

**Universal Periodic Review (39th session)
Contribution of UNESCO**

Papua New Guinea

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	28/07/1997 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	12/09/2008 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	Not ratified			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of Papua New Guinea does not enshrine the right to education. There is an equality provision which provides all citizens with the same rights, irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex (Art. 55).

2. The main law on education is the Education Act of 1983,¹ as amended in 1995.² There are no legal provisions regarding the right to education nor free or compulsory education.
3. The autonomous region of Bougainville has its own education Act of 2013. It states that education is compulsory from 6 to 14 years old.
4. The country published two main plans for education: The National Education Plan 2015-2019,³ and the Universal Basic Education Plan 2010-2019.⁴ The National Education Plan has been extended until 2020. A corporate plan 2019-2021 for “quality and standards in Education for all” has also been published.⁵

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

1. Freedom of conscience, expression, information and of assembly and association are considered as basic rights in the Papua New Guinea Constitution.⁶ Freedom of expression has constitutional protection (Article 46).
2. Freedom of information, including access to official documents, is guaranteed by the Constitution (Article 51).
3. Papua New Guinea has amended its Defamation Act of 1962⁷ to revoke criminal liability for defamation, as specified in the Defamation (Amendment) Act of 2016⁸.
4. In 2016, Papua New Guinea introduced the Cybercrime Code Act⁹, which criminalizes the publication of defamatory material online, as well as cyber bullying or harassment. The publication of defamatory material online is punishable by a fine and up to 25 years of imprisonment.

Institutional framework and media (self-) regulation:

5. The National Information and Communications Technology Authority (NICTA) is the government agency responsible for the regulation and licensing of Information Communications Technology (ICT) in Papua New Guinea.¹⁰ NICTA regulates broadcasting, radiocommunications and telecommunications and was established following the adoption by Parliament in November 2009 of the National Information and

¹ <https://www.education.gov.pg/quicklinks/documents/edu-policies/Education%20Act%201983.pdf>

² http://www.paclii.org/pg/legis/num_act/ea1995184/

³ https://www.education.gov.pg/documents/NEP_2015-2019_DoE.pdf

⁴ <https://www.education.gov.pg/quicklinks/documents/edu-plans/ube-plan-2010-2019.pdf>

⁵ <https://www.education.gov.pg/documents/Corporate-Plan-2019-2021.pdf>

⁶ <http://www.parliament.gov.pg/images/misc/PNG-CONSTITUTION.pdf>

⁷ http://www.paclii.org/pg/legis/consol_act/da196299/

⁸ http://www.paclii.org/pg/legis/num_act/da2016179/

⁹ http://www.parliament.gov.pg/uploads/acts/16A_35.pdf

¹⁰ <https://www.nicta.gov.pg/>

Communications Technology Act 2009 (the NICT Act).

6. The Papua New Guinea Media Council which represents the interest of the media in the country, deals with complaints of improper conduct and provides trainings.¹¹ The board of the Papua New Guinea Media Council is made up of members of various national media organizations, and a constitution guides the action of the Media council.¹²
7. The Papua New Guinea Press Code of Ethics was adopted in 1975.¹³

Safety of journalists:

8. UNESCO has recorded no killing of journalists in Papua New Guinea since 2008.

III. Review and specific recommendations

A. Education

Legal and Policy Framework

- In 2012, the government implemented a Tuition Fee free education and tuition fee subsidy policy,¹⁴ in order to make education tuition free up to grade 10. A new Government Tuition Fee Subsidy Policy is said to have been adopted in 2020¹⁵.

Right to education

- No legal provision guaranteeing the right to education has been identified.

Compulsory and free education

- Regarding the duration of compulsory and free education, the Framework for Action for the Implementation of Sustainable Development Goal 4 recommends, with regard to target 4.1.1, that 12 years of primary and secondary education be free, of which at least nine years are compulsory.¹⁶ Consequently, Papua New Guinea could be encouraged to modify its legislation in this sense.

Age of marriage

¹¹ <http://www.rjionline.org/MAS-Press-Councils-Papua-New-Guinea> ; <https://media-council-of-papua-new-guinea.webnode.com/>

¹² <https://media-council-of-papua-new-guinea.webnode.com/files/200000017-35fd736f9c/MCPNG%20Constitution.pdf>

¹³ <http://www.rjionline.org/MAS-Codes-Papua-New-Guinea-Journalists-Association>

¹⁴ http://www.educationpng.gov.pg/QL_News/news/implementation-of-2012-tuition-fee-free-publicity.pdf

¹⁵ but UNESCO could not access it

- Statutory marriages are regulated by the Marriage act of 1963.¹⁷ This one allows statutory marriage for girls from 16 years old and boys from 18 years old. Judicial exceptions are allowed and can lower the age of marriage to 14 years old for girls and 16 years old for boys. This is applicable only to statutory marriages; no legal minimum age applies for customary marriages. The Child Protection Act of 2015 enforce a minimum legal age of marriage of 18 years old for boys and girls, for both statutory and customary marriages.¹⁸ However, it seems that the Marriage Act has not been amended accordingly. It is recognized that child marriage can affect their education, especially that of girls.¹⁹ Therefore, Papua New Guinea should be encouraged to harmonize its legislation.

Covid-19 response

- The 4th of May 2020, Papua New Guinea has adopted a Covid-19 Emergency Response and Recovery Plan.²⁰ The plan was elaborated through four phases:
 - Phase 1 (3 months): All students can continue remote learning safely
 - Phase 2 (2 months): All students and teachers can return safely to school
 - Phase 3 (4 months): All students are safe and learning
 - Phase 4 (3 months): Education system is more resilient to future disruptions
- Several key considerations are also present across activities: marginalized and vulnerable students, inclusive education; support for teachers; gender and subject prioritization.

Specific recommendations:

8. Papua New Guinea should be encouraged to:

- Ratify the Convention against Discrimination in Education.
- Enshrine and guarantee the right to education for all in the Constitution and the legislation.
- Guarantee nine years of compulsory education in the legislation and twelve years of free education in the legislation.
- Pursue its efforts against child marriage, especially by harmonizing the Marriage Act in light of the Child Protection Act of 2015.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.²¹

¹⁷ https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=88014&p_country=PNG&p_count=151

¹⁸ <http://www.parliament.gov.pg/uploads/acts/15A-45.pdf>

¹⁹ Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31/CRC/C/GC/18, November 2014, para. 20.

²⁰ https://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/papua_new_guinea_covid-19-education-response-and-recovery-plan-final-draft-04-05-2020.pdf

²¹ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

B. Freedom of opinion and expression

9. It is recommended that the Government decriminalize online defamation and place it within a civil code that is in accordance with international standards.²²
10. It is also recommended that the Government introduce access to information legislation in accordance with international standards.

C. Cultural rights

11. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²³ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁴, Papua New Guinea is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Papua New Guinea is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
12. Papua New Guinea is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) so as to complete its policy and legislative frameworks to enhance support to the implementation of the right to take part in cultural life.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

13. **Papua New Guinea** did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Papua New Guinea is encouraged to report to UNESCO on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.

²² See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

²³ Periodic Report available at: <http://whc.unesco.org/en/activities/682>

²⁴ Periodic Report not available