



Papua New Guinea  
Joint Submission to the UN Universal Periodic Review  
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**Submission by CIVICUS: World Alliance for Citizen Participation,  
NGO in General Consultative Status with ECOSOC**

**And**

**Pacific Islands Association of Non-Government Organisations (PIANGO)  
(ECOSOC Status)**

**And**

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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 The Pacific Island Association of Non-Government Organisations (PIANGO) is a regional umbrella body of member national umbrella CSOs in 24 countries and territories of the Pacific Islands region. Formed in 1991, PIANGO strengthens CSOs to initiate action, give voice to their concerns and influence policies for just and sustainable development for Pacific peoples.
- 1.3 Transparency International Papua New Guinea (TIPNG) is the national chapter in Papua New Guinea (PNG) of the global Transparency movement. Since its incorporation in 1997, TIPNG has worked to empower people in PNG to take action against corruption wherever it is encountered. As the country's leading civil society voice on anti-corruption, TIPNG works with citizens and institutions to advocate for a country where there is transparency and accountability within the rule of law.
- 1.4 In this submission, the authors examine the Government of PNG's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse PNG's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in October 2014.
- 1.5 During the 2<sup>nd</sup> UPR cycle, the Government of PNG did not receive any recommendations relating to the space for civil society (civic space).
- 1.6 We are deeply concerned by harassment and threats against HRDs, particularly those working on land and environmental rights.
- 1.7 We are further alarmed by intimidation and threats against journalists as well as attempts to silence critical media outlets.
- 1.8 PNG has also failed to establish a national human rights institution despite 14 recommendations to do so by member states at the last review.<sup>1</sup>

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<sup>1</sup> See recommendations 104.35 – 104.48, Report of the Working Group on the Universal Periodic Review: Papua New Guinea, A/HRC/33/10, 13 July 2016.

**1.9** As a result of these concerns, civic space in PNG is currently rated as ‘obstructed’ by the CIVICUS Monitor, indicating the existence of serious civic space restrictions.<sup>2</sup>

- Section 2 of this submission examines PNG’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines PNG’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines PNG’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
- Section 5 examines PNG’s implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns and to advance the implementation of recommendations under the 2<sup>nd</sup> cycle.

## **2. Freedom of association**

**2.1** Article 47 of the PNG Constitution states that: “Every person has the right peacefully to assemble and associate and to form or belong to, or not to belong to, political parties, industrial organisations or other associations, except to the extent that the exercise of that right is regulated or restricted by a law.”<sup>3</sup>

**2.2** The Associations Incorporation Act 1966 regulates the formation of CSOs in PNG.<sup>4</sup> Under this act, a CSO can become an incorporated association if it fulfils certain criteria, such as promoting an objective that is “useful to the community” and being not for profit. The Registrar of Companies, under the Investment Promotion Authority, is responsible for registering incorporated associations. Organisations must go through several steps in order to register, such as holding a meeting, preparing a notice for the registrar, lodging and submitting the notice, and then lodging an application with accompanying documentation.<sup>5</sup>

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<sup>2</sup> CIVICUS Monitor: Papua New Guinea, <https://monitor.civicus.org/country/papua-new-guinea>.

<sup>3</sup> ‘Papua New Guinea’s Constitution of 1975 with Amendments through 2016’, Constitute Project, 19 February 2021, [https://www.constituteproject.org/constitution/Papua\\_New\\_Guinea\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Papua_New_Guinea_2016.pdf?lang=en).

<sup>4</sup> ‘Associations Incorporation Act 1966’, Pacific Islands Legal Information Institute, [http://www.pacii.org/pg/legis/consol\\_act/aia1966307](http://www.pacii.org/pg/legis/consol_act/aia1966307).

<sup>5</sup> ‘Civil Society Briefs: Papua New Guinea’, Asian Development Bank, 2015, <https://www.adb.org/sites/default/files/publication/173264/csb-papua-new-guinea.pdf>.

- 2.3** A number of CSOs operate in PNG, including groups focused on human rights and environmental causes, as well as some that provide social services. Most are small and lack resources, but they are otherwise free of serious constraints on their activities. Informal groups such as community, women's and religious groups are also allowed to operate. Often informal groups come together in response to resource extraction activities or development projects that affect communities.<sup>6</sup>
- 2.4** Workers' rights to strike, organise and engage in collective bargaining are largely respected. However, the government has frequently imposed arbitration in labour disputes to avert strikes, and protections against anti-union discrimination are unevenly enforced. Most workers are employed in the informal sector and lack access to union protections.<sup>7</sup>

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

- 3.1** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure protection to HRDs. The International Covenant on Civil and Political Rights (ICCPR) further guarantees the freedoms of association, peaceful assembly and expression. However, in spite of these protections there are no domestic laws or policies in PNG to recognise and protect HRDs. HRDs and journalists continue to face harassment for undertaking their work.
- 3.2** HRDs in PNG work on a range of issues. This includes land and environmental rights, anti-corruption, women's rights and, particularly in relation to sorcery and witchcraft accusations, gender-based violence. The lack of rule of law in some regions has made it challenging for HRDs to undertake advocacy and speak up on abuses.<sup>8</sup>
- 3.3** A 2018 report by the UN Special Rapporteur on the Situation of Human Rights Defenders found that HRDs in PNG face legal persecution such as arrest and detention as well as harassment, intimidation, threats and violence. The risk is greatest for HRDs who challenge vested political, social and economic interests, including environmental HRDs and defenders of sexual orientation and gender identity rights. HRDs focusing on environmental, Indigenous and labour rights and holding businesses to account sometimes face reprisals and retribution from companies that they criticise. Companies hire security officers and bribe police

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<sup>6</sup> Interview with civil society activists including Transparency International PNG, February 2021.

<sup>7</sup> 'Papua New Guinea', Freedom House, <https://freedomhouse.org/country/papua-new-guinea/freedom-world/2020>.

<sup>8</sup> 'Papua New Guinea', Front Line Defenders, <https://www.frontlinedefenders.org/en/location/papua-new-guinea>.

officers to harass HRDs with threats and beatings.<sup>9</sup>

- 3.4** Emmanuel Peni, known as Manu, is an environmental activist and Coordinator of Project Sepik, an environmental group fighting to halt a mining project that could result in tailings entering the Sepik River, a large freshwater wetland system, and could also damage the tropical rainforest. Manu has faced threats and violence because of his work, including being harassed by the government and mining company officials.<sup>10</sup>
- 3.5** In October 2020, 10 UN special rapporteurs highlighted that civil society personnel and HRDs who have raised concerns about a gold, copper and silver mine project on the remote Frieda River in the country's north have faced death threats and intimidation and have reported that gunshots have been fired at them by unidentified individuals. The project involves the governments of Australia, Canada, China and PNG.<sup>11</sup>
- 3.6** Individuals raising criticism of the authorities have also been targeted. In April 2018 senior works engineer and whistleblower Brian Alois was suspended from his job after delivering a presentation at a national meeting stating that PNG was paying inflated prices for road construction and maintenance projects.<sup>12</sup>
- 3.7** Women HRDs in PNG face particular risks in a society that has been has one of the highest rates in the world for domestic violence.<sup>13</sup> Cressida Kuala, a women's rights defender of the Ipili Indigenous people and an environmental activist from a goldmining town in the highlands of Porgera, fears retaliation and sexual violence when she and other women HRDs raise concerns about mining operations. She has at various points been forced to go into hiding.<sup>14</sup>
- 3.8** Harassment and attacks against journalists have been reported to escalate around elections. In May 2017, EMTV media workers were verbally and physically assaulted. The election news crew was working in Port Moresby when supporters of

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<sup>9</sup> 'World Report on The Situation Of Human Rights Defenders', Forum Asia, December 2018, <https://www.forum-asia.org/uploads/wp/2018/12/UNSR-HRDs-World-report-2018-compressed.pdf>.

<sup>10</sup> 'Attacks And Threats Against Human Rights Defenders Persist In Papua New Guinea', CIVICUS Monitor, 1 July 2019, <https://monitor.civicus.org/updates/2019/07/01/attacks-and-threats-against-human-rights-defenders-persist-papua-new-guinea>.

<sup>11</sup> 'Advocacy Groups And Activists Continue Campaign Against Mining Projects In PNG Despite Threats', CIVICUS Monitor, 23 November 2020, <https://monitor.civicus.org/updates/2020/11/23/advocacy-groups-and-activists-continue-campaign-against-mining-projects-png-despite-threats>.

<sup>12</sup> 'Top engineer suspended after blowing whistle on inflated contracts. PNGAttitude, 12 April 2018, <https://www.pngattitude.com/2018/04/top-engineer-suspended-after-blowing-whistle-on-inflated-contracts.html>.

<sup>13</sup> 'Briefing: Take Action – COVID-19 and Gender Based Violence', UN Population Fund, November 2020, [https://png.unfpa.org/sites/default/files/pub-pdf/unfpa\\_png\\_briefing\\_covid19\\_gbv.pdf](https://png.unfpa.org/sites/default/files/pub-pdf/unfpa_png_briefing_covid19_gbv.pdf).

<sup>14</sup> CIVICUS Monitor, 1 July 2019, op. cit.

a particular candidate attacked them and demanded that the journalists delete video footage.<sup>15</sup> A few days prior to the 2017 general election, NBC journalist Reilly Kanamon and his staff in Manus Province were reportedly threatened with violence by supporters of a provincial candidate. The threats came over unsubstantiated rumours spread on social media that seven ballot boxes had been smuggled into the province.<sup>16</sup>

#### 4. Freedom of expression, independence of the media and access to information

- 4.1** Article 46 of PNG's Constitution contains strong safeguards to promote and protect the right to the freedom of expression. It states that: "Every person has the right to freedom of expression and publication. This includes the freedom to hold opinions, to receive ideas and information and to communicate ideas and information, whether to the public generally or to a person or class of persons; and freedom of the press and other mass communications media."<sup>17</sup> The right to the freedom of expression is a qualified right. This means that it is subject to certain limitations such as an act of parliament or any other form of legislation, including regulations and by-laws, expressly created for the purpose of limiting this particular right.
- 4.2** The Defamation Act 1962 contains provisions that can be used to criminalise the freedom of expression and that have created a chilling effect.<sup>18</sup> The UN Special Rapporteur on freedom of expression has emphasised that imprisonment should never be applied as a punishment for defamation and recommended that states repeal their criminal defamation laws.
- 4.3** PNG's Cybercrime Act was passed in December 2016 and has been used to silence criticism.<sup>19</sup> The government defines cybercrime as "offences committed using electronic devices, systems and or networks." The Act covers a whole range of illegal online activities including defamatory publication. The section on defamation highlights electronic material that can be deemed to directly or indirectly harm a person's reputation or profession or cause other people to 'avoid' the supposed defamed person. Defamation carries a maximum penalty of 25 years' imprisonment or a fine of up to one million Kina (approx. US\$13,800). The Act does not have a clear section or subsection that protects the freedom of expression. The Cybercrime Act has been criticised by the opposition, journalists and activists for its implications on

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<sup>15</sup> 'Media Council Concerned Over Harassment Of Media Ahead Of June Elections', CIVICUS Monitor, 21 June 2017, <https://monitor.civicus.org/updates/2017/06/21/media-council-concern-over-harassment-media-june-election-papua-new-guinea>.

<sup>16</sup> 'Freedom Of Expression Undermined During General Elections', CIVICUS Monitor, 25 August 2017, <https://monitor.civicus.org/updates/2017/08/25/freedom-expression-undermined-during-elections>.

<sup>17</sup> 'Papua New Guinea's Constitution of 1975 with Amendments through 2016', op. cit.

<sup>18</sup> 'Defamation Act 1962', Pacific Islands Legal Information Institute, [http://www.paclii.org/pg/legis/consol\\_act/da196299](http://www.paclii.org/pg/legis/consol_act/da196299).

<sup>19</sup> 'Cybercrime Code Act 2016', 13 December 2016, [http://www.parliament.gov.pg/uploads/acts/16A\\_35.pdf](http://www.parliament.gov.pg/uploads/acts/16A_35.pdf).

the freedom of expression and political discourse.<sup>20</sup> In June 2020, a former public servant from the Maprik District in East Sepik Province was charged with defamation under the Act after he posted on social media that Agriculture Minister and Maprik member of parliament John Simon had facilitated the awarding of a road and ablution block contract to a Chinese company based in Maprik.<sup>21</sup>

- 4.4** Although the media enjoys a relatively benign legal environment, it has continued to face challenges. The last months of the government of Prime Minister Peter O’Neill in 2019 were marked by many media freedom violations, including intimidation, direct threats, censorship, prosecutions and attempts to bribe journalists. The installation of James Marape as Prime Minister in May 2019 was seen as an encouraging development for the prospects of greater media independence.<sup>22</sup>
- 4.5** Many journalists have complained of intimidation aimed at influencing coverage by agents of members of parliament and other government figures. As a result, self-censorship by journalists is common, especially when reporting on contentious political events. Media personnel have alleged that substantial bribes have often been offered to journalists and editors with the intent of buying favourable coverage.<sup>23</sup> A senior journalist, Titi Gabi, said in 2018 that journalists often work in fear. She also stated that local media has become “a public relations entity for the powers that be.”<sup>24</sup>
- 4.6** Journalists continue to be dependent on the concerns of those who own their media. This is particularly the case at the two main dailies: The Post Courier is owned by Australian media tycoon Rupert Murdoch’s News Corp, and The National is owned by the Malaysian logging multinational Rimbunan Hijau, which may affect the willingness of its journalists to cover environmental issues. According to Reporters Without Borders, the lack of funding and material resources for proper investigative journalism and reporting in the field has tended to encourage “copy-and-paste” journalism.<sup>25</sup> Reporters have also been funded by companies to visit mining sites or other development projects, raising concerns about media independence.<sup>26</sup>
- 4.7** Senior EMTV journalist Scott Waide was suspended on 18 November 2018 by the board of the state-owned company for “negative coverage” of the PNG government

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<sup>20</sup> ‘Internet under threat?: The politics of online censorship in the Pacific Islands’, R Kant, J Titifanue, J Tarai and G Finau, Te Koakoa: Pacific Journalism Review, 2018, 24(2), 64-83, <https://doi.org/10.24135/pjr.v24i2.444>.

<sup>21</sup> ‘East Sepik Province 1st Cybercrime case’, Papua New Guinea Today, 9 June 2020, <https://news.pngfacts.com/2020/06/east-sepik-province-1st-cybercrime-case.html>.

<sup>22</sup> ‘Papua New Guinea’, Reporters Without Borders, <https://rsf.org/en/papua-new-guinea>.

<sup>23</sup> ‘World Report On The Situation Of Human Rights Defenders’, Forum Asia, December 2018, <https://www.forum-asia.org/uploads/wp/2018/12/UNSR-HRDs-World-report-2018-compressed.pdf>.

<sup>24</sup> ‘PNG Journalist: “We No Longer Enjoy Media Freedom”’, CIVICUS Monitor, 24 May 2018, <https://monitor.civicus.org/updates/2018/05/24/png-journalist-we-no-longer-enjoy-media-freedom>.

<sup>25</sup> Reporters Without Borders, op. cit.

<sup>26</sup> Interview with civil society activists including Transparency International PNG, op. cit.

during the 2018 Asia-Pacific Economic Commission (APEC) summit, which included a story about the purchase of a fleet of luxury cars by the government.<sup>27</sup> In August 2019, EMTV news manager Neville Choi, a well-respected and leading Pacific journalist, had his employment terminated. A public statement listed the reasons for his termination, one of which was his refusal to bury a February 2019 story about the PNG Defence Force pay strike outside the Prime Minister's office. Another reason for the termination was Choi's defiance of a directive from EMTV's board, Kumul Telikom Holdings Ltd, to fire Scott Waide over his APEC summit coverage.<sup>28</sup>

**4.8** In April 2020, PNG Police Minister Bryan Kramer called for the sacking of Loop PNG political and business editor Freddy Mou and senior PNG Post-Courier journalist Gorethy Kenneth for their reporting on the use of COVID-19 funds to hire cars and media consultants.<sup>29</sup>

**4.9** Journalists and HRDs trying to document human rights violations and conditions of detention in Australia's offshore refugee detention centre on Manus Island have been obstructed from doing so, as the government has restricted media access to the centre.<sup>30</sup>

**4.10** In October 2018, an internationally acclaimed investigative documentary about the Paga Hill community's fight for justice from over the illegal eviction and demolition of their homes in Port Moresby between 2012 and 2014 was banned from screening at the PNG Human Rights Festival, likely due to pressure from the authorities.<sup>31</sup>

**4.11** On 6 April 2020, David Manning, PNG's police chief, warned that anyone spreading 'false information' during the COVID-19 State of Emergency would be arrested and charged. He issued his warning following social media allegations that the Health Ministry had awarded a US\$14 million contract to Borneo Pacific Pharmaceuticals for COVID-19 response-related supplies.<sup>32</sup> A National Pandemic Act was passed in June 2020, containing various provisions that could restrict fundamental freedoms and other human rights without adequate oversight. The law was rushed through

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<sup>27</sup> 'State Briefly Suspends PNG Journalist After Critical Reporting At Apec Summit', CIVICUS Monitor, 14 March 2019, <https://monitor.civicus.org/updates/2019/03/14/journalist-briefly-suspended-while-china-blocks-media-covering-apec-events>.

<sup>28</sup> 'Activist Group Continues Resistance Against Seabed Mining In PNG', CIVICUS Monitor, 15 January 2020, <https://monitor.civicus.org/updates/2020/01/15/activist-group-continues-resistance-against-seabed-mining-png>.

<sup>29</sup> 'Journalists Targeted In PNG Amid The Covid-19 Pandemic While Nurses Strike Over Lack Of Protection', CIVICUS Monitor, 14 May 2020, <https://monitor.civicus.org/updates/2020/05/14/journalists-targeted-png-amid-covid-19-pandemic-while-nurses-strike-over-lack-protection>.

<sup>30</sup> Front Line Defenders, op. cit.

<sup>31</sup> 'Protests Around Corruption And Censorship Of Eviction Film Ahead Of Apec Regional Meeting', CIVICUS Monitor, 8 November 2018, <https://monitor.civicus.org/updates/2018/11/08/protests-around-corruption-and-censorship-eviction-film-ahead-apec-regional-meeting/>

<sup>32</sup> Ibid.



parliament without adequate consultation with the opposition or civil society.<sup>33</sup>

**4.12** The authorities have also threatened to control or shut down social media in response to criticism. In 2018, there were reports about a government proposal to ban Facebook for a year because of issues related to alleged ‘fake news’ and privacy violations. In May 2019, then-Prime Minister Peter O’Neill instructed the Ministry for Communications and Information Technology to review how the government can regulate social media to protect citizens affected by the circulation of ‘fake news’.<sup>34</sup>

**4.13** There is no freedom of information legislation in PNG despite guarantees in the Constitution (article 51). According to civil society groups, government information is extremely difficult to access and there is a culture of secrecy. Further, there is a lack of clarity on what information is publicly accessible.<sup>35</sup> Civil society has used the courts to file constitutional challenges to access information, as in the case of the campaign against deep sea mining.<sup>36</sup> According to Transparency International PNG, under the Open Government Partnership National Action Plan, it anticipates the enactment of freedom of information legislation as the government has committed to delivering the law as a priority of recent governance reform.<sup>37</sup>

## 5. Freedom of peaceful assembly

**5.1** Article 47 of the PNG Constitution provides that “every person has the right peacefully to assemble.”<sup>38</sup> The Peace and Good Order Act 1991 regulates the holding of public processions or public meetings.<sup>39</sup> Those planning to hold a protest are required to submit an application to a provincial Committee made up of the provincial authorities and police to consider and issue a permit. This Committee must meet as soon as is practicable and, unless it is satisfied on reasonable grounds that the procession or meeting is likely to be prejudicial to the maintenance of peace

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<sup>33</sup> The law contains provisions “to regulate or restrict certain rights and freedoms including the liberty of persons; freedom of arbitrary search and entry; the freedom of expression; the freedom of assembly and association; the right to privacy and the right to freedom of information and movement.” See National Pandemic Act 2020, 16 June 2020, <https://covid19.info.gov.pg/files/June2020/18062020/National%20Pandemic%20Act%202020-%28Certified%29.pdf>.

<sup>34</sup> CIVICUS Monitor, 1 July 2019, op. cit.

<sup>35</sup> Interview with PNG activists, 20 January 2021.

<sup>36</sup> In December 2017, local communities filed a case in the PNG National Court to obtain key documents, including the environment permit, relating to the Solwara 1 deep seabed mining project, after their calls for the release of project documents were ignored over many years. In September 2020 they won the case. See ‘Community win over FOI bid in PNG Seabed Mining Case’, Environmental Defenders Office, 14 September 2020, <https://www.edo.org.au/2020/09/14/community-win-over-foi-bid-in-png-seabed-mining-case>.

<sup>37</sup> Interview with Transparency International PNG, 20 February 2021.

<sup>38</sup> ‘Papua New Guinea’s Constitution of 1975 with Amendments through 2016’, op. cit.

<sup>39</sup> ‘Peace and Good Order Act 1991’, [http://www.paclii.org/pg/legis/consol\\_act/pagoa1991154.pdf](http://www.paclii.org/pg/legis/consol_act/pagoa1991154.pdf).

and public order, shall issue the permit. Under international law, state authorities may put in place a system of prior notification, but it should not function as a request for authorisation. Further, spontaneous assemblies should be exempt from notification requirements. However, according to local activists, many are not aware of these processes and there is a need for clear laws and regulations that protect the right to the freedom of peaceful assembly.<sup>40</sup>

- 5.2** Peaceful protests are usually allowed to take place without any major restrictions. However, there has been a failure to conduct an independent and impartial investigation into police officers who in June 2016 opened fired on a peaceful protest by university students calling for Prime Minister O’Neill’s resignation over corruption allegations. According to reports, at least 38 protesters were injured when police started “firing directly into the crowd.” After the protest, the University of PNG won a court injunction banning further protests.<sup>41</sup>
- 5.3** Police have also used force to suppress protests by asylum seekers on Manus Island.<sup>42</sup> Australia’s policy of detaining and processing refugees on Manus Island has resulted in the systematic violation of the rights of hundreds of people. More than 800 refugees and asylum seekers have been detained on the island since 2013. At time of writing, an estimated 145 refugees and asylum seekers remain there.<sup>43</sup>

## **6. Recommendations to the Government of PNG**

CIVICUS, PIANGO and Transparency International PNG call on the Government of PNG to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In the light of this, the following specific recommendations are made:

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<sup>40</sup> Interview with Transparency International PNG, op. cit.

<sup>41</sup> CIVICUS Monitor, 21 June 2017, op. cit.

<sup>42</sup> ‘Manus Island police use long metal poles to beat refugees and asylum seekers’, The Guardian, 23 November 2017, <https://www.theguardian.com/australia-news/2017/nov/24/manus-island-police-use-long-metal-poles-to-beat-refugees-and-asylum-seekers>.

<sup>43</sup> ‘Papua New Guinea Events of 2020’, Human Rights Watch, <https://www.hrw.org/world-report/2021/country-chapters/papua-new-guinea>.

## **16.1 Freedom of association**

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Guarantee the effective and independent functioning of autonomous trade unions by removing undue limitations on the right to form and join a union, undertake collective bargaining and strike.

## **16.2 Protection of human rights defenders**

- Provide HRDs, civil society members and journalists with a safe and secure environment in which they can carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Initiate a consolidated process of review, repeal or amendment of legalisation that unwarrantedly restricts the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Publicly condemn at a high level instances of harassment and intimidation of CSOs and activists.
- Take all necessary steps to establish an independent national human rights institution in accordance with the Paris Principles and ensure it works to protect human rights defenders.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect human rights activists by adopting a specific law on the protection of human rights activists, in accordance with Human Rights Council resolution 27.31.

## **16.3 Freedom of expression, independence of the media and access to information**

- Review and amend criminal defamation provisions in the Cybercrime Act to ensure that it is in line with ICCPR article 19 and international law and standards in the area of the freedom of expression.
- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- Ensure that journalists and writers can work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Refrain from adopting any laws providing for censorship or undue control over the content of the media.
- Refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all forms, including in the arts and other forms of cultural expression.

#### **6.4 Freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Ensure that those responsible for the shooting of unarmed student protesters in 2016, including officials who gave the order to shoot, are promptly identified, charged and prosecuted.
- Review and if necessary, update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

## **6.5 Access to UN Special Procedures mandate holders**

- Extend an invitation to UN Special Procedure mandate holders including: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the right to freedom of peaceful assembly and of association; and 4) Special Rapporteur on the independence of judges and lawyers.

## **6.6 State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of the UPR, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.