



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

25th Session (April - May 2016)

Joint NGO Submission

by

International Presentation Association (IPA)

Edmund Rice International (ERI) &

Foundation for Marist Solidarity International (FMSI)

Franciscans International (FI)

(All with Consultative Status with UN ECOSOC)

Submitted in Geneva, September 2015

I. INTRODUCTION

1. The following report is a joint submission of the above mentioned organizations. Taking note of the significant advances achieved by the Independent State of Papua New Guinea to improve the citizens' quality of life and guarantee the full enjoyment of their rights, this report focuses on major issues affecting the **rights of children in general, the rights of children with disabilities, and the negative impact on human rights of extractive industries in Papua New Guinea**. Each section of the report conveys recommendations to the Government of Papua New Guinea.

2. This report is a result of an intensive consultation process that took place during 2014 and 2015. Employing a methodology of empirical investigation, the data and information reflect a survey (by IPA) of over 1,700 adults and youth in both coastal and highland provinces of Papua New Guinea, as well as consultations with managers, staff and clients of 19 Special Education Resource Centres (SERCs) (ERI) and several schools (FMSI). Those surveyed and consulted include village elders, educators, education administrators, health workers, community development workers, and youth workers. Information provided by children's families was also used.

3. **Edmund Rice International** (ERI) is a faith-based NGO in Special Consultative Status with ECOSOC. ERI promotes and protects human rights in 34 countries. Established in 2007, ERI is primarily concerned with the rights of the child, the universal right to education, and ecological sustainability as a human right.

4. **Franciscans International** (FI) is a faith-based International NGO with General Consultative Status with the United Nations Economic and Social Council (ECOSOC). It was founded in 1982 to bring to the UN the concerns of the most vulnerable.

5. **International Presentation Association** (IPA), established in 1989, is a faith-based NGO in Special Consultative Status with the ECOSOC. Representing Presentation women throughout the world, the IPA has 2,200 members living and working in 22 countries. Priority issues for IPA are: human rights; women and children; indigenous peoples; the environment, and sustainable living.

6. **Marist International Solidarity Foundation** (FMSI) is a faith-based NGO in Special Consultative Status with ECOSOC. FMSI has a special focus on promoting and protecting

the rights of children. FMSI was established in 2007 in Italy as a Not-for-Profit Organisation with a Social Purpose (FMSI-ONLUS) and has a presence in nearly eighty countries.

Part One RIGHTS of the CHILD in general

1.1 Civil Rights of Children in Papua New Guinea (PNG)

1.1.1 Violence against children - domestic violence, sexual abuse, school violence

Domestic violence is increasing in PNG. Children brought up in violent homes are at extreme risk to several health issues, both physical and mental. Almost 68% of women in PNG have experienced one form of violence or another, this figure inclusive of young girls in their early teenage years¹. Social customs of young marriages increase domestic violence cases due to early pregnancies where both minors are incapable of looking after their own families. Many young women are victims of forced sex within marriage. Lack of support from governments and local police is encouraging this behaviour and preventing victims from seeking help, ultimately violating children's rights².

Sexual abuse towards children is increasing with the levels of domestic violence. Children under 16 represent half the number of reported rape cases, with 1 in 4 being under 12³. Many of these reported rapes are committed by blood relatives and take place within the child's home. Children's cases are often ignored once reported or fail to go further due to inadequate evidence such as a medical certificate which costs money⁴. Ignorance of this issue leads to increased violence within homes and social acceptability to violate rights. Women and children are vulnerable to sexual predators, especially in urban settlements and villages where communities consider such acts to be normal.

Violence at school, between students, is one of the most visible forms of violence against children. Schools cannot function as they should, nor fulfill their roles in society, while continuously dealing with the ongoing issue of school violence. There are rising tensions between student groups, which occasionally result in violence. Female students are

¹ Sokhin, 2012, *Crying Meri: Response to gender violence in Papua New Guinea*, www.civicus.org, accessed Sep 9, 2015

² Woldetsadik, 2014, *Domestic violence as a way of life: The reality for Papua New Guinea's women*, www.rand.org, accessed Sep 9, 2015

³ ChildFund Australia, 2013, *New ChildFund report reveals shocking levels of violence against women and children in Papua New Guinea*, www.childfund.org.au, accessed Sep 9, 2015

⁴ ChildFund Australia, 2013, *New ChildFund report reveals shocking levels of violence against women and children in Papua New Guinea*, www.childfund.org.au, accessed Sep 9, 2015

particularly disadvantaged as parents are less likely to send their daughters to school for fear they will get pregnant⁵. 5% of adolescents attending school are pregnant⁶. Violence inside and outside of school affects the lives of other students, teaching staff, families, communities, and cities. Violence or the threat of violence is keeping children out of school.

Recommendations

This coalition of NGOs recommends that the Government of Papua New Guinea:

- 1. Publish regular reports detailing the situation of violence and the policies intended to prevent it.**
- 2. Implement national programmes targeting men in order to change prevailing social norms.**
- 3. Increase police training and education in human rights**
- 4. Exempt the cost of medical certificates when required for evidence for a case against domestic or sexual violence.**
- 5. Educate all members of society about human rights.**
- 6. Ensure all government schools in PNG develop child protection policies and implement them.**
- 7. Implement programmes that encourage students to tackle issues through non-confrontational paths.**

1.2 Basic Health and Welfare of Children in Papua New Guinea

1.2.1 Health - gender accessibility to appropriate health services, and children's access to preventative health services.

38.2% of PNG's population is under 15, and only 2.5% is over 65. The majority of health services provided need to be accessible to the young population. 87.5% of the population lives in rural areas. The rugged terrain and poor infrastructure mean access to health care is limited⁷.

The fall in mortality rates was insufficient for PNG to meet MDG4. Health services that are provided are inaccessible and inadequate for the majority of the population, in particular women and children⁸. Mothers and children have to walk long distances to access basic services. Limited medical supplies, equipment, facilities, knowledge and communication systems have led to maternal, child and infant deaths⁹.

⁵ Irinnews, 2012, *Papua New Guinea: Sexual violence forcing girls out of school*, www.irinnews.org, accessed Sep 9, 2015

⁶ Vatican Network, *Oceania/Papua New Guinea – Teenage pregnancies: the Church is alone in the prevention*, www.news.va, accessed Sep 9, 2015

⁷ World Health Organisation, 2014, *Country cooperation strategy at a glance: Papua New Guinea*, www.who.int, accessed Sep 9, 2015

⁸ World Health Organisation & National Department of Health PNG, 2012, *Health service delivery profile*, pg 2, www.wpro.who.int, accessed Sep 9, 2015

⁹ UNICEF, Papua New Guinea: *Early Years*, www.unicef.org/png, accessed Sep 9, 2015

23% of government aid posts in rural areas that provide basic care to mothers and children have been closed, increasing demand on community health workers in other regions, and leading to an increase in mortality rates¹⁰.

Cultural norms such as drug and alcohol abuse create unsafe environments for children to grow. Many young adults pass on these habits to children as a result of family breakdowns or lack of parental guidance and support. These practices and lack of knowledge continue to put pressure on the already limited health services provided¹¹.

1.2.2 Housing – a safe secure environment for children.

Families living in urban and rural settlements have inadequate housing. The lack of legal policies has meant many families are evicted from homes, and are forced to find somewhere new to live. Cost of adequate housing is too much, forcing families to opt to live in inadequate accommodation, such as single occupancy rooms.

This creates an overcrowded situation that increases levels of domestic violence and sexual abuse among the immediate family¹².

Recommendations

This coalition of NGOs recommends that the Government of Papua New Guinea:

- 1. Implement bi-weekly health clinics in isolated areas without regular health services.**
- 2. Educate all women about maternal care during and after pregnancy.**
- 3. Implement alcohol and drug awareness campaigns, with a special focus on school students.**
- 4. Regulate and update laws & policies affecting evictions, so relevant warning and notice periods are held.**
- 5. Provide emergency accommodation for those evicted.**

1.3 Children's Rights to Education in PNG

The government's Free Education Policy does not work to its full potential, as a child's right to education is denied by policy decisions. This policy is also not monitored as some schools still charge for children to be enrolled. A number of schools charge project costs, increasing the barriers to equal education¹³.

¹⁰ World Health Organisation & National Department of Health PNG, 2012, *Health service delivery profile*, pg 4, www.wpro.who.int, accessed Sep 9, 2015

¹¹ Kelly, A. Mathers, B. Kawage, T & Vallely, A. 2012, *Emerging HIV risk in Papua New Guinea*, www.sphcm.med.unsw.edu.au, accessed Sep 9, 2015

¹² OHCHR, 2010, *Housing rights assessment mission to Papua New Guinea*, Suva, Port Moresby & Geneva. Accessed Sep 9, 2015

¹³ Walton & Swan, 2014, *DevPolicy Blog: Fourth time's the charm*, www.devpolicy.org. Accessed Sep 8, 2015

A further area affecting a child's right to education is the education about children's rights being taught in schools. Children are unaware of their rights and do not have safe environments to be able to stand up for their rights. Most government and faith-based schools need to introduce human rights or children rights into their education curriculum. Teaching colleges are not teaching human rights in their curriculum but as a general topic.

Rising population of 3.1% annual increase means schools are becoming over-crowded and many children are denied places due to limited enrolment and boarding spaces¹⁴. In addition, for schools in remote areas and in some townships, there is a limited number of teaching staff and some classes go without teachers for months. This can be a result of irregular pay for teachers and nursing officers, such as the proposed 13% increase in teacher salaries from 2013 to expire at the end of 2016 that has not been kept¹⁵. For both teachers and nurses, the rugged geography of some provinces stops them from accessing these places to work.

Numerous authority figures, who are duty bearers responsible for ensuring children can exercise their rights, fail to protect the rights of the children in their care.

For example, traditional practices and beliefs, in some PNG cultures, reduce the importance of education for women and girls. It is thought the girls may not succeed and might get pregnant half way through their education, and this would bring shame on the family and community as a whole.

Recommendations

This coalition of NGOs recommends that the Government of Papua New Guinea:

- 1. Ensure all forms of primary education are free, inclusive of uniform and school materials.**
- 2. Implement a new curriculum that includes teaching of human rights across all levels of education.**
- 3. Monitor school enrolments with increased monitoring in rural areas.**
- 4. Improve school facilities; supply clean water and toilet facilities.**
- 5. Increase capacity of schools and improve teacher benefits to make the career more attractive and sustainable.**
- 6. Increase local community education to change traditional practices and beliefs that prevent children from exercising their rights.**

Part Two RIGHTS of CHILDREN WITH DISABILITIES

¹⁴ National Statistical Office Papua New Guinea, 2011, *National population and housing census 2011*, pg7. www.nso.gov.pg. Accessed Sep 8, 2015

¹⁵ Papua New Guinea Education News, December 2014, *Frustrated teachers front up at Department of Education office*, Accessed Sep 8, 2015

This NGO coalition salutes the important progress the Government of Papua New Guinea has made in recognising and supporting the rights of children with disabilities. Since the previous UPR in May 2011, the Government of Papua New Guinea has ratified the Convention of the Rights of Persons with Disabilities (CRPD) and established a PNG National Disability Policy 2015 – 2025 which reflects the requirements of the Convention.

The second cycle of the UPR provides the PNG Government with an opportunity to demonstrate how its implementation of the Convention has improved the situation of children with disabilities in PNG, and what further challenges it must address to ensure their rights are respected and exercised.

The PNG Government has instituted the national Universal Basic Education (UBE) Plan that strives for all children to enrol and complete nine years of basic education. This is an ambitious goal, given the fact that according to WHO estimates¹⁶, 38% of the PNG population (7.25 million according to the 2011 census¹⁷) is below the age of 15. Of these, 15% have a moderate to severe disability¹⁸. This means there are some 413,250 children with a disability in PNG. Well over 90% of these are not registered at one of the 23 Special Education Resource Centres nor in a mainstream school¹⁹.

A series of workshops on child protection run by Callan Services²⁰ identified three specific areas of human rights violations suffered by children with disabilities. There was consistent anecdotal evidence of maltreatment (abuse or neglect) in terms of: **(1) both female and male children with disabilities not being sent for health treatments that would lower the impact of their disabilities, (2) females with disabilities being more at risk of not being included in education, and (3) both female and male children with disabilities being subject to emotional, physical and/or sexual abuse.** It is also to be noted that most perpetrators of this abuse are family members.

In some areas of PNG there has been an increase in personnel with the knowledge skills and attitudes required to respond to these matters in positive and helpful manner. In the majority of locations the availability of such personnel and/or the appropriate support services (eg safe houses) is very limited.

¹⁶ WHO 2012

¹⁷ Govt of PNG 2011

¹⁸ WHO/World Bank 2012 *Report on Disability*

¹⁹ Govt of PNG, National Dept of Education

²⁰ Callan Services is responsible for 19 of the 23 government-approved Special Education Resource Centres or SERCs and is the largest provider of services to persons with disabilities in PNG.

In addition there is clear anecdotal evidence of the need for the staff members needing to plan for security when notifying such matters, due to real or perceived fears of reprisals from family member of the perpetrators.

A needs analysis undertaken by Callan Services identified the following current barriers for children with disabilities to be able to participate in education and in their local communities: **(1) limited academic performance of these children at school; (2) limited teaching skills of responsible teachers, (3) poor understanding of sign language, (4) limited rights awareness of person with disabilities and in particular for deaf persons of their rights as deaf persons, (5) lack of access to education for children with hearing or visual impairments, and (6) lack of coordination between government departments in providing services for children with disabilities.**

Concerning the **(1) limited academic performance of children with disabilities at school**, the needs analysis found the following: When children with disabilities attend school, some make good academic progress. One case study from Sundaun Province revealed that Jane²¹, who is deaf, was appropriately trained and included in mainstream education in 2008, and finished as dux of Grade 10 in Secondary School in 2013. The study found she had good support from fellow students who take up the role of ‘signing buddies’, teachers in the mainstream primary and secondary school with an inclusive mentality, support from two other deaf students in the same class, hearing students who have created an inclusive culture, families with a commitment to education of deaf children, and strong professional and personal support from the teachers and deaf assistant teacher at the local Special Education Resource Centre (SERC).

Many children with disabilities, however, do not progress academically or drop out from school prematurely. This has been confirmed by an external evaluation in 2011 conducted by Callan Services²². Teachers in mainstream classes often change location and new teachers are not well trained, well supported or provided with appropriate resources.

In general, it was also clear that the current Individualised Education Plans (IEPs)²³ in place to guide the education of children with disabilities were not well planned or monitored. From reviews undertaken in 2013²⁴, it appears that between 20 and 90% of children with

²¹ Real name withheld.

²² Callan Services National Unit (CSNU) 2011

²³ IEPs create an opportunity for teachers, parents, related services personnel and students (when appropriate) to work together to improve educational results for children with disabilities. To create an effective IEP, parents, teachers, other school staff (and often the student) come together to examine the student’s unique needs. The IEP guides the delivery of special education supports and services for the student with a disability. It includes specific information about the child and the educational program designed to meet their unique needs e.g. current performance, annual goals, special education and related services and desired progress

²⁴ Reviews by Callan Services staff and administrators, 2013.

disabilities in various Special Education Resource Centres (SERCs) may not have an IEP. Even when present, IEPs were more a formality rather than guiding education based on the specific needs of each child.

Another constraint that impedes positive educational attainments of children with disabilities in PNG is **(2) the limited teaching experiences and skills of teachers** in special education. There has been some progress in qualifying staff. An Applied Diploma course in Special Education - Hearing Impairment, and one in Learning Disability is already being conducted for approximately 80 in-service teachers (in 5 different cohorts and 4 different locations), and significant capacity building has been done with staff to secure that the long-term sustainability of these programs.

The next stage in the development of the Applied Diploma course in Special Education is pending: the expansion of the programme to vision impairment and other disability areas (e.g. intellectual disabilities, severe and multi-disabilities, emotional/behavioural difficulties etc.). In addition, some complementary training workshops on Individual Education Plans (IEPs) and others on early interventions, assist the education of all children with disabilities.

If there are nearly 372,000 children with disabilities still to enter the PNG education system (based on the figures above), these training opportunities need to be significantly increased and resourced.

Another problem identified is **(3) the poor understanding of sign language** and linked to that the need for a broader and more sophisticated vocabulary in PNG Sign Language. Since 2012 many new signs have been developed by Deaf Assistant Teachers and others, and these are now being verified and prepared for publication. Over recent months Mr Colin Allen, the President of the World Federation of the Deaf has visited and reviewed the development of PNG Sign Language (PNGSL), the process of teaching it, the ultimate 'ownership' of the language and the future development of an English-PNGSL interpreter service. In due course the development of the grammar of the language needs to be added to the language development process and the training of interpreters needs to be commenced. In the longer term community-based and school-based interpreter services needs to be developed.

This is even more significant now, since the PNG Government has launched a National Policy on Disability in May 2015 that incorporates the approval of PNG Sign Language as the fourth official language of the country. This coalition of NGOs strongly affirms the Government of PNG for this policy statement and urges all NGOs to support the Government of PNG in exploring and adopting all necessary strategies by which the policy can be implemented.

These strategies include: early identification and assessment of children with deafness; further education of the deaf community in relation to their rights, advocacy skills, and deaf culture; stronger involvement of the deaf community in developing the signs and grammar of PNG Sign Language; participation by the deaf community in the official monitoring of the language development and implementation, and the training of interpreters.

A fourth problem identified is the **(4) limited awareness of their rights among people with disabilities in general and in particular limited awareness among deaf persons of their rights as deaf persons**, their ‘deaf identity’, the role and importance of Disabled Persons Organisations (DPOs), Self Help Organisations, and the Convention on the Rights of Persons with Disabilities. People with disabilities also need to learn the skills and knowledge related to advocacy. There is a need to increase the capacities of people with disabilities in advocacy and networking, with a particular focus on those in the deaf community.

A fifth problem is that **(5) deaf and hard of hearing as well as blind and partially sighted children, in particular, lack access to education**. The needs analysis found clear evidence of many students or pre-school children with low vision who are not provided with appropriate assistive devices and so never enter school or withdraw from school. It also found there are many children with speech impairment who never receive any support or guidance in relation to improving the speech skills, nor do their parents ever receive such support to improve their children’s speech.

A model for deaf and hard of hearing children has been piloted in three primary schools known as ‘target schools for deaf and hard of hearing children’, and other primary, elementary and secondary schools will be added later this year. These target schools are working to ‘make the education of the hard of hearing and deaf students **inclusive and effective**’²⁵.

Likewise in 2014, preliminary work began on developing a model for education of blind and partially sighted children that will be piloted as of 2016. This development will be complemented by the launch of an Applied Diploma Course of Special Education for Vision Impairment and also localised training workshops for the implementation of the model. Already new equipment has been installed to improve the performance of two existing braille centres (in Goroka and Wewak) and appropriate training is in place and needs to continue. A new braille centre is proposed for Kokopo in East New Britain.

²⁵ cf SERC Service Delivery Model Part A,

These developments in the education of deaf and hard of hearing children and vision impairments are strongly dependent on identification and referral of children. There is a need to include the training of personnel from the SERCs and other relevant services in eye and vision knowledge and skills (particularly eye screening and refraction) and ear and hearing (basic audiology) skills. What is also needed is the in-country maintenance of the necessary equipment to ensure sustainability of high quality services in the future so that field services in ear and eye care, complementary clinic services in strategic locations, and referrals to high-level medical intervention and education are carried out in a professional and monitored process.

The sixth problem concerns **(6) lack of coordination between government departments in providing services for children with disabilities**. The launch of the National Policy on Disability in PNG provides an opportunity to continue an ongoing dialogue with three relevant Government Departments in relation to what could be an overall model for expanding special education services into more remote areas of the country in a way that is sustainable. The model also needs to allow the necessary monitoring and evaluation processes to ensure both inclusive and effective education with its related services for children and adults with disabilities. One of these government departments (Department of Community Development) has not provided any health or rehabilitative support to the trainings outlined above. The Department of Health has provided only limited support.

It is hoped that the review of the Special Education Policy that is proposed for later in 2015 will assist in promoting the stronger involvement of the National Department of Health and the Department for Community Development with the National Department of Education in the conduct of awareness, screening, delivery of assistive devices, referrals for medical intervention and education, and the development of many other disability related services.

Besides the National Policy on Disability, the national government is also committed to improving health and education in PNG, committing 23% of the national budget in these sectors (based on the annual budget delivered in May 2015) and has been active in creating disability-inclusive policies for these sectors. This coalition of NGOs specifically approves the following policy aims and their effective implementation:

- Under the Special Education Policy, SERCs are responsible for delivering special education services within the SERC and facilitating and supporting the delivery of education to children with disabilities in mainstream schools. This is to be done with the complementary delivery of Community-based Rehabilitation (CBR) in local communities.

- The 2011 – 2020 PNG National Health Plan²⁶ and The PNG National Policy on Disability 2015 - 2020²⁷ aim to achieve an inclusive society by providing early intervention and strengthening health and rehabilitation services in the community. This can be enhanced through delivery of Community-based Rehabilitation, with the support of the Departments of Community Development and Health.
- The PNG Universal Basic Education Plan (2010-2019) emphasizes the need to improve the capacity of teachers to effectively educate children with disabilities.

Recommendations

This coalition of NGOs recommends that the Government of Papua New Guinea:

- 1. Obtain more detailed national data on the prevalence of various categories of disability for children and adults in the country**
- 2. Establish an independent body for the monitoring of the implementation of the Convention of the Rights of Persons with Disabilities and the PNG National Disability Policy 2015 - 2025**
- 3. Work with civil society organisations to establish a model and processes for the extension of special education services to all children across the country with reasonable curriculum adaptations and the necessary teacher and teaching resources**
- 4. Ensure the national health services works collaboratively with relevant civil society organisations to train relevant government and non-government personnel in the use of technical equipment for early identification and assessment of pre-school children with disabilities, the provision of appropriate health interventions, and the provision of assistive devices and assistive technologies as appropriate**
- 5. Establish interpreter services to support school children who are deaf and adults and children who are deaf in the wider community**
- 6. Work collaboratively with civil society organisations to establish sustainable speech therapy services within Papua New Guinea**
- 7. Establish partnerships with civil society organisations to support the development of livelihood activities and placement in employment for persons with disabilities**
- 8. Ensure all relevant departments within the Government of Papua New Guinea work collaboratively with non-government service providers to**

²⁶ Govt of PNG 2010 *PNG National Health Plan 2011 – 2020* p vii.

²⁷ Govt of PNG 2014 *PNG National Policy on Disability 2015 2020* pp 12 – 15.

establish Community-based Rehabilitation as a fundamental strategy for the implementation of the Convention of the Rights of Persons with Disabilities

- 9. Direct all levels of government to work collaboratively with Disabled Persons Organisations and relevant service providers to ensure that persons with disabilities understand their rights and responsibilities under the Convention of the Rights of Persons with Disabilities and can advocate effectively for their rights.**

Part Three Impact on HUMAN RIGHTS of Extractive Industries

This coalition has found evidence in different provinces of Papua New Guinea that logging and mining industries, often acting illegally but with impunity, have serious negative impacts on the exercise of human rights by local people. The rights under threat include the rights to life, livelihood, health, a safe environment, freedom from intimidation, freedom of religion and practising cultural traditions. As most of the local people are also the Indigenous people of the land, their rights as Indigenous people are also ignored, and notably the obtaining of their free, prior and informed consent by the companies involved.

Other examples of such human rights violations by extractive industries are already well documented for Papua New Guinea, by government-sponsored enquiries²⁸, environmental agencies²⁹ and environmental groups³⁰.

Papua New Guinea is a country where most of the land is still held by its Indigenous owners, despite a recent history of colonisation. Traditional Indigenous management of local ecosystems has preserved immense natural wealth, which the government of Papua New Guinea aims to protect and develop sustainably³¹. But several human rights issues require

²⁸ Ombudsman Commission (2002) *Final Report: Investigation into a Decision of the National Forest Board to Award Kamula Dosa to Wawoi Guavi Timber Company (a subsidiary of Rimbunan Hijau)*. Government of PNG, Port Moresby. Independent Forestry Review Team (2001) *Auditing forestry projects currently 'in process' for compliance with the requirements of policy, the Forestry Act and other regulations and guidelines. Report prepared for the Inter-Agency Forestry Review Committee, the Government of Papua New Guinea*. Government of PNG, Port Moresby.

²⁹ Barnett T (1987) *Commission of Inquiry into Aspects of the Timber Industry in Papua New Guinea*. Accessed pngforests.com/barnett-inquiry-3/ Accessed July 15, 2014.

³⁰ Filer C. & Sekhran N. 1998. *Loggers, Donors and Resource Owners: Papua New Guinea Country Study (Executive Summary)*. IIED Policy that Works for Forests and People Series No. 2. Meyers J. Ed. Melick, Dr D. (2003) *A Preliminary Environmental Investigation of the Logging Operations in the Wawoi Guavi Area, Western Province, Papua New Guinea*. Unpublished report for Greenpeace. Greenpeace 2004 *The Untouchables: Rimbunan Hijau's world of forest crime and political patronage*. Accessed <http://www.greenpeace.org/international/en/publications/reports/the-untouchables-rimbunan-hi/> Accessed on July 15, 2014.

³¹ Cf Government of PNG *National Strategy for Responsible Sustainable Development for Papua New Guinea*. Dept of National Planning & Monitoring, Port Moresby.

urgent attention if these natural systems are to benefit the whole country, and not just some individuals and corporations acting illegally.

A survey of over 1,700 local people in 2014 revealed that Indigenous people in Papua New Guinea suffer from many human rights violations. Their **rights to life, livelihood, land, self-determination, security, free movement and access to government services** are violated by inadequate government policies, ineffective implementation of those policies, and by illegal activities by corporations.

The government land registration system, based on the *Land Groups Incorporation Act*, 1974, aims to allow customary land groups to use their land in a formal economy, by giving the land group the opportunity to incorporate legally as an Incorporated Land Group (ILG)³². In recent decades, this has led to unjust registration of customary lands and much social conflict, often driven by the royalties an ILG can receive from a mining or logging company³³. Indigenous peoples' rights to land and self-determination are violated by the fragmentation of ILGs when new ILGs form, without free, prior and informed consent of the whole group. The government needs to legislate and then provide resources for protecting the land rights of customary groups.

Illegal logging, without reforestation, destroys the forests on which many Indigenous groups depend for food, water, livelihood, security and spiritual and cultural practices. In defending their rights against these corporations acting illegally, some Indigenous people have lost their lives.

Violent conflict, with its risks to the safety and security of citizens, can be triggered by different groups reacting in different ways to the loss of their traditional lands and ecosystems. Some see it as profitable, some see it as destructive. In conflict situations, systems of law and order break down, and people's right to move freely and seek safety is also threatened.

Remote areas are especially vulnerable to illegal activities by logging and mining companies, and these are also areas with very limited access to government services such as health, education, welfare, justice and administration. This compounds the human rights violations as there is no easy access to justice, compensation, or capacity-building programmes in human rights education and advocacy training.

Local field workers in New Ireland, one of the provinces of Papua New Guinea, have prepared a detailed report which was sent to four UN Special Procedures³⁴ on the damaging

³² Power, Tony *nd Incorporated Land Groups in Papua New Guinea*. DFAT, Canberra, 4.

³³ *Ibid*, 10- 12.

³⁴ The report was sent, on July 16, 2014, to **Mr John Knox** (UN Independent Expert on human rights and the environment), **Ms. Victoria Lucia Tauli-Corpuz** (UN Special Rapporteur on the

impact one logging company is having on the exercise of human rights by local Indigenous people. These include people living in the villages of Silur, Morukan, Kapsipau, and Manga.

Several negative impacts on the local villages of the logging operations are evident. These include:

- Rivers (hitherto running clear) polluted with mud and other sediments;
- Local people unable to access (hitherto clean) water from the rivers, as they are now too silted up;
- Local people unable to catch fish in the rivers, due to their being too silted up;
- Oil spilled in the rivers;
- Rubbish (from logging operations and logging camps) is dumped into local rivers, polluting them;
- Mud washed up on (hitherto sandy) beaches;
- Landslides caused by hillsides, cleared of trees, collapsing in heavy rains;
- Temporary dams in rivers caused by landslides blocking the streams and impeding the normal flow;
- Flash floods caused by temporary dams breaking during heavy rains, and releasing large volumes of water down the rivers;
- Local flooding in coastal villages caused by flash floods, leading to destruction of villages, housing, property and alleged loss of life;
- Large logs and pieces of timber washed up in villages and on local beaches;
- Mud and silt from the polluted rivers are covering and choking coral reefs offshore, with subsequent reduction in biodiversity and food production from the reefs,
- Logging destroys many sacred sites within the forests that are an important part of local religious and cultural traditions.

The human rights impacted include the **Right to Life** (it is alleged villagers have drowned during the flash floods), the **Right to Water and Sanitation** (rivers polluted), the **Right to Food** (food supplies reduced in forests, gardens, rivers and sea), the **Right to Livelihood** (local economy disrupted), the **Right to Equal Protection before the Law** (alleged police violence against protesters), the **Right to Property** (dwellings destroyed), the **Right to Freedom of Religion and the Right to Participation in the Cultural Life of the Community** (sacred sites damaged), and the **Right to Free, Prior and Informed Consent by the Indigenous people of the area** (inadequate consultation).

Recommendations

This coalition of NGOs recommends that the Government of Papua New Guinea:

rights of Indigenous peoples), **Ms. Rita Izsák** (UN Independent Expert on minority issues) and **Mr Michael Addo** (UN Working Group on the issue of human rights and transnational corporations and other business enterprises).

- 1. Review the terms and conditions of all contracts between logging companies and the governments of all provinces with a view to ensuring the free, prior and informed consent of the local people is obtained for any operations and their effects, in accordance with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).**

- 2. Monitor, review regularly and report publicly on the operations of extractive industries in Papua New Guinea, to ensure the conditions of contracts and all relevant regulations are being observed, and the UN Guiding Principles on Business and Human Rights are being followed.**

- 3. Commission an independent assessment of the operations of any logging or mining company in Papua New Guinea, where there is evidence that its operations are damaging the environment and the exercise of the human rights of the local people, and to act to protect these rights.**

- 4. Ensure the Indigenous people of Papua New Guinea receive effective training in their rights and the necessary advocacy skills.**