disability Services
- Psychosocial Services
- Youth Office,
- Women's Office,
- Ward or Local Level Government Members,
- Councillors and Magistrates

Appendix 11

This Report was submitted by a Principal of a School (name withheld to protect the Principal and people of the Province) in the Province for inclusion in the Research Project: *The Voice of the Indigenous People of Province Papua New Guinea:*

Education Report: Injustices in the Education System

RIGHTS OF CHILDREN UNDER THE UNIVERSAL BASIC EDUCATION (UBE) SYSTEM

It is anticipated that the Vision 2050 will meet the outcome that all citizens should be Healthy Wealthy and Wise. By then it is expected that, "All children living in all the Ward level in PNG, should be literate." The principal said; '*As I see it, the vision will only come true, if all stake holders speak the same language of vision 2050*'. While the children's rights are to be achieved the Government should consider improving the following;

School's infrastructure

- Currently when the Tuition Free Fee Policy (TFF) was introduced, we have seen an increase in students' enrolment per year. As a result, we have particularly faced the problem of overcrowding, breaching of the enrolment criteria (such as over age children taking the advantage of enrolling) and teacher shortage just to name a few. Therefore, I suggest the Government should consider funding schools with infrastructure grants that can cater for the schools, School Learning Improvement Plan (SLIP). Another possibility is that the Government should also fund student teachers in Teacher's College to avoid "Teacher Shortage' in PNG." Thirdly, the Teaching Service Commission (TSC) should create more positions to cater for increased students' enrolment.

Teachers' Salaries

- Teachers are considered in PNG pay system as "The last on the line." This simply means our pay is less compared to other public servants. I would recommend if the Government is serious to consider the number pillar of the seven pillars in the 2050 vision which is the "Human Resource". Then it should consider improving the teacher's salaries so as to make the job demanding and attractive.

Agency Schools to be considered under the Public Private Partnership (PPP)

- The National Government has been finding different strategies for efficient service delivery to the people. In PNG most services were and are provided by the Church. Therefore, I recommend sufficient funding be given through the Churches so that assistance will continue to reach the population. If services were properly funded it would really make a big difference.

(Appendix II continued)

Disadvantaged Schools

Geographically the locations of schools are divided into four categories:

- A. Consist of all schools in town basically with all Government services available
- B. Consists of schools far from town but they can still reach town by travelling some distance
- C. Disadvantaged schools with only one Government service available
- D. Consists of all schools having no access to any Government services such as roads, bridges or communication etc

The recommendation is that special consideration should be given to “C & D” schools to improve their status in terms of funding infrastructure or increasing their TFF funds to cater for Inflation rates especially in delivering services in their schools.

Establishment of more High and Secondary Schools

More students are enrolling at the Primary Schools. However, only a few make it through to grade ten and twelve or have an opportunity to go onto Tertiary Education. Therefore, I suggest more High Schools and Secondary Schools be established to cater for the increasing population. Every year we see a lot of students roaming the towns and cities hoping to find some opportunities for employment.

Changes in PNG Curriculum

Finally apart from any other concerns the parents are now forwarding their petition to the Government regarding the introduced Outcome Base Education (OBE). As observed, they have seen the elementary system revert to *Back to Base* “**B to B**”. There are many other concerns but these are the main outcry of the people, teachers and students that can be taken note of and understood.

Appendix III

This Report was submitted by the Youth Worker (name withheld to protect the Worker and the people of the Province) employed by the local Church for inclusion in the Research Project: *The Voice of the Indigenous People of Province Papua New Guinea:*

Youth Report

There are about 800 youth from the Aitape Deanery, from the 10 parishes. These are some issues facing the youth from this part of the Province:

- E. Many are very unfortunate in education, meaning many school dropouts from grades 6, 8, 10, 12 and tertiary institutions
- F. Many unfortunate sell things for a bit money for basic needs and school fees
- G. They live their lives mostly from the influence of peer-pressure. Parents do not contribute much to their psychological and emotional development except caring for their physical development
- H. Poor in spirit, not enough direction in the spiritual lives of the youth
- I. Poor leadership, meaning the youth leading the youth is impossible, needing a lot of empowerment
- J. Not enough time and resources to spend on them and their development
- K. Law in many cases is unfair on them and they do not see law as a guide and direction in life but see it as an enemy or a stumbling block to their maturity
- L. Some youth want to see changes in their life-style and attitude but feel they do not always have the support of the authority of the church and the
- M. Many are now earning their living from cultivating drugs and alcohol and selling them
- N. Blue movies for them is now their entertainment
- O. Many youth who find nothing interesting to do are now engaged in sorcery
- P. They try to start small scale sustainable projects in their families and village to earn their living but, many times this fails due to the low cash flow and the increased cost of living
- Q. Many leave school and do not continue their education due to school fees being very high
- R. When there are youth organized activities, (initiated by either Government or Church Groups) they participate very well
- S. The youth sector is not considered important in the Government, NGO and private sectors. If Youth Programmes were to be recognized as important, funded and monitored from all levels of planning, there will be a sign of growth.

Appendix IV

This Report was submitted for inclusion in the Research Project: *The Voice of the Indigenous People of Province Papua New Guinea:*

Report from Women's Coordinator

Women Services here in Diocese – (author names each District of the Province) is dedicated to guiding Women, Girls and Males towards healthy, happy and stable families in peaceful living environment.

To achieve this, the programme needs Vital Facilities to achieve its goals in the Educational Process and Safety of Girls, Women and Children in our Families and Communities having three quarters illiterate.

SITUATION:

In today's Society in Papua New Guinea, the status of women and girls is not yet maintained and respected; life has always been and is still being dominated by men and boys in all areas of life.

All forms of sexual violence and abuses against women and children are on the rise affecting our families. Innocent women and girls die silently due to cruel beating and bashing and abuses of all sorts despite the numerous Workshops, Awareness-Raising, Meetings & Conferences conducted since 2007.

CASE 1:

A young mother of three children was raped to death by her husband in the patch of grass beside the family home of only one open room. She contracted malaria at the time of her death. Her brothers are taking this matter further legally but the man escaped and is roaming around in PNG.

CASE 2:

Another young mother of two dashed into the nearby bushes and ran 4 kilometres to save her life. An elderly man tried to keep her in his home but she feared that her husband is so violent that he will damage his properties and drag her out to chop her into pieces with the bush knife in his hand.

CASE 3:

A serious threat was made on a mother of 3 when she was frequently sexually abused by her husband who had received 'Erection' - a product to enlarge his penis – sex organ. This young lady was bashed every now and then and had no proper secure home to protect her life. Her family became victims to this negative, abnormal behaviour.

CASE 4:

Many of my women are illiterate and can't sue their husbands. They are silently suffering and living with pains regarding violence and abuses on sex, despite the heavy workload done during the day. Men fight and rape because of no sex act. Children are watching sexual violence and abuses being done to their mothers by their inmates who are their husbands. This is real in the Districts(the author of this report names three Districts in the Province) as reported by our Probation Officer and Women's Coordinators here in the Offices of Peace & Justice Ministry in the Diocese.

CASE 5:

A woman suffered severely when her husband burnt her with a heated 6 inch nail inserting it into her vagina when the man didn't have sex with her to satisfy his sexual desire.

There are many, many more cases which I cannot write down here. As a woman's voice representing a silent majority of 60,000 women & girls all Districts of the Diocese, I ask that:

"A SAFE HOME"

- With Educational Facilities be built to secure INNOCENT LIVES and to provide: (Counselling; targeting men and boys to promote gender equitable attitudes and behaviour)