



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Papua New Guinea

1. The Committee considered the initial report of Papua New Guinea (CRC/C/28/Add.20), submitted on 23 April 2002, at its 934th and 935th meetings (see CRC/C/SR.934 and 935), held on 22 January 2004, and adopted, at the 946th meeting (CRC/C/SR.946), held on 30 January 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's frank and informative initial report, as well as the detailed written replies to its list of issues (CRC/C/Q/PNG/1), but regrets the late submission of the latter. The Committee further notes with appreciation the high-level delegation and welcomes the constructive dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee notes with appreciation the adoption of the Juvenile Courts Act in 2003 and the establishment of the first juvenile court in the nation's capital, Port Moresby.

4. The Committee welcomes the amendments to the Criminal Code and the Evidence Act in 2002 which entered into force in 2003 and which improved the legal framework of the protection of children against sexual abuse.

5. The Committee welcomes the adoption of a National Health Plan 2001-2010 and of specific policies such as the Village Health Volunteers (2000) and the Policy and Expanded Programme on Immunization (2003).

6. The Committee notes with appreciation the establishment of a National AIDS Council and the adoption of the HIV/AIDS Management and Prevention Act in 2003.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges the challenges faced by the State party, namely, the internal armed conflict, the vulnerability to natural disasters and the geographical nature of the country, as well as the existence of more than 800 local languages in use.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

8. While noting that the State party has undertaken a legislative review programme and that the Child Rights Monitoring Committee (CRMC) has identified about 20 pieces of legislation that are not in compliance with the Convention on the Rights of Child, the Committee is concerned that the completion of this programme is not given the necessary priority.

9. **The Committee recommends that the State party take all necessary time-bound measures to complete its legislative review programme and to ensure that its domestic and customary legislation conform fully with the principles and provisions of the Convention and that it is effectively implemented.**

Coordination

10. The Committee welcomes the establishment of CRMC in 2000 with overall responsibility for conducting and monitoring the implementation of the Convention. Nevertheless, the Committee is concerned that CRMC is fully dependent on external funding and that it lacks a clear political mandate.

11. **The Committee recommends that the State party provide CRMC with a clear political mandate, financial and human resources as well as technical expertise necessary for an effective and sustainable performance of its mandate.**

National Plan of Action

12. Although the State party is developing various sectoral plans, e.g. in the area of education and health, the Committee is concerned at the lack of a comprehensive national strategy or plan of action for the implementation of the Convention.

13. **The Committee urges the State party to develop a comprehensive national plan of action, which covers all areas of the Convention incorporating the objectives and goals of the outcome document entitled “A World Fit for Children” of the United Nations General Assembly special session on children. The Committee also recommends that the plan of action take into account the millennium development goals and the Poverty**

Reduction Strategy by decentralizing responsibilities to local levels and by setting up benchmarks for all levels of implementation. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF) and involve civil society, including children, in the preparation and implementation of such national plan of action.

Independent monitoring

14. The Committee is concerned at the absence of an independent mechanism with a mandate regularly to monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints.

15. **The Committee encourages the State party to pursue its efforts with a view to developing and establishing an independent and effective mechanism, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex) and the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child, that monitors the implementation of the Convention, deals with complaints from children in a child-sensitive and expeditious manner, makes it easily accessible to children and provides remedies for violations of their rights under the Convention. The Committee also recommends that the State party provide such a mechanism with adequate human and financial resources. In this regard, the Committee recommends that the State party consider seeking technical assistance, inter alia, from UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR).**

Resources for children

16. The Committee is concerned that the recent reduction of budgets for, inter alia, health care and education seriously hampers the State party's compliance with the provisions of article 4 of the Convention in terms of budgetary allocations of resources for the implementation of the Convention.

17. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation" to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups.**

Data collection

18. While acknowledging the detailed data provided in the written replies to the list of issues in the area of health care and education, the Committee regrets the lack of comprehensive and up-to-date statistical data in the State party's report.

19. **The Committee recommends that the State party develop a system of data collection that covers all areas of the Convention, and ensure that all data and indicators are used for**

the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The State party should consider seeking technical assistance from, among others, UNICEF in this regard.

Training/dissemination of the Convention

20. While taking note of the efforts made by the State party to raise awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened. The Committee is also concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

21. **The Committee recommends that the State party strengthen its awareness-raising efforts and encourages the State party to undertake systematic education and training on the rights of the child in the Convention for all professional groups working for and with children, in particular parliamentarians, the judiciary, law enforcement officials, civil servants, local leaders, personnel working in institutions and places of detention for children, teachers, health personnel, social workers, local leaders, as well as children and their parents.**

Cooperation with non-governmental organizations (NGOs)

22. The Committee notes with appreciation the cooperation of the State party with NGOs in the provision of services and their involvement in the preparation of various programmes relating to the Convention. However, the Committee expresses its concern that this involvement may result in a diminished direct commitment on the part of the State party.

23. **The Committee wishes to underscore that the State party has primary responsibility for the implementation of the Convention and recommends that the State party remain fully and directly involved in the implementation process while encouraging and supporting NGOs in their important function as partners.**

2. Definition of the child

24. The Committee is concerned about the difference in the minimum legal age of marriage for girls (16 years) and boys (18 years). It is also concerned that despite these provisions marriages at age 14 and 15 years are permitted.

25. **The Committee recommends that the State party raise the minimum legal age of marriage for girls to that of boys and take measures to prevent early marriages.**

3. General principles

Non-discrimination

26. The Committee is concerned that, as noted by the State party, societal discrimination persists against girls and women and vulnerable groups of children, such as children with disabilities, children living in poverty, children born out of wedlock, adopted children and children of mixed parentage, and that the Constitution does not prohibit discrimination on the grounds of disability.

27. **The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds, in particular against girls and all vulnerable groups.**

28. **The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted in 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 (2001) on article 29 (1) of the Convention (aims of education).**

Best interests of the child

29. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration in all actions concerning children, in particular in customary law.

30. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle be taken into account when administrative, policy, court or other decisions are made. It further recommends that the State party collaborate with local authorities, NGOs and community leaders to develop awareness-raising campaigns regarding the general principle of acting in the best interests of the child.**

Respect for the views of the child

31. The Committee notes with concern that children's views are not systematically sought and taken into consideration with regard to decisions that may affect them and that respect for the views of the child remains limited within the family, at schools, in the courts and before administrative authorities and in the society at large.

32. **The Committee recommends that the State party ensure that children's views are given due consideration, in accordance with article 12 of the Convention, in the family, at schools, in the courts and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation and a nationwide campaign to increase public awareness of the participatory rights of children.**

4. Civil rights and freedoms

Birth registration

33. The Committee is concerned that the majority of parents in the State party are not aware of the importance of birth registration. It is also concerned at the lack of a comprehensive decentralized birth registration system and at the fact that parents have to pay fees to get a birth certificate for their children.

34. **In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns, and to facilitate procedures of birth registration, notably by suppressing any fees and decentralizing the system. The Committee also recommends that the State party take measures to register those who were not registered at birth.**

Violence

35. The Committee is concerned at the use of violence against children by the police and by personnel in institutions.

36. **The Committee recommends that the State party:**

(a) Establish a mechanism to collect data on the perpetrators and victims of violence, disaggregated by gender and age, in order to properly assess the extent of the problem and design policies and programmes to address it;

(b) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including the prosecution of perpetrators, and ensure that victims of abuse have access to assistance in recovery;

(c) Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(d) Seek technical assistance from, among others, OHCHR and UNICEF in this regard.

Corporal punishment

37. The Committee is deeply concerned that corporal punishment of children is rather widespread in the State party and not prohibited by law.

38. **The Committee recommends that the State party:**

(a) Carry out public education campaigns about the negative consequences of corporal punishment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(b) Expressly prohibit corporal punishment by law in the family and other institutions.

5. Family environment and alternative care

Parental responsibilities

39. The Committee notes with appreciation that the Constitution recognizes the obligation of both parents to support, assist and educate their children, yet it is concerned that domestic and customary laws do not generally reflect article 18 of the Convention.

40. **The Committee recommends that the State party develop and implement programmes to raise awareness of the importance of shared parental responsibilities, to provide the necessary support in the discharge of these responsibilities and to incorporate the constitutional provisions and the articles of the Convention on the Rights of the Child into customary and domestic law. The Committee also recommends that the State party undertake a comprehensive study on the impact of polygamy on the rights of the child.**

Adoption

41. The Committee is concerned at the high incidence of informal adoption which lacks the guarantees that the best interests of the child are taken into account and which may lead, inter alia, to the use of young informally adopted girls as domestic servants.

42. **The Committee recommends that the State party take all necessary measures to ensure that all existing practices of adoption comply with article 21 of the Convention, that both legal parents are required to give their consent for the adoption and that the children's views, where appropriate, and their best interests are taken into account. The Committee also recommends that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

Child neglect and abuse

43. The Committee is concerned that the problem of neglect and abuse, including sexual abuse, within the family and at school appears to be significant according, inter alia, to hospital records.

44. **The Committee recommends that the State party set up a comprehensive and nationwide response system with the aim of providing support and assistance to all victims of domestic violence, and ensure that they have access to counselling, redress and assistance with recovery and reintegration. The Committee also recommends that the State party ensure that there is an effective mechanism for receiving, monitoring, and investigating complaints, and seek technical assistance in this regard.**

6. Basic health and welfare

Children with disabilities

45. The Committee is concerned about the lack of adequate data indicating the extent, the main forms and causes of disability in the State party. It is also concerned that children with disabilities, in particular those in remote rural areas, have no access to social services, including rehabilitation and educational facilities.

46. **The Committee recommends that the State party:**

(a) Strengthen efforts to combat discriminatory attitudes towards children with disabilities, particularly amongst children and parents, and promote their participation in all aspects of social and cultural life;

(b) Formulate a strategy that includes appropriate teacher training to ensure that all children with disabilities have access to education, and, wherever possible, are integrated into the mainstream education system in the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339).

Health and health services

47. While noting the encouraging downward trend in infant mortality rates and the improvement in vaccination coverage, the Committee is concerned at the high maternal mortality rate due in part to the high number of unattended deliveries, the inaccessible and unsatisfactory health-care facilities, the prevalence of malaria, the high incidence of malnutrition and micronutrient deficiencies among mothers and children, and the limited availability of safe drinking water and adequate sanitation.

48. **The Committee recommends that the State party:**

(a) Strengthen its efforts to provide all communities with accessible and high-quality health-care facilities;

(b) Improve training efforts of local midwives, thereby promoting safe deliveries;

(c) Address the issue of malnutrition and micronutrient deficiencies through education and promotion of healthy feeding practices, including breastfeeding;

(d) Strengthen its efforts to prevent and treat malaria;

(e) Ensure safe drinking water and adequate sanitation to all.

Adolescent health

49. The Committee is concerned that insufficient attention has been given to adolescent health issues, including access to information and services related to adolescent health in general and reproductive health in particular. It is also concerned that adolescents remain extremely vulnerable to contracting sexually transmitted diseases, that girls are not protected from the risk of pregnancy and at the practice of clandestine abortions involving adolescent girls.

50. The Committee recommends that the State party undertake all necessary measures to formulate and implement adequate health policies and programmes by making available reproductive health services, including education and the promotion of safe sexual practices.

HIV/AIDS

51. While noting the many initiatives taken by the State party to address the issue of HIV/AIDS, the Committee remains deeply concerned at the increasing number of children being infected and affected by HIV/AIDS.

52. **The Committee recommends that the State party integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected and affected by HIV/AIDS, as well as their families, in accordance with the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of children (CRC/GC/2003/3).**

7. Education, leisure and cultural activities

53. The Committee is encouraged by the State party's efforts to reform its national education system and to address the key issues of participation and quality of education. It notes that a community-based education would attract children from school-distant groups into educational institution settings. However, it is concerned that enrolment, literacy and retention rates are still low, particularly in primary education, and that there is a significant disparity between the number of boys and girls in school. The Committee is also concerned that, as education is not compulsory nor free, ages for admission to and completion of primary education have not been set.

54. **The Committee recommends that the State party continue to strengthen its efforts to complete the reform of its national education system and in particular to strengthen measures aimed at increasing enrolment and retention rates in primary and basic education, in particular for girls. The Committee also recommends that the State party set ages for admission to and completion of compulsory and free primary education and include human rights education as part of the curriculum.**

8. Special protection measures

Children affected by armed conflict

55. While acknowledging the efforts undertaken by the State party to rehabilitate ex-child soldiers, the Committee expresses its concern that there is still a significant number of children suffering from the very harmful effects of armed conflict.

56. **The Committee recommends that the State party set up a comprehensive strategy to ensure that no children are involved in armed conflict and that every ex-child soldier is properly rehabilitated and integrated into the society.**

Economic exploitation

57. The Committee, while welcoming the ratification in 2000 by the State party of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment of 1973 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999, remains concerned at the significant number of children working, inter alia, as domestic servants.

58. **The Committee recommends that the State party undertake a survey of the number of children working as domestic servants in order to design and implement legislation and policies to prevent and combat all forms of economic exploitation of children, in accordance with ILO Conventions Nos. 138 and 182, in particular those involved in domestic services.**

Sexual exploitation and trafficking

59. The Committee, while noting with appreciation the recent amendments to relevant legislation and the formulation of a draft National Plan of Action to combat the commercial sexual exploitation of children and sexual exploitation in its wider context, remains concerned at the seemingly high incidence of child prostitution in the State party and the lack of accurate data and adequate policies in this regard.

60. **The Committee recommends that the State party expedite the adoption of its National Plan of Action, take all necessary measures to implement existing legislation and develop an effective and comprehensive policy addressing the sexual exploitation of children with special attention to the protection of girls and women. The Committee also recommends that the State party implement appropriate policies and programmes for the prevention of such practices and for rehabilitation and reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

Drug abuse

61. While welcoming the establishment of the National Narcotics Bureau to address the problem of substance abuse, the Committee remains concerned at the high incidence of children abusing drugs such as marijuana and home brew. It is also concerned at the lack of adequate legislation and treatment programmes in this regard.

62. **The Committee recommends that the State party take action to combat drug abuse by children, including through public education campaigns, and ensure that child drug and substance abusers have access to effective structures and procedures for treatment, counselling, recovery and reintegration.**

Children in conflict with the law

63. While acknowledging the State party's efforts to improve the juvenile justice system, the Committee is concerned at the very low minimum age of criminal responsibility (7 years), that children in detention are not always separated from adults and at the lack of probation services, including re-education, vocational training and counselling for children in conflict with the law.

64. **The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party:**

(a) **Raise the minimum age of criminal responsibility to an internationally acceptable level;**

(b) **Ensure that children in detention are separated from adults;**

(c) **Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**

(d) **Seek technical cooperation from, among others, OHCHR and UNICEF.**

9. Optional Protocols to the Convention

65. The Committee notes that the State party has not ratified the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

66. **The Committee recommends that the State party ratify the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

10. Dissemination of documents

67. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.

11. Next report

68. **In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its second and third periodic reports in one consolidated report by 30 September 2008, due date for the submission of the third report. Such a report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**
