



PAPUA NEW GUINEA

BASELINE ASSESSMENT OF R2P IMPLEMENTATION



Asia-Pacific Centre for the
Responsibility to Protect

 r2pasiapacific.org

 r2pinfo@uq.edu.au

The following Baseline Assessment Annex provides an overview of the Papua New Guinea's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

Photo Acknowledgement: ColinF, 2004, at https://commons.wikimedia.org/wiki/File:OwenStanleyJungle_clad_mountainsPapuaNew_Guinea.jpg.

PAPUA NEW GUINEA

Papua New Guinea's (PNG) track record is quite mixed, leaving it around the median range. It confronts a chronic crisis of endemic sexual and gender-based violence, and PNG's women and girls are estimated to endure the highest rates of such violence anywhere in the world.

Domestically, PNG performs strongest regarding criminalizing incitement to commit genocide and in terms of its robust civil society and media sector which, whilst eroded somewhat in the last few years, has generally been one of the most vibrant, diverse and independent in the Pacific. In terms of international human rights law, PNG has ratified eight of the twelve key instruments considered most relevant to R2P, grants decent access to judicial institutions and participates in the Human Rights Council Universal Periodic Review process. Whilst it has progressed in terms of the domestic promotion and protection of human rights, it does not yet have a national human rights institute (although it has committed to establishing one) and substantive work remains to eliminate discrimination, especially on the basis of gender and sexual orientation. There is also room for improvement in security sector governance, with the police sometimes ignoring inter-communal violence and allowing warring factions to settle matters themselves.

On the international scene, PNG's implementation of R2P is equally mixed. It is a signatory to the French-Mexican proposal for a "Political Declaration on suspension of veto powers in case of mass atrocity" and also supports to the "Code of the Conduct regarding Security Council action against genocide, crimes against humanity or war crimes". Additionally, in the Security Council Open Debate on Maintaining International

Peace and Security, PNG stated its support for introducing the Code of Conduct into the General Assembly in order to further its international acceptance by UN member states. Moreover, whilst it has never been a member of the Human Rights Council or the Security Council, Papua New Guinea is one of only seven countries in the region to have voted 'yes' to all General Assembly resolutions relevant to R2P. Whilst it could do more on a regional level, Papua New Guinea is a signatory to the Biketawa Declaration of 2000, which allows for the Pacific Island Forum to authorize regional action in response to security crises within member states. PNG's emphasis on regionalism was reiterated in its 2013 statement at the Informal Dialogue on R2P, which stressed that regional and sub-regional organizations remain central to atrocity prevention and conflict amelioration due to their capacity to collect and provide early warning information. PNG established the legislative framework to enable the state to contribute to UN peacekeeping operations in 2010, but to date it has only made very minor contributions.

PNG's implementation efforts are at their weakest in terms of R2P policy mechanisms and laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence. Yet PNG has consistently demonstrated its support for the R2P principle and has made progress in some areas.

PAPUA NEW GUINEA

| Assessment | Indicator |
|--------------------|---|
| Very Strong | Support UN Security Council veto restraint on issues relating to atrocity prevention |
| Strong | Protection of populations from atrocity crimes |
| | Dealing with past atrocities |
| | Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations |
| | Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity |
| | Cultivate and protect an active, diverse and robust civil society |
| Fair | Reduction of atrocity crime risks |
| | Sign, ratify and implement relevant instruments of international law |
| | Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination |
| | Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council |
| | Ensure equal access to justice |
| | Take measures to counter and prevent violent extremism |
| | Prevent nationals committing atrocity crimes overseas |
| | Participate in international, regional and national discussions on the further advancement of R2P |
| | Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect |
| | Strengthen the role and capacity of regional organisations |
| | Support preventive actions on atrocity crimes |
| Weak | Establish and maintain National Human Rights Institutions in accordance with the Paris Principles |
| | Ensure a legitimate, effective and civilian controlled security sector |
| | Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness |
| | Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy |
| | Strengthen regional and international networks for atrocity crime prevention |
| | Support the development and work of regional human rights and other preventive capacities |
| | Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P |
| | Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system |
| | Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate) |
| | Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping |

| | |
|------------------|---|
| Very Weak | Appoint national R2P Focal Point |
| | Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships |
| | Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect |
| | Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court |
| | Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence |
| | Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law |
| | Conduct a national assessment of risk and resilience |
| | Support atrocity prevention through development and assistance partnerships |
| | Support the Kigali Principles |

| Thematic Area | Indicator | Assessment | Notes |
|--|---|------------|---|
| Basic Compliance | Protection of populations from atrocity crimes. | Strong | The government of Papua New Guinea (PNG) is currently protecting its population from the four atrocity crimes. Yet, endemic poverty, lack of state infrastructure, corruption, crime and issues concerning the extractive resources industry that fuels the economy means PNG is unstable. Such instability provides an environment for potential atrocity crimes. Widespread violence against women in various forms (see later Indicator) could potentially be classed as crimes against humanity. |
| | Reduction of atrocity crime risks. | Fair | There is no evidence of imminent atrocity crimes occurring in PNG. However, many social, economic and political factors in the country raise the risk of atrocity crimes occurring substantially. ¹ |
| | Dealing with past atrocities. | Strong | The conflict on the island of Bougainville, exacerbated by the establishment of a copper mine and ethnic and cultural tensions between Papua New Guineans and Bougainvilleans, lasted for nearly a decade and destroyed the island's economy and social structure. ² While there has been progress in the peace process and rebuilding efforts since the end of the conflict, much work remains. There is resentment and impunity present on the island over atrocities committed by both sides during the conflict. With an upcoming referendum in Bougainville in 2019, simmering tensions could escalate to violence and possible atrocity crimes. ³ |
| Policy Mechanisms | Appoint national R2P Focal Point. | Very Weak | PNG has not appointed a national R2P Focal Point. ⁴ |
| | Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships. | Very Weak | The government has not conducted such an analysis or indicated an intention to do so. |
| | Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect. | Very Weak | There is no evidence of mechanisms in place to allow the government to be held accountable in upholding its responsibility to protect. |
| International Human Rights Obligations | Sign, ratify and implement relevant instruments of international law. | Fair | PNG has ratified eight of the twelve international human rights laws (IHRL) most relevant to R2P. Those ratified are: <ul style="list-style-type: none"> • Convention on the Prevention and Punishment of the Crime of Genocide (Ratification/Accession: 1982) • Geneva Conventions (Ratification/Accession: 1976) • International Covenant on Civil and Political Rights [ICCPR] (Ratification/Accession: 2008) |

¹ For more information, see: Asia Pacific Centre for the Responsibility to Protect (APR2P), 2018. *PNG Asia Pacific Regional Outlook*, https://r2pasiapacific.org/files/725/APROutlook_aug2018_png.pdf; APR2P, 2019. *Atrocity Crimes Risk Assessment Series: Papua New Guinea*, forthcoming.

² Parliament of Australia, n.d. *Chapter 2: History of the Bougainville Conflict*, p. 22-26, file:///C:/Users/commi/Downloads/http_www.aphref.aph.gov.au_house_committee_jfadt_bougainville_by_chap2.pdf; NFSA, 2019. *Origins of the Bougainville Conflict*, <https://dl.nfsa.gov.au/module/357/>; Australian Army, 2018. *Bougainville*, <https://www.army.gov.au/our-stories/operations/bougainville>.

³ Wilson, Catherine, 2018. 'Facing ghosts of the past in Bougainville'. *The Interpreter*, 11 October. Available at: <https://www.lowyinstitute.org/the-interpreter/facing-ghosts-past-bougainville>.

⁴ Global Centre for the Responsibility to Protect (GCR2P). 2016. *Global Network of R2P Focal Points*, http://www.global2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points.pdf.

- *International Covenant on Economic, Social and Cultural Rights* [ICESCR] (Ratification/Accession: 2008)
- *Convention on the Elimination of All Forms of Discrimination against Women* [CEDAW] (Ratification/Accession: 1995)
- *Convention on the Elimination of All Forms of Racial Discrimination* [CERD] (Ratification/Accession: 1982)
- *1951 Refugee Convention* and the *1967 Protocol* (Ratification/Accession: 1986)
- *Convention on the Rights of the Child* [CRC] (Ratification/Accession: 1993)

The other four instruments not ratified by PNG are the *Geneva Protocol I*; the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* [CAT]; the *Arms Trade Treaty* [ATT] and the *Rome Statute of the International Criminal Court*.⁵ PNG has also not acceded to or ratified the *Additional Protocols of the Geneva Conventions*.

PNG has voiced reservations about some of the treaties it has ratified. These are:

- *Convention on the Prevention and Punishment of the Crime of Genocide*: Gradual implementation is not only practical but also more achievable for PNG than enactment of a new law.⁶
- *Convention on the Elimination of All Forms of Racial Discrimination*: “Acceptance of this Convention does not ... indicate the acceptance of obligations by the Government of Papua New Guinea which go beyond those provided by the Constitution, nor does it indicate the acceptance of any obligation to introduce judicial process beyond that provided by the Constitution.”⁷
- *1951 Refugee Convention and the 1967 Protocol*: PNG has noted the following reservation to the Status of Refugees: “The Government of Papua New Guinea in accordance with Article 42, Paragraph 1 of the Convention makes a reservation with respect to the provisions contained in Articles 17(1), 21, 22(1), 26, 31, 32 and 34

⁵ United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx; United Nations Treaty Collection (UNTC), 2019. 1. *Convention on the Prevention and Punishment of the Crime of Genocide*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en; UNTC, 2019. 8. *Arms Trade Treaty*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en; United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, p. 3, <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; International Committee of the Red Cross (ICRC), n.d. *Treaties, States Parties and Commentaries: Papua New Guinea*, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=PG; International Criminal Court, n.d. *The States Parties to the Rome Statute*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#P.

⁶ United Nations, Human Rights Council (HRC), National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, 9 May 2011, A/HRC/WG.6/11/PNG/1, p. 4-5, paras. 25 and 26.

⁷ UNOHCHR, 2014. *Status of Ratification Interactive Dashboard*, <http://indicators.ohchr.org/>.

| | | |
|--|-----------|--|
| | | of the Convention and does not accept the obligations stipulated in these articles.” ⁸ |
| Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court. | Very Weak | PNG has neither signed nor ratified the <i>Rome Statute of the International Criminal Court</i> . ⁹ |
| Establish and maintain National Human Rights Institutions in accordance with the Paris Principles. | Weak | PNG does not have a National Human Rights Institution (NHRI) as advocated by the Paris Principles relating to the status of national institutions. ¹⁰ Local and international commentators have frequently expressed their concern that this represents a considerable gap in PNG’s human rights infrastructure. ¹¹ However, in September 2016 the PNG government stated that it remains committed to establishing a human rights commission. ¹² |
| Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination. | Fair | <p>The Preamble to the constitution guarantees that all citizens are entitled to the fundamental rights and freedoms of the individual regardless of race, tribe, place of origin, political opinion, colour, creed or sex.¹³ A number of constitutional articles further define the rights and freedom of citizens and gives the Supreme Court powers to undertake investigations into human rights violations.</p> <p>In practice, however, there is limited human rights promotion or public outreach to educate citizens on their rights and freedoms, and few PNG citizens would be aware of their options to report allegations of human rights abuses. Moreover, collectivist social norms and familial obligations permeate administrative behaviour and dominate, as well as complicate, notions of human rights, regardless of what national or international legal instruments exist.</p> <p>While the Preamble of the constitution does guarantee fundamental rights and freedoms, there is no definition of discrimination or any specific anti-discrimination clause. Neither is there a guarantee of substantive equality between men and women. Moreover, there is no legal definition of discrimination against women in the private or domestic sphere.¹⁴ This is inconsistent with the States obligations under the Article 2 of CEDAW.</p> <p>PNG has no law protecting people from discrimination on the basis of sexual orientation or gender identity and there is no legal recognition of same-sex partnership. Consensual same-sex sexual</p> |

⁸ United Nations Treaty Collection, 2018. *Chapter V: Refugees and Stateless Persons 2. Convention relating to the Status of Refugees*, https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=en#EndDec.

⁹ International Criminal Court, n.d. *The States Parties to the Rome Statute*.

¹⁰ Global Alliance of National Human Rights Institutions (GANHRI), 2018. *Chart of the Status of National Institutions*, <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20Chart.pdf>.

¹¹ Australian Government Department of Foreign Affairs and Trade (DFAT), 2017. *Country Information Report: Papua New Guinea*, p. 9-10, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-papua-new-guinea.pdf>.

¹² Human Rights Watch (HRW), 2017. *Papua New Guinea: Events of 2016*, <https://www.hrw.org/world-report/2017/country-chapters/papua-new-guinea>.

¹³ The Independent State of Papua New Guinea. Constituent Assembly. *Constitution of the Independent State of Papua New Guinea, Preamble, Section 5, Article 4(a) – (f)*. Port Moresby, 1975.

¹⁴ United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, 22 May 2009, CEDAW/C/PNG/3, p. 36-37.

relations and acts of ‘gross indecency’ between males are illegal. The government recently noted the issue of LGBTIQ people and their rights are not a priority.¹⁵

| | | |
|--|---------------|---|
| <p>Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.</p> | <p>Fair</p> | <p>PNG has participated in the universal periodic review of the Human Rights Council, submitting reports for both the 2011 and 2016 sessions. In response to the 146 recommendations proposed by selected states in 2011, PNG accepted 115 recommendations while rejecting 31. The recommendations excluded related primarily to issues of ratifying the CAT and its <i>Optional Protocol</i>, discriminatory legislation on the grounds of gender and sexual orientation, conditions within the criminal justice system, and the abolition of the death penalty.¹⁶</p> <p>The subsequent review, conducted in 2016, resulted in PNG’s acceptance of 106 recommendations, while noting, but not accepting, the proposals of an additional 53 recommendations. The issues noted were principally concerned with the ratification of key IHR, discriminatory legislation on gender and sexual orientation, and the protection of the human rights of refugees and asylum seekers subject to indefinite detention within the territory of PNG.¹⁷</p> <p>PNG currently has six overdue reports (one each for the ICCPR, CEDAW, CERD, ICESCR, CRC, CRPD).¹⁸</p> |
| <p>Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.</p> | <p>Strong</p> | <p>PNG extended a standing invitation to all UN Special Procedures mandate holders on 11 May 2011.¹⁹ Of the 10 visits of Special Procedures, only three have been completed with a report published of the visit.²⁰</p> |
| <p>Ensure equal access to justice.</p> | <p>Fair</p> | <p>Under ‘Equality and Participation’ in the Preamble of the constitution, equal access to legal processes and the legal recognition of all groups is guaranteed.²¹</p> <p>A lack of state capability in the law and justice sector means official justice processes are lacking for the majority of PNG’s citizens, who live in remote and rural areas. Local and community-based means of justice and governance prevail in areas where state infrastructure is lacking or inefficient. While more readily accessible, these local systems often perpetuate longstanding power dynamics and</p> |

¹⁵ HRW, 2017. *Papua New Guinea: Events of 2016*.

¹⁶ UPR Info. 2011. *Responses to Recommendations: Papua New Guinea*, https://www.upr-info.org/sites/default/files/document/papua_new_guinea/session_11_may_2011/recommendationstopapuanewguinea2011.pdf.

¹⁷ UPR Info, 2016. *2RP: Responses to Recommendations & Voluntary Pledges: Papua New Guinea, Second Review, Session 25*, https://www.upr-info.org/sites/default/files/document/papouasie-nouvelle-guinee/session_25_avril_2016/recommendations_and_pledges_papua_new_guinea_2016.pdf.

¹⁸ UNOHCHR, n.d. *Late and non-reporting states*, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx.

¹⁹ UNOHCHR, 2018. *Standing Invitations*, http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

²⁰ UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=PNG.

²¹ The Independent State of Papua New Guinea. Constituent Assembly. *Constitution of the Independent State of Papua New Guinea, Preamble, Section 2, Articles 4 and 7*.

| | | |
|--|-----------|---|
| | | inequalities that do little to alleviate greater social problems at the state level. ²² |
| Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity. | Strong | Under sub-section 12 & 313A of the <i>Criminal Code Act 1974</i> , committing, conspiring, inciting, or attempting an act of genocide against a “national, ethnical, racial, or religious group” is considered an offence within PNG’s domestic legislation. ²³ Under the <i>Geneva Conventions Act 1975</i> , PNG has codified the <i>Geneva Conventions of 1949</i> (sub-section 2 & 7, excluding the subsequent <i>Additional Protocols</i> , which PNG is not a signatory to), thereby allowing for prosecution within domestic law of those accused of war crimes. ²⁴ |
| Take measures to counter and prevent violent extremism. | Fair | PNG has traditionally had little capacity to deal with violent extremism and terrorism. While hosting the Asia Pacific Economic Cooperation (APEC) Forum, it did receive training from Australia, New Zealand and the US to protect delegates and the locations of the meetings. Still, most of the security for the meeting came from foreign military and police units. ²⁵ |
| Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence. | Very Weak | Gender-based violence, including sexual violence, gang rape, and intimate-partner violence is a serious and widespread problem in PNG. Indeed, the country is considered one of the most dangerous places in the world to be a woman, with the majority of women experiencing rape or assault in their lifetime and facing systemic discrimination. ²⁶ Out of the 187 countries with enough data to measure, PNG ranked 157 th on the UNDP’s Gender Inequality Index. ²⁷ Similarly, children in PNG are considered amongst the most vulnerable in the world. ²⁸ As previously mentioned, the constitution does not guarantee the substantive equality of men and women, and it does not include prohibiting on the basis of gender or sex as grounds for discrimination. |

The 2011-2015 *National Policy for Women and*

²² DFAT, 2015. *An Australian Investment to Support Law and Justice in Papua New Guinea: Justice Services and Stability for Development*, p. 7, <https://dfat.gov.au/about-us/publications/Documents/png-law-and-justice-jss4d-design.pdf#targetText=The%20program%20recognises%20the%20high.deliver%20law%20and%20justice%20services>.

²³ Papua New Guinea, n.d. *Criminal Code Act 1974*,

[https://www.unodc.org/res/cld/legislation/png/criminalcode.html/Papua New Guinea Criminal Code Act 1974.pdf](https://www.unodc.org/res/cld/legislation/png/criminalcode.html/Papua%20New%20Guinea%20Criminal%20Code%20Act%201974.pdf).

²⁴ Library of Congress, 2016. *Genocide, Crimes Against Humanity, and War Crimes Jurisdiction*,

<https://www.loc.gov/law/help/genocide/chart.php#Papua%20New%20Guinea>.

²⁵ Blades, Johnny, 2018. ‘Foreign troops pour into Papua New Guinea for APEC meet’. *Philstar Global*, 12 November. Available at: <https://www.philstar.com/world/2018/11/12/1867974/foreign-troops-pour-papua-new-guinea-apec-meet>; Radio New Zealand, 2018. ‘PNG police learn about terrorism threats’. *Radio New Zealand*, 8 August. Available at:

<https://www.radionz.co.nz/international/pacific-news/363587/png-police-learn-about-terrorism-threats>; Greene, Andrew, 2018.

‘Australian Special Forces to protect world leaders at APEC meeting in Papua New Guinea’. *ABC News*, 12 September. Available at: <https://www.abc.net.au/news/2018-09-12/special-forces-to-png/10234058>.

²⁶ Cf. Ellsberg, Mary, et al. 2008. *Violence against Women in Melanesia and East Timor: Building on Global and Regional Promising Approaches*, <http://dfat.gov.au/aid/how-we-measure-performance/ode/documents/violence-against-women-melanesia-east-timor-building-on-global-and-regional-promising-approaches-2008.pdf>; Ellsberg, Mary, et al. 2012. *Violence against women in Melanesia and Timor-Leste. Progress made since the 2008 Office of Development Effectiveness report*,

<https://www.usip.org/sites/default/files/missing-peace/Ellsberg-Mary.pdf>; Médecins Sans Frontières (MSF), 2016. *Return to abuser: Gaps in services and a failure to protect survivors of family and sexual violence in Papua New Guinea*,

<https://www.msf.org.au/sites/default/files/attachments/msf-pngreport-def-lrsingle.pdf>.

²⁷ United Nations Development Programme, n.d. *Gender Inequality Index*, <http://hdr.undp.org/en/content/gender-inequality-index>.

²⁸ UNICEF Papua New Guinea, n.d. *Child Protection*, https://www.unicef.org/png/activities_4362.html.

Gender Equality was launched following a review process of the first National Women's Policy (1991), and included the establishment of the Office for Development of Women (ODW) within the Department for Community Development. Despite these and other initiatives, however, numerous commentators report that women continue to face acute marginalization, discrimination and gender-based violence.²⁹ In practice, women do not have the same access to justice as men³⁰ and women in custody did not have adequate legal representation.³¹

The domestic legal framework to protect vulnerable groups, especially against sexual and gender-based violence, are inadequate in many areas (although improving), whilst the enforcement of extant laws is, in practice, grossly inefficient.

PNG's refugee policy has come under much scrutiny in a similar way to Australia's, due to the Manus Island detention centre. The removal by force of detainees from the Manus Island centre by PNG police forces, and the hostility facing them from the local populace, means genuine refugees are not given adequate protection in line with UN refugee guidelines.³²

| | | | |
|-------------------------|--|-----------|---|
| Domestic Implementation | Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law. | Very Weak | |
| | Conduct a national assessment of risk and resilience. | Very Weak | PNG has not undertaken a national assessment of risk and resilience. |
| | Cultivate and protect an active, diverse and robust civil society. | Strong | Freedoms of speech, the press and information are guaranteed under Section 46 of the constitution; freedom of assembly and association is protected under Section 47; and freedom of movement is guaranteed under Section 52. ³³ |
| | Ensure a legitimate, effective and civilian controlled security sector. | Weak | Press freedom in PNG is relatively high and is traditionally seen as one of the most robust and diverse within the Pacific. However, according to Freedom House's 2015 report on press freedom in the country, news media freedoms have been eroded in the last few years. As of 2017, PNG's status is still considered 'Free'. ³⁴ Journalists can be sued for defamation in civil cases, but it is not a criminal offense. Civilian authorities were seen, at times, not to have maintained effective control over security forces in 2016-2017, with police ignoring inter-communal ('tribal') disputes and violence, and allowing warring factions to settle matters themselves. Furthermore, police brutality and the excessive use |

²⁹ U.S. Department of State, 2016. *Papua New Guinea, 2016 Human Rights Report*, p. 15, <https://www.state.gov/documents/organization/265576.pdf>.

³⁰ See: Bridgeman, T, 2007. 'The Relationship Between Women's Access to Justice and Development: Papua New Guinea: A Case Study to Link Theory with Reality'. Honours Thesis. Faculty of Law, University of Otago, New Zealand, <http://www.otago.ac.nz/law/research/journals/otago036262.pdf>; McLeod, A. 2003. *Gender Analysis of Law and Justice Sector Agencies*. Report prepared for Law and Justice Sector Program, Port Moresby.

³¹ United Nations, HRC, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, 18 March 2013, A/HRC/23/49/Add.2, para. 42.

³² Cave, Damien and Adam Baidawi, 2017. 'Papua New Guinea's Police Storm Manus Island Refugee Camp'. *The New York Times*, 22 November. Available at: <https://www.nytimes.com/2017/11/22/world/australia/papua-new-guinea-manus-island-detainees.html>; The Straits Times, 2017. 'Papua New Guinea police start removing refugees from Australia camp'. *The Straits Times*, 23 November. Available at: <https://www.straitstimes.com/asia/australianz/papua-new-guinea-police-flood-closed-australia-refugee-camp-on-manus-island>.

³³ The Independent State of Papua New Guinea. Constituent Assembly. *Constitution of the Independent State of Papua New Guinea*.

³⁴ Freedom House, 2017. *Freedom of the Press 2017*, <https://freedomhouse.org/report/freedom-press/2017/papua-new-guinea>.

of force by the Royal Papua New Guinea Constabulary (RPNGC) is an ongoing issue within PNG.³⁵ This is compounded by a culture of impunity and corruption, with violence by citizens or police typically met with little accountability whilst existing laws are infrequently enforced.³⁶ Corruption is pervasive, and this further delimits the effectiveness and independence of the security forces.³⁷

| | | |
|---|-------------|---|
| <p>Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.</p> | <p>Weak</p> | <p>PNG has amongst the lowest adult literacy rates in Asia and the Pacific: UNESCO estimated in 2000 that PNG had a literacy rate of 57.34% for the adult population over the age of 15. Men (63.45%) had a markedly higher rate than women (50.92%).³⁸ There is also a huge disparity between urban and rural literacy rates.³⁹</p> <p>The law provides free but not compulsory education through to grade 10 and subsidies thereafter under the government's tuition-free policy. However, many barriers remain including: long distances to school, insecurity, lack of water and sanitation facilities, and limited access for children with disabilities.⁴⁰ Recent reports confirm that girls are at a higher risk of domestic and sexual violence, sexual harassment in schools, commercial exploitation, and HIV infection, which all pose serious threats to their education.⁴¹</p> <p>The 1989 <i>Language and Literacy Policy</i> supports local language and cultural instruction at secondary and tertiary schools, as well as local language literacy programs for adults. However, there are significant issues with providing instruction in the vernacular, mainly due to the lack of qualified teachers from rural areas who are available and willing to teach in schools.⁴²</p> |
| <p>Prevent nationals committing atrocity crimes overseas.</p> | <p>Fair</p> | <p>While PNG is not a signatory to the <i>Rome Statute</i>, Chapter 406 of the <i>Offences (Overseas) Act 1984</i> provides a means for prosecuting offences committed by PNG nationals overseas.⁴³</p> |
| <p>Bilateral and Multilateral Relations</p> | <p>Fair</p> | <p>PNG has rarely participated in discussion on R2P. It did give statements at two of the UN's Informal Interactive Dialogues of R2P, in 2009 and 2013.⁴⁴</p> |

³⁵ Cf. Amnesty International. 2016. *Amnesty International Report 2015/16: The State of the World's Human Rights*, p. 288, <https://www.amnesty.org/download/Documents/POL1025522016ENGLISH.PDF>; HRW, 2016. *Papua New Guinea: Police Shoot Student Protesters*, <https://www.hrw.org/news/2016/06/09/papua-new-guinea-police-shoot-student-protesters>.

³⁶ For example: HRW, 2016. *World Report 2016*, p. 447; MSF, 2016. *Return to abuser: Gaps in services and a failure to protect survivors of family and sexual violence in Papua New Guinea*, p. 43; U.S. Department of State, 2016. *Papua New Guinea, 2016 Human Rights Report*, p. 1.

³⁷ PNG is ranked at 138 out of 180 states on Transparency International's 2018 Corruption Perceptions Index: Transparency International, 2018. *Corruption Perceptions Index 2018*, <https://www.transparency.org/cpi2018>; see also: Freedom House, 2016. *Freedom in the World 2016: Papua New Guinea*, <https://freedomhouse.org/report/freedom-world/2016/papua-new-guinea> and HRW, 2016. *World Report 2016*, p. 448.

³⁸ United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics, n.d. *Papua New Guinea*, <http://uis.unesco.org/country/PG>.

³⁹ DFAT, 2017. *Country Information Report: Papua New Guinea*, p. 8.

⁴⁰ HRW, 2017. *Papua New Guinea: Events of 2016*.

⁴¹ U.S. Department of State, 2016. *Papua New Guinea, 2016 Human Rights Report*, p. 18.

⁴² Rena, Ravinder, 2011. 'Challenges for Quality Primary Education in Papua New Guinea—A Case Study'. *Education Research International*, vol. 2011, <https://www.hindawi.com/journals/edri/2011/485634/>.

⁴³ Pacific Islands Legal Information Institute, n.d. *Papua New Guinea Consolidated Legislation*, 'Chapter 406: Offences (Overseas) Act 1984', http://www.paclii.org/pg/legis/consol_act/oa1984182.

⁴⁴ Copies of these statements can be found by following the links on this page: GCR2P, 2016. *Summaries of UN General Assembly Interactive Dialogues on R2P*, <http://www.globalr2p.org/resources/897>.

| | | | |
|--|---|------|--|
| | <p>on the further advancement of R2P.</p> <p>Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.</p> | Fair | <p>While not explicitly in reference to R2P, PNG did state at the 68th Opening Session of the UN General Assembly its support for the establishment of the <i>Arms Trade Treaty</i> and its condemnation of the use of chemical weapons in Syria.⁴⁵</p> <p>PNG has never been on the Security Council or the Human Rights Council. In the General Assembly, it voted as follows on resolutions referencing R2P:</p> <p>UN General Assembly Resolutions:⁴⁶</p> <ul style="list-style-type: none"> • 2013: The situation in the Syrian Arab Republic A/RES/67/262: yes • 2014: Situation of human rights in the Democratic People’s Republic of Korea A/RES/69/188: yes • 2014: Situation of human rights in the Syrian Arab Republic A/RES/69/189: yes • 2015: Situation of human rights in the Democratic People’s Republic of Korea A/RES/70/172: yes • 2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: yes • 2016: The situation in the Syrian Arab Republic A/RES/71/130: yes • 2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: yes • 2017: Situation of human rights in the Democratic People’s Republic of Korea A/RES/72/188: adopted without vote • 2017: Situation of human rights in the Syrian Arab Republic A/RES/72/191: yes |
| | Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy. | Weak | In the Security Council’s Open Debate on maintaining International Peace and Security, PNG stated its support for introducing the Code of Conduct (see Indicator further below) into the General Assembly to further its acceptance by UN member states. ⁴⁷ |
| | Strengthen regional and international networks for atrocity crime prevention. | Weak | As a member of the Pacific Islands Forum, PNG is a signatory to the Biketawa Declaration of 2000, which allows for the Forum to authorize regional action in response to security crises within member states. By providing a legal framework for authorizing intervention, this declaration allowed for Pacific states, including PNG, to contribute to the Australian-led RAMSI intervention. ⁴⁸ Additionally, the Biketawa Declaration has been |

⁴⁵ GCR2P, 2013. *The Responsibility to Protect at the Opening of the 68th Session of the United Nations General Assembly*, p.72, <http://www.globalr2p.org/media/files/2013-ga-quotes-summary-2.pdf>.

⁴⁶ GCR2P, 2017. *UN General Assembly Resolutions referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for each resolution accessed using the UNGA’s voting records search, available at: <http://www.un.org/en/ga/documents/voting.asp>).

⁴⁷ United Nations, General Assembly, Letter dated 14 December 2015 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General, 14 December 2015, A/70/261- S/2015/978.

⁴⁸ McDonald, Hamish, Makereta Komai, 2008. ‘Careful diplomat brokered regional co-operation’. *Sydney Morning Herald*, 15 August. Available at: <http://www.smh.com.au/news/obituaries/careful-diplomat-brokered-regional-cooperation/2008/08/14/1218307111958.html?page=fullpage#contentSwap1>; Pacific Islands Forum Secretariat, 2000. “*Biketawa Declaration*”, <https://www.forumsec.org/wp-content/uploads/2017/11/BIKETAWA-Declaration.pdf>.

| | | | |
|--|---|-----------|--|
| | | | used to authorize Pacific Regional Assistance to Nauru in 2005, as well as election observation missions in Bougainville, the Solomon Islands, and Fiji. ⁴⁹ |
| | Strengthen the role and capacity of regional organisations. | Fair | Aside from the Pacific Islands Forum mentioned above, PNG also hosted the APEC Forum in 2018. During the forum, the PNG government intended to bring issues affecting small states and economies to the fore in the context of globalisation and trade related issues, to better facilitate beneficial policies for the entire region. ⁵⁰ |
| | Support the development and work of regional human rights and other preventive capacities. | Weak | Little evidence could be found regarding this Indicator. However, PNG has recently been accepted into the Human Rights Film Network. PNG's annual film festival is recognised as making a substantial contribution to human rights awareness in the Pacific. ⁵¹ |
| | Support atrocity prevention through development and assistance partnerships. | Very Weak | PNG has not developed partnerships for assistance in the realm of atrocity prevention and response. |
| United Nations, prevention, Peacekeeping, and assistance | Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P. | Weak | PNG has noted its support for the primacy of early-warning systems as a key to the implementation of R2P. ⁵² Yet it is lacklustre in its support for the budget of the Office of the Special Advisor on the Prevention of Genocide (OSAPG). |
| | Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system. | Weak | In the past PNG has called for greater emphasis on the sharing of best practices to further atrocity prevention, including through local or indigenous knowledge. ⁵³ In 2018 the government welcomed a visit by the UN High Commissioner on Human Rights, which praised the plans for the establishment of a human rights commission. Yet he also condemned the human rights abuses occurring within the country, which are still widely prevalent despite UN assistance. ⁵⁴ |
| | Support preventive actions on atrocity crimes. | Fair | PNG has supported actions to prevent atrocity crimes occurring. Last year (2018), PNG called for greater efforts from civil society and faith-based groups to support national and international efforts to prevent atrocities. ⁵⁵ |
| | Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate). | Weak | With the enactment of the <i>International Obligations Bill</i> in 2010, PNG has created the legislative framework allowing for its contribution of troops to UN peacekeeping operations. ⁵⁶ As such, in 2017 PNG was contributing 1 'expert on mission' and 1 |

⁴⁹ APR2P, 2009. *Case Study: Pillar Two and the Regional Assistance Mission to the Solomon Islands (RAMSI)*, <https://r2pasiapacific.org/filething/get/1341/ramsi%20and%20pillar%20two%202009.pdf>.

⁵⁰ Asia-Pacific Economic Cooperation, 2018. *Papua New Guinea's APEC Turning Point*, https://www.apec.org/Press/Features/2018/0308_somchair.

⁵¹ Human Rights Film Network, n.d. *New Member: the Papua New Guinea Human Rights Film Festival*, <https://www.humanrightsfilmnetwork.org/content/new-member-papua-new-guinea-human-rights-film-festival>.

⁵² Papua New Guinea, 2009. *Statement by H.E. Mr. Robert G. Aisi, Ambassador and Permanent Representative of Papua New Guinea to The United Nations during the Informal Interactive Dialogue on the Secretary-General's report entitled "Implementing the Responsibility to Protect"*, 28 July 2009, New York, <http://www.globalr2p.org/media/files/papau-new-guinea-2009-r2p-debate-1.pdf>.

⁵³ APR2P, 2009. *Implementing the Responsibility to Protect: Asia-Pacific in the 2009 General Assembly Dialogue*, p. 23, https://r2pasiapacific.org/files/425/APin2009GADialogue_implementation.pdf.

⁵⁴ Armbruster, Stefan, 2018. 'UN calls out PNG over litany of human rights abuses'. *SBS*, 9 February. Available at: <https://www.sbs.com.au/news/un-calls-out-png-over-litany-of-human-rights-abuses>; UNOHCHR, 2019. *OHCHR in Papua New Guinea*, <https://www.ohchr.org/en/countries/asiaregion/pages/pgsummary.aspx>.

⁵⁵ United Nations: Meeting Coverage and Press Releases, 2018. *Speakers Disagree over Suitable Level of Intervention for Stopping Atrocity Crimes, as General Assembly Concludes Debate on Responsibility to Protect*, <https://www.un.org/press/en/2018/ga12038.doc.htm>.

⁵⁶ UN News, 2010. *Papua New Guinea moves closer to contributing first blue helmets to UN missions*, <http://www.un.org/apps/news/story.asp?NewsID=36237#.WjSMYK17Fp8>.

| | | | |
|--|---|--|---|
| | | <p>‘contingent troop’ to UNAMID, as well as 2 ‘experts’ to UNMISS.⁵⁷ Both of these operations have a protection of civilians mandate.</p> <p>Additionally, from 2003, PNG contributed troops from the PNG Defence Force and police officers from the RPNGC to RAMSI, supporting the restoration and maintenance of the rule of law in the Solomon Islands.⁵⁸</p> | |
| | Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping. | Weak | PNG’s 2013 <i>Defence White Paper</i> states the defence force aims to continue and further expand its support for UN peacekeeping operations, including through the construction of a peacekeeping training facility. ⁵⁹ This has had little discernible effect on PNG’s peacekeeping capabilities. |
| | Support the Kigali Principles. | Very Weak | PNG is not a signatory of the Kigali Principles on the Protection of Civilians. ⁶⁰ |
| | Support UN Security Council veto restraint on issues relating to atrocity prevention. | Very Strong | PNG has signed both the French/Mexican initiative on veto restraint and the Code of Conduct regarding Security Council action towards atrocity crimes. ⁶¹ |

⁵⁷ United Nations Department of Peacekeeping Operations (DPKO), 2017. *UN Mission's Summary detailed by Country*, http://www.un.org/en/peacekeeping/contributors/2017/jan17_3.pdf.

⁵⁸ O’Callaghan, M. L, 2013. *Rebuilding A Nation: Ten Years of the Solomon Islands - RAMSI Partnership*, <http://www.ramsi.org/wp-content/uploads/2014/07/Rebuilding-a-Nation-RAMSI-EBook-185ca1c0-4b11-4ea0-86ac-eb0110e15b66-0.pdf>.

⁵⁹ Papua New Guinea Government, 2013. *Defence White Paper 2013*, p. 30, <https://www.aspistrategist.org.au/wp-content/uploads/2014/01/131220-PNG-Defence-White-Paper.pdf>.

⁶⁰ APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf.

⁶¹ GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>; GCR2P, 2016. *List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by ACT*, <http://www.globalr2p.org/media/files/list-of-signatories-to-the-act-code-of-conduct.pdf>.