



## **UNIVERSAL PERIODIC REVIEW (UPR) OF PAPUA NEW GUINEA**

**53rd UPR Session (2 – 13 November 2026)**

### **JOINT STAKEHOLDERS' SUBMISSION**

#### **ADMINISTRATION OF JUSTICE AND THE RULE OF LAW: PROTECTING WOMEN'S RIGHTS IN PNG**

**Submitted by**

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## I. INTRODUCTION

1. This Joint UPR submission highlights key concerns related **to access to justice, fight against impunity and the rights of women** in Papua New Guinea (PNG). Access to justice remains a critical challenge in PNG. Despite the existence of formal legal frameworks, including the Family Protection Act 2013, significant barriers prevent citizens particularly women, children, and vulnerable groups—from obtaining timely and effective legal protection.

2. The data and information obtained for this submission came from various sources / consultations and includes information from youth, teachers, educators, and other civil society actors living and working in PNG. All information concerned the period from December 2021 to March 2026.

### Members of this NGO Coalition

#### 3. Magna Carta PNG Inc

Magna Carta PNG Inc. (MCPNGI), is a community based human rights group based in Port Moresby in the nation's capital of PNG. Its mission is to empower individuals and communities in PNG through comprehensive education, advocacy for human rights, and support services. We are committed to creating a society where every individual has the opportunity to live with dignity, free from violence and discrimination. Its vision is to be a beacon of hope and change in PNG, advocating for justice, equality, and the protection of human rights for all, especially the most vulnerable members of society. Its core values are stated below;

- Integrity: Commitment to honest and transparent practices in all our endeavours.
- Respect: Acknowledgment and appreciation of diverse cultures and backgrounds.
- Empowerment: Supporting individuals and communities to take charge of their own futures.
- Compassion: Providing care and understanding in all our interactions.

MCPNGI operated a halfway house for women and children who are affected by gender-based violence and other child abuse and or other human rights issues. MCPNGI also work with female and juvenile inmates to improve human rights in the prison. MCPNGI receives pro bono legal support from a private law firm, which provides free and confidential legal protection support to the survivors and victims of GBV and child abuse on a voluntary basis and at no cost to MCPNGI. PNG.. MCPNGI is active in its core agenda of work which are protection, reporting, education and awareness' on human rights in PNG.

4. **Istituto Internazionale Maria Ausiliatrice (IIMA)** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 97 countries where it provides education to children, adolescents, youth and women, particularly the most disadvantaged and vulnerable.

5. **VIDES International**, established in 1987, is an international NGO in special consultative status with the Economic and Social Council operating in 49 countries. It promotes youth volunteer service at the local and international levels to ensure the implementation of human rights to vulnerable groups, especially children and women.

**5. Daughters of Mary Help of Christians (Salesian Sisters of St. John Bosco) – FMA Philippines-Papua New Guinea Province** is a Catholic religious congregation for the education of youth founded in Italy in 1872 by Don Bosco and Mother Mazzarello. In Papua New Guinea, they run a Vocational Training and Flexible Distant Open Education (FODE) Centre giving second chances to marginalized young women by offering them holistic, quality hands-on skills training which enables them to be empowered agents of change in society, giving them a voice to be advocates of human rights especially the rights of women and children and preparing them to be good leaders in their families and communities.

## II. ACCESS TO JUSTICE

*Thematic area: Administration of justice, including impunity and the rule of law (Civil and political rights). Relevant SDGs: Goal 5 (Gender Equality) and Goal 16 (Peace, Justice and Strong Institutions).*

### (A) Overview

6. Access to justice remains a critical challenge in Papua New Guinea. Despite the existence of formal legal frameworks, including the *Family Protection Act 2013*, significant barriers prevent citizens—particularly women, children, and vulnerable groups—from obtaining timely and effective legal protection.<sup>i</sup> The formal justice system is under-resourced, overburdened, and urban-centric, leaving vast segments of the rural population without meaningful recourse to legal remedies.<sup>ii</sup> The conviction rate for gender based violence (GBV) cases languishes at approximately 0.5%, and the average case resolution time stands at eighteen months, underscoring the systemic failure to deliver justice for survivors.<sup>iii</sup> The principle that justice delayed is justice denied resonates acutely in PNG's present circumstances.

7. During the 3rd UPR cycle (39th session, 2021), Papua New Guinea accepted several recommendations directly relevant to access to justice. These included: establishing free legal aid offices across all 22 provinces (Rec. 144.90, Zambia); stepping up efforts to boost the effectiveness of the criminal and judicial system (Rec. 144.91, France); investigating reports of police mistreatment, including sexual violence, and prosecuting perpetrators (Rec. 144.92, United States); enforcing the provisions of the *Family Protection Act* to protect women and children from violence, including in government facilities (Rec. 144.135, Germany); increasing funding and resources to prevent and respond to GBV, including training for police to identify and investigate cases (Rec. 144.137, United Kingdom); and ensuring that victims of violence receive medical and social support and have access to legal remedies (Rec. 144.145, Latvia).<sup>iv</sup> In its Addendum, the Government of PNG stated that the Public Solicitor's Office provides free legal aid services in 20 of 22 provinces and that steps were being taken to improve the criminal justice system.<sup>v</sup> However, implementation of these accepted recommendations remains at best partial. The issues outlined below reflect the continued and systemic nature of these gaps.

### (B) Legal Protection for Gender-Based Violence and Sexual Violence Survivors

8. An estimated 82% of Papua New Guinean women have experienced some form of gender-based violence (GBV) in their lifetime, with 64% reporting intimate partner violence in 2025 alone.<sup>vi</sup> Despite the *Family Protection Act 2013*, which criminalises domestic violence and

establishes a civil regime of family protection orders, enforcement remains grossly inadequate.<sup>vii</sup> Applicants for interim protection orders (IPOs) experience frustratingly slow processes, with an average wait of 14.8 days for an order and, in some sites, months before a decision is reached.<sup>viii</sup> The formal justice system is impoverished and frayed, with personnel frequently lacking contemporary knowledge of reforms and a bureaucratic culture that imposes costs—in money and time—on the very survivors seeking protection.<sup>ix</sup> Only 74 Family Support Centres and 51 safe houses exist nationally, far below the level of demand, and 60% of GBV cases face procedural delays or withdrawal due to bureaucratic inefficiencies and survivor distrust.<sup>x</sup> These inadequacies are exacerbated by geographical barriers, scarce legal aid, and societal stigma, with rural areas particularly underserved.<sup>xi</sup>

### **(C) Access to Justice for People Living with HIV/AIDS**

9. In June 2025, the Government of Papua New Guinea declared a national HIV crisis, with approximately 30 new infections occurring per day, 11,000 new cases recorded in 2024, and nearly half of all new infections among children and young people aged 24 and below.<sup>xii</sup> Gender-based violence is recognised as a major factor in HIV vulnerability, with the National HIV and AIDS Strategy and the Gender Equality and Social Inclusion (GESI) Policy both acknowledging the intersection of GBV and HIV/AIDS.<sup>xiii</sup> Despite the rollout of antiretroviral therapy (ART) through 120 health facilities across all 22 provinces, only approximately 25,100 of an estimated 48,000 people living with HIV (PLHIV) — approximately 55% — are currently on treatment, a situation exacerbated by the Government's decision to cut the national antiretroviral budget by 50% in 2021.<sup>xiv</sup> During the 3rd UPR cycle, PNG accepted the recommendation to increase its health-care budget to support PLHIV (Rec. 144.102, Vanuatu) and joined the Global Partnership to Eliminate HIV-related Stigma and Discrimination, yet access to both health-care and legal services for PLHIV remains severely constrained.<sup>xv</sup> Women living with HIV who experience GBV face compounded stigma and discrimination that further limit their access to legal remedies, and no dedicated legal framework exists to protect PLHIV from discrimination within the justice system.<sup>xvi</sup> Furthermore, the continued criminalisation of same-sex relations under sections 210 and 212 of the Criminal Code creates additional barriers to justice for key populations — all recommendations to decriminalise consensual same-sex conduct (Recs. 144.44–144.57) were only noted, not accepted, by PNG during the 3rd UPR cycle.<sup>xvii</sup>

### **(D) Legal Aid for Female Prisoners**

10. A prison assessment conducted by Magna Carta PNG Inc identified that female inmates lack adequate access to legal aid and legal representation, a particularly grave concern where female prisoners are themselves victims of sexual offences committed within custodial settings. Across PNG, pro-bono legal services are extremely limited, and survivors of GBV are routinely deterred from pursuing legal remedies due to complex procedures, high costs, lack of awareness, and social pressures including the wantok system and customary compensation practices.<sup>xviii</sup> The National GBV Strategy 2026–2035 acknowledges the need to establish a dedicated network of pro-bono lawyers to provide free, confidential, and survivor-centred legal

assistance.<sup>xix</sup> Until such services are adequately funded and operationalised, women in custody remain among the most marginalised and unprotected persons within the justice system.

#### **(E) Witness and Police Protection**

11. Inadequate witness protection, particularly in relation to sexual offences, remains a significant barrier to justice. Research underscores that police action is viewed by survivors as especially important for their safety. Yet, the Royal Papua New Guinea Constabulary (RPNGC) with only approximately 7,000 officers for a population of over eight million, of whom just 107 serve in Family and Sexual Violence Units (FSVUs)—is severely under-resourced and has been widely implicated in abuses of power, including violence against women.<sup>xx</sup> Although the Government of PNG reported during the 3rd UPR cycle that the RPNGC was transforming its FSVU into a fully-fledged directorate and had established 33 desks in 17 provinces with 88 dedicated officers, these measures remain grossly insufficient relative to the scale of the problem.<sup>xxi</sup> Frontline police exercise wide discretion in implementing the Family Protection Act, with some officers wrongly believing that an interim protection order (IPO) and criminal charges cannot be pursued concurrently.<sup>xxii</sup> Applicants are frequently required to serve documents themselves, placing them at direct risk of retaliation from respondents.<sup>xxiii</sup> Without effective witness and police protection, the deterrent effect of the law is severely undermined and survivors are discouraged from reporting offences. Notably, the UPR recommendation to investigate and promptly prosecute police officers who commit criminal offences, including sexual violence (Rec. 144.93, Zambia), was only noted—not accepted—by PNG during the 3rd cycle, signalling a reluctance to address police accountability directly.<sup>xxiv</sup>

#### **(F) Access to Legal Support for Women Landowners**

12. Women landowners do not receive sufficient legal representation. Customary land tenure covers 97% of PNG's land, yet women's land rights are routinely marginalised and large-scale resource projects frequently bypass free, prior, and informed consent. The structural inequalities constraining women's access to justice—including financial dependency, social stigma, and the urban-centric nature of legal services—are equally operative in the context of land rights.

#### **(G) Recommendations**

13. Considering the continued gaps in the implementation of accepted recommendations from previous UPR cycles—particularly Recommendations 144.44–144.57, 144.90, 144.91, 144.92, 144.102, 144.135, 144.137, and 144.145 of the 3rd cycle—and in line with the principle that recommendations should be practical and capable of implementation within a reasonable timeframe, the following measures are recommended to the Government of Papua New Guinea:

- (a) **Provision of legal aid for female prisoners:** fund and operationalise legal aid services within all custodial facilities housing women, with particular attention to female inmates who are victims of sexual offences, as a concrete step towards fulfilling UPR Recommendation 144.90 (free legal aid offices in all 22 provinces).
- (b) **Immediate legal protection for GBV and sexual violence survivors:** expand GBV circuit courts and legal aid clinics to all provinces, ensure the rapid issuing

of interim protection orders, and reduce the average case resolution time from eighteen months, in line with the targets set by the National GBV Strategy 2026–2035 and accepted Recommendations 144.135 and 144.145.<sup>xxv</sup>

- (c) **Strengthened witness protection by police:** invest in the training of at least 500 specialised GBV police officers per year within the RPNGC, as envisaged by the National GBV Strategy, and ensure that police fulfil their statutory obligations under the Family Protection Act 2013, including the service of protection orders and the investigation of breaches, in furtherance of accepted Recommendation 144.137.
- (d) **A coordinated, inter-agency and civil society approach to justice reform:** adopt a collaborative, multi-sectoral approach to improving access to justice, involving the Department of Justice and Attorney General, the Office of the Public Solicitor, civil society organisations, and international partners.<sup>xxvi</sup>
- (e) **Access to justice for people living with HIV/AIDS:** enact dedicated anti-discrimination legislation protecting PLHIV; reverse the 50% cut to the antiretroviral budget in light of the June 2025 national HIV crisis declaration; integrate HIV-sensitive legal services into Family Support Centres and legal aid clinics; and reconsider its position on Recs. 144.44–144.57 regarding decriminalisation of same-sex conduct under sections 210 and 212 of the *Criminal Code*.
- (f) **Establishment of a national pro bono legal services framework:**
  - (i) develop and implement a national pro bono framework to guide and incentivise lawyers to provide free legal services to marginalised and disadvantaged persons, in consultation with the PNG Law Society, civil society organisations, and international partners.
  - (ii) recalling that the National GBV Strategy 2026–2035 envisages a network of at least three pro bono lawyers in every district, totalling 285 nationally, to deliver free, confidential, and survivor-centred legal assistance<sup>xxvii</sup>, extend this framework beyond GBV to encompass land rights, family law, and criminal defence for persons in custody, thereby ensuring that access to justice is available to all who cannot afford legal representation.<sup>xxviii</sup>

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## Endnotes

- <sup>i</sup> Government of Papua New Guinea, *The National Papua New Guinean Strategy to Prevent and Respond to Gender-Based Violence 2026–2035* (Port Moresby, May 2025), p. 9; J. Putt and L. Kanan, "The Efficacy of Family Protection Orders in Papua New Guinea: The Applicants' Perspective," *Violence Against Women* (2025), DOI: 10.1177/10778012251351912, pp. 2–5.
- <sup>ii</sup> R. MacDonald, *Safety, Security, and Accessible Justice: Participatory Approaches to Law and Justice Reform in Papua New Guinea*, Pacific Islands Policy No. 3 (Honolulu: East-West Center, 2008), pp. 10–15; J. Putt and L. Kanan (2025), pp. 2–3.
- <sup>iii</sup> Government of Papua New Guinea, *National GBV Strategy 2026–2035* (2025), p. 9; Parliamentary Committee on Gender Equality and Women's Empowerment (PPC-GEWE) Report (2022).
- <sup>iv</sup> UPR of Papua New Guinea (3rd Cycle – 39th Session), Report of the Working Group on the Universal Periodic Review of Papua New Guinea, 30 December 2021, UN Doc. A/HRC/49/11. Recommendations n. 144.90 Establish free legal aid offices across the 22 provinces of the country (Zambia); 144.91 Step up efforts to boost the effectiveness of its criminal and judicial system (France), 144.92 Investigate reports of mistreatment by the police, including torture, the excessive use of force, arbitrary or unlawful detention and killings and sexual violence, and prosecute perpetrators (United States of America) 144.135 Effectively enforce the provisions of the Family Protection Act to protect women and children from violence within the family and from violence in government facilities (Germany), 144.137 Increase funding and resources to prevent and respond to gender-based violence, including training for police to identify and investigate cases (United Kingdom of Great Britain and Northern Ireland);, 144.145 Take all necessary measures, both in law and in practice, to combat violence against women and girls and domestic violence and to ensure that victims receive medical and social support and have access to legal remedies (Latvia). All supported per A/HRC/49/11/Add.1.
- <sup>v</sup> A/HRC/49/11/Add.1, Addendum - Views on conclusions and/or recommendations presented by Papua New Guinea (22 March 2022), Recs. 90–91, p. 4.
- <sup>vi</sup> Government of Papua New Guinea, *National GBV Strategy 2026–2035* (2025), p. 9, citing C. Sepoe (2025).
- <sup>vii</sup> *Ibid.*
- <sup>viii</sup> J. Putt and L. Kanan (2025), pp. 3–5
- <sup>ix</sup> J. Putt and L. Kanan (2025), p. 10.
- <sup>x</sup> *Ibid.*
- <sup>xi</sup> Government of Papua New Guinea, *National GBV Strategy 2026–2035* (2025), pp. 9, 32.
- <sup>xii</sup> UNAIDS Asia-Pacific, "National HIV Crisis Declared in Papua New Guinea," Press Release, 26 June 2025.

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- <sup>xiii</sup> A/HRC/WG.6/39/PNG/1, National Report submitted by Papua New Guinea (1 November 2021), paras. 48, 50; Government of Papua New Guinea, *National GBV Strategy 2026–2035* (2025), pp. 9, 15; *Country Progress Report – Papua New Guinea, Global AIDS Monitoring* (2018).
- <sup>xiv</sup> *Country Progress Report – Papua New Guinea, Global AIDS Monitoring* (2018); A/HRC/WG.6/39/PNG/1, para. 67; Joint UN Team on AIDS in Papua New Guinea, *Country Progress Report 2020–2021* (2021).
- <sup>xv</sup> UPR of Papua New Guinea (3rd Cycle – 39th Session), Thematic List of Recommendations, Rec. 144.102 (Vanuatu); supported per A/HRC/49/11/Add.1; Joint UN Team on AIDS in Papua New Guinea, *Country Progress Report 2020* (2020).
- <sup>xvi</sup> A/HRC/WG.6/39/PNG/1, para. 85; Government of Papua New Guinea, *National GBV Strategy 2026–2035* (2025), p. 15.
- <sup>xvii</sup> UPR of Papua New Guinea (3rd Cycle – 39th Session), Thematic List of Recommendations, Recs. 144.44–144.57; all noted per A/HRC/49/11/Add.1; Criminal Code Act 1974 (PNG), ss. 210, 212.
- <sup>xviii</sup> *Ibid.*, p. 9; E. Márquez Goya, "Gender-Based Violence in Papua New Guinea: A National Crisis of Impunity and Neglect," *Global Human Rights Defence* (15 July 2025).
- <sup>xix</sup> Government of Papua New Guinea, *National GBV Strategy 2026–2035* (2025), p. 32.
- <sup>xx</sup> *Ibid.*
- <sup>xxi</sup> A/HRC/WG.6/39/PNG/1, National Report submitted by Papua New Guinea (1 November 2021), paras. 76–77, 87; UNICEF, UNFPA, and UN Women, *Ending Violence Against Women and Children in Papua New Guinea* (2020), p. 16.
- <sup>xxii</sup> J. Putt and L. Kanan (2025), pp. 9–10.
- <sup>xxiii</sup> *Ibid.*, p. 10.
- <sup>xxiv</sup> UPR of Papua New Guinea (3rd Cycle – 39th Session), Report of the Working Group on the Universal Periodic Review of Papua New Guinea, 30 December 2021, UN Doc. A/HRC/49/11. Recommendation n. 144.93 Investigate and promptly prosecute police officers who commit criminal offences, such as torture, sexual violence and prohibited forms of ill-treatment, including the excessive use of force (Zambia); noted per A/HRC/49/11/Add.1.
- <sup>xxv</sup> Government of Papua New Guinea, *National GBV Strategy 2026–2035* (2025), pp. 20–21, 32.
- <sup>xxvi</sup> *Ibid.*
- <sup>xxvii</sup> *Ibid* pp. 32–33.
- <sup>xxviii</sup> *Ibid.*; see also Rec. 144.90 (Zambia) and Rec. 144.145 (Latvia), accepted per A/HRC/49/11/Add.1.