



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.934
27 January 2004

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

SUMMARY RECORD (PARTIAL)* OF THE 934th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 22 January 2004, at 10 a.m.

Chairperson: Mr. DOEK

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* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 11.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Papua New Guinea (CRC/C/28/Add.20; CRC/C/Q/PNG/1; CRC/C/RESP/52)

1. At the invitation of the Chairperson, Ms. Kidu, Mr. Klapat and Mr. Maipakai (Papua New Guinea) took places at the Committee table.
2. Mr. MAIPAKAI (Papua New Guinea) said that, in spite of progress during the 1970s, development had slowed considerably during the past 20 years. Consequently, Papua New Guinea currently ranked 132 on the Human Development Index and had some of the lowest social indicators in the region. Its development challenges were compounded by high population growth and an alarming increase in the incidence of HIV infection.
3. Following a review of existing laws and mechanisms for protecting children's rights, the Government had identified 20 pieces of national legislation in need of reform. At the same time, a number of community initiatives had been launched to address such issues as child abuse, child labour, organized paedophilia and sex tourism. Educational reform continued to focus on increasing school enrolment and achieving greater gender parity. In 2003, juvenile courts had been established for the first time, legislative reforms concerning sexual offences and child welfare had been introduced, and the HIV/AIDS Management Act had been adopted. Further efforts were necessary to protect children from hunger, manipulation, abuse, domestic violence and preventable diseases.
4. Ms. ORTIZ said that the State had a duty to assist children in coping with the tremendous changes taking place in Papua New Guinea. However, women and children appeared to be very low priorities. Since the law providing for free and compulsory education had been abolished, half of the child population did not attend school.
5. At 930 per 100,000 births, the maternal mortality rate was extremely high. Over the past 10 years, the average life expectancy for women had not risen above 51 years. Infant mortality rates were on the rise, and a high proportion of children under 5 continued to die from curable diseases.
6. She welcomed the process of legislative reform that was currently under way and urged the Government to incorporate a rights-based approach in its laws concerning children.
7. Ms. KHATTAB asked whether the Government had taken any steps to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Optional Protocols to the Convention on the Rights of the Child, or the Optional Protocol to the Convention on the Elimination of Discrimination against Women. She wished to know whether a children's code, combining all child-related laws in a single document, had been contemplated under the Government's reform proposals. It would be useful to learn whether the reforms would make it possible to invoke the Convention before the courts.

8. Pursuant to article 4 of the Convention, the Government was required to devote the maximum available resources to social expenditure. She therefore asked why the Working Committee on the Rights of the Child had been denied the resources to enable it to coordinate and monitor implementation of the Convention. The delegation should provide additional information on the mandate and composition of the Working Committee.
9. No national plan of action had been adopted for implementing the Convention, and no independent monitoring mechanism had been established. In the absence of a national human rights commission, children had virtually no opportunity to lodge a complaint in a confidential manner. She asked what steps the Government was taking to improve that situation. The delegation should explain why data concerning special protection, child labour and juvenile justice had not been included in the written replies.
10. She asked why the minimum age for marriage was 16 years for girls and 18 for boys. She wished to know how the Government ensured that the legal minimum age was respected. She asked whether any steps had been taken to provide legal protection for unborn children.
11. She asked whether the Government had taken any steps to improve the status of women in Papua New Guinea. The situation of girls was a cause for concern, as indicated by the significantly higher incidence of child abuse and sexual abuse among girls than among boys. The delegation should explain what obstacles had prevented the Government from establishing mechanisms to deal with those problems. She enquired whether any measures had been taken to correct the imbalances that existed between urban and rural areas in terms of the public services.
12. She wished to know whether Papua New Guinea had received any assistance for dealing with the 1,800 asylum-seekers whom it was hosting under an arrangement with Australia. She asked whether the Government had taken any special measures to protect child asylum-seekers, or whether that task had fallen to non-governmental organizations (NGOs), which appeared to be the chief institutions responsible for children's issues in Papua New Guinea.
13. Ms. AL-THANI asked what progress had been made in disseminating the provisions of the Convention to children since the publication of the initial report, and whether any surveys had been conducted to determine the level of children's awareness of their rights.
14. Mr. LIWSKI asked whether any steps had been taken to encourage greater respect for children's opinions at home and in the community, especially in matters that concerned children directly. He wondered whether any efforts had been made to promote the establishment of children's and adolescents' organizations.
15. Mr. FILALI urged the Government to ratify the other major international human rights instruments, which served as the foundation for the Convention on the Rights of the Child. The State party had made little progress in enacting domestic legislation to give effect to the Convention, and he wondered whether the State party had the necessary political will and resources to achieve that objective.

16. He wished to know the amounts that had been allocated in the general budget for the purpose of birth registration. He wondered whether the children born to refugees or stateless persons residing in Papua New Guinea were automatically granted citizenship. He asked whether the children born to naturalized citizens acquired citizenship through birth or whether they had to be naturalized.

17. Ms. ALUOCH said that birth registration was important in order to ensure that sufficient resources were budgeted to meet children's needs. She asked whether any efforts had been made to harmonize the numerous definitions of the child contained in domestic legislation.

18. The CHAIRPERSON said that the delegation should explain why budget allocations for education and health had fluctuated so sharply over the past few years. He enquired whether any targets had been set for completing the current legislative reforms. It was important to adopt legislation that enabled the judiciary to invoke the Convention directly.

The meeting was suspended at 12.05 p.m. and resumed at 12.20 p.m.

19. Ms. SARDENBERG enquired whether any resources had been allocated for an assessment of the impact on children of the Bougainville conflict. She wished to know what kind of international assistance the State party had received and who the donors had been. She requested information on the manner in which attitudes and legislation had changed with respect to children born out of wedlock.

20. Ms. KIDU (Papua New Guinea) said that, while the Government was taking measures to ratify the international instruments mentioned by some members of the Committee, it lacked the overall capacity to advance more rapidly. The main reasons for the State party's lack of progress on children's issues included budget cuts and other austerity measures taken to reduce the country's foreign debt. Frequent changes of Government had resulted in a rapid turnover of staff in the public service. Consequently, the State party had had to rely almost exclusively on international agencies and foreign donors to fund its development budget.

21. In spite of its current difficulties, the Government had begun to harmonize the various definitions of the child used in its domestic legislation. An extensive revision of the outdated Child Welfare Act had recently been completed, and a draft would be submitted to Parliament in March 2004. In addition, a new system of family courts based on the Australian family court system was being introduced.

22. Although work on domestic violence legislation had begun in the 1980s, the process had come to a halt. Greater progress might be achieved if the legislation used less confrontational language and was referred to as a family protection bill.

23. Mr. LIWSKI asked whether Papua New Guinea had attempted to negotiate with the international financial institutions to reduce debt repayments in exchange for increasing spending on such key areas as health and education.

24. Ms. VUCKOVIC-SAHOVIC asked whether Papua New Guinea had the human resources it needed to carry out its reforms.

25. Ms. ORTIZ asked whether the current Government of Papua New Guinea included a technical specialist on the rights of the child or whether the Government relied on the expertise of international agencies. She wondered how professionals received the necessary technical training, and whether there was a system to ensure that such experts did not lose their jobs following a change of Government.
26. Ms. KIDU (Papua New Guinea) said that the Minister of Finance had tried unsuccessfully to reschedule debt repayments. There were currently not enough technical specialists in the country. Recent legislation on public sector reform would ensure that specialists were retained in the civil service following elections. The Government did not have an expert on the Convention on the Rights of the Child, and it relied on assistance from international agencies to help it complete specific tasks. For example UNICEF and the Papua New Guinea Law Reform Commission had provided the technical expertise needed to draft the Child Sexual Assault Act. The Government was currently seeking the technical support that would allow it to meet its obligations under the Convention on the Elimination of Discrimination against Women. Papua New Guinea also relied on international assistance for the technical expertise that it needed to strengthen and fund the Children's Rights Monitoring Committee.
27. While the Government was working hard to adopt legislation to promote and protect children's rights, it was aware that the effective implementation of such legislation would be very difficult. A campaign was under way to raise awareness of the 2002 Child Sexual Assault Act among police and other professionals.
28. There were plans to bring equal opportunities and children's rights under a single human rights desk. Although human rights were guaranteed in the preamble to the Constitution, there was as yet no jurisprudence on the subject.
29. The CHAIRPERSON requested confirmation that the human rights desk was not intended to serve as an independent monitoring committee, and that national plans of action had so far been sectoral. He asked whether there was a government policy on non-discrimination against girls.
30. Ms. KHATTAB said that children's rights did not seem to be a political priority in Papua New Guinea.
31. Ms. KIDU (Papua New Guinea) said that the Government was aware of the increased risks that children faced as a result of poverty, HIV/AIDS, globalization and ethnic tension. Papua New Guinea had only recently recognized the need for an integrated early childhood development policy, which was currently being developed. Changes in society would also create the need to improve parenting skills. She confirmed that the human rights desk was not intended to serve in an independent monitoring capacity but was designed to improve cost-efficiency, and that national action plans had so far been sectoral in nature.
32. Mr. KLAPAT (Papua New Guinea) said that the Government, in partnership with UNICEF and other agencies, had established a national coordination mechanism with a view to formulating an overall national plan of action based on the provisions of the Convention. He hoped that legislation to facilitate implementation of that plan would be adopted in 2004. A

gender-balance policy that gave girls greater opportunity to participate in education was already in place, although some girls might not have access to schools because transport in rural areas was difficult. In 2003, a committee had been established to improve girls' access to education; the initiative had been successful owing to support from NGOs and the Australian Agency for International Development (AusAID).

33. Information on the Convention had been disseminated in English and Tok Pisin. The Convention was taught in schools, although it had not been included in school curricula. With assistance from NGOs and other civil society organizations, children and adults were being made aware of children's rights through publications, workshops and seminars.

34. Ms. KIDU (Papua New Guinea) said that a role-model programme coordinated by the National Council of Women had been effective in raising girls' aspirations and sensitizing boys to gender issues. A cartoon on the rights of the child captioned in English and Tok Pisin had been published in a weekly insert in a national children's newspaper. The Government had been making concerted efforts to ensure the participation of children in workshops on various issues; almost half the participants in a recent workshop on reproductive health had been young people. Although young people had the right to express their views in school, they were not always given that right in their communities. The Government was working to remove such cultural barriers.

35. Mr. KLAPAT (Papua New Guinea) said that the Government did not have sufficient capacity to prevent the sexual abuse of children, the commercial sexual exploitation of children and trafficking in children. The skills of professionals who worked with children would be upgraded through training in the rights of the child.

36. Ms. KIDU (Papua New Guinea) said that the Government was working closely with NGOs and church organizations in areas where its own capacity was lacking. It was also taking steps to improve coordination among NGOs.

37. Since there were no State orphanages in Papua New Guinea, the Government encouraged communities to care for children whose parents had died of AIDS.

38. Ms. ORTIZ said that experience in other countries had shown that cultural resistance to change could be tempered if information on the rights of the child was first disseminated and then promoted at the local government level. Perhaps a civil servant could be trained by an NGO to listen to people's problems and give advice.

The meeting rose at 1 p.m.