



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-sixth session

Summary record of the 940th meeting

Held at Headquarters, New York, on Thursday, 22 July 2010, at 3 p.m.

Chairperson: Ms. Pimentel (Vice-Chairperson)

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In the absence of the Chairperson, Ms. Pimentel (Vice-Chairperson) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second and third periodic report of Papua New Guinea (continued)
(CEDAW/C/PNG/3, CEDAW/C/PNG/Q/3, CEDAW/C/PNG/Q/3/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Papua New Guinea took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Mr. Flinterman** asked what steps the Government of Papua New Guinea was taking to improve its birth registration system, in the light of reports that in 2005, only 5 per cent of births had been registered. Also, he would appreciate clarification as to whether dual citizenship was possible and how the nationality of a child born of a Papua New Guinean mother and a non-national father was determined.

3. **Dame Carol Kidu** (Papua New Guinea) said that although dual citizenship was not allowed in Papua New Guinea, her Government was currently reviewing the issue at the cabinet level. A woman who chose to adopt her non-national husband's citizenship at the time of marriage had to renounce her Papua New Guinean citizenship. The children of a Papua New Guinean woman who kept her own citizenship on marriage to a non-national had the right to dual citizenship until the age of 18, at which time they must choose their citizenship. The Government had been conducting a birth registration campaign together with the United Nations Children's Fund (UNICEF) for about six years, which had led to an increase in birth registrations from 3 per cent to 15 per cent currently.

4. **Mr. Klapat** said that in addition to its efforts to improve the low birth registration rates, the Government was also encouraging the registration of all marriages and deaths, which also provided useful information about citizenship.

Article 10

5. **Ms. Bailey** urged the State party to address the dramatic decline in girls' school enrolment, not least

because of the consequences that had on literacy rates. Several of the reasons the Government had given to explain girls' non-enrolment and dropping out of school could be tackled immediately, including poor sanitation and unfriendly environments in schools, shared toilets and sexual abuse by teachers and harassment by youths. She asked what steps the National Department of Education was taking to provide safer environments for girls. Were there consequences for male students and teachers who sexually harassed or abused female students?

6. The country's economy was moving away from agriculture to the mining, gas, fishery and technology industries, and she wondered whether women were being provided with vocational training to prepare them to enter those non-traditional industries, rather than having to work in the informal sector.

7. She asked for clarifications on the measures taken to eliminate gender stereotypes from textbooks, other educational materials and teacher training. She would welcome information on the success in implementing, monitoring and evaluating the Gender and Education Policy: Education Capacity Building Program (ECBP) 2003-2008 to mainstream gender into all programmes, and whether it was helping to advance the situation of girls.

8. **The Chairperson**, speaking as a member of the Committee, asked whether sex education had been included at all levels of schooling, and whether it addressed not only biological and physiological aspects, but also the importance of interpersonal relationships, in a manner that respected the equality and dignity of all persons.

9. **Dame Carol Kidu** (Papua New Guinea) said that one of the problems with regard to sex education in schools was that many teachers were not suitably qualified to address the matter, and there was a shortage of counsellors dealing with interpersonal relationships. Some schools had made progress in bringing sex education into their curriculum, but only in terms of its biological and physiological aspects. With regard to improving access to education for girls, pro-girl policies had increased girls' enrolment rate at the primary level, and programmes partly funded by development partners and national NGOs provided girls with scholarships. Reasons for girls dropping out of school beyond the primary level included fear for their personal safety, or families having to choose

which of their children received funding, since education was not free. There were some targeted vocational training courses for girls and some co-ed training courses, but they remained insufficient to address needs.

10. **Mr. Wengi** (Papua New Guinea) said that a code of ethics and zero tolerance policy was in place to address the issue of sexual abuse by teachers. In cases of reported abuse, teachers were dismissed and banned from the teaching profession. All educational materials had been rewritten to remove stereotypes, and there was a mandatory gender course for teachers which addressed sex and matters relating to gender more generally. There was no law in Papua New Guinea to prohibit the expulsion of pregnant girls from schools; however, those girls could return to their old school or a different one after giving birth.

11. Access to education for all girls remained a challenge that was being addressed in a basic education policy to ensure that all six-year-olds attended school. Tuition fees at the elementary level had been abolished, and there were subsidies at the primary and secondary level to enable girls who could not afford school fees to continue their studies through grade 12. Even though sex education was included in school curricula, some teachers did not want to broach the matter for religious reasons, because of taboos or because they felt they were not qualified to address it.

Article 11

12. **Ms. Patten** asked whether the State party, which had ratified a number of important International Labour Organization (ILO) conventions, had sought technical assistance to develop a comprehensive framework for non-discrimination in matters of hiring and remuneration, and to ensure that women had the same employment opportunities as men. She wished to know when the industrial relations bill would be enacted, and what its main provisions were.

13. Since the private sector only provided women twelve weeks of unpaid maternity leave, she urged the State party to carefully examine article 2 (e) of the Convention, and take all the measures needed to eliminate discrimination against women by any person, organization or enterprise. She hoped that the country's next report would contain more information on the implementation of article 11 and on the sectors in which the 5 per cent of women in formal wage

employment worked, as well as on pay gaps. She would also welcome more information on the scope of protection provided by the Informal Sector Control and Development Act of 2004, which could serve as a best practice for other countries to follow. She asked how women's priorities were included in public investment programmes for economic infrastructure and to what extent a policy of equal opportunities in the informal sector was being developed, in terms of access to and control of productive resources, including land. She also wished to hear more about plans to provide affordable health-care services and facilities.

14. **Ms. Murillo de la Vega** asked why the many women who worked under harsh conditions in the informal sector, and were often exposed to sexual harassment, were not provided with greater social and legal protection. She also wondered whether unions had clauses on working conditions for women. The Government should also urgently address the slave-like conditions many young girls faced while working as family babysitters and housekeepers. They were reportedly exploited and abused, often paid in cash and afforded no rest or limitations on their hours of work.

15. **Dame Carol Kidu** said that the Informal Sector Development and Control Act had been passed in 2004 to give national recognition to the fact that more than 80 per cent of citizens earned their income in that sector. The informal sector was often equated with urban street vendors and seen as a problem rather than a solution, but in reality, the majority of those working in that sector lived in rural areas. As it was a new phenomenon in Papua New Guinea, its sudden appearance might cause some degree of discomfort initially, but she hoped it would be enhanced and encouraged. A policy framework on the informal economy, to address the areas of financial literacy and access, microfinance facilities and protection, had been signed and was being reviewed at the cabinet level, although the issue of financial compensation had slowed that process down.

16. There were no plans to institute State-funded child care facilities, but under the Lukautim Pikinini Act of February 2010, the Government would monitor and register child care facilities, most of which were set up by commercial enterprises, to ensure their compliance with child-care and development guidelines. In the private sector, it was very common for private companies to find reasons to dismiss pregnant workers, and difficult for those women to

take legal action. There was no formal legislation on sexual harassment in the workplace, but there were relevant public sector guidelines and policy frameworks. There was very little protection for family domestic workers, whose income was usually below the taxable level, although some domestic workers had taken steps to form an association and lobby for improved employment conditions. One area of particular concern was adopted children, who tended to much of the household work and might not have the same rights or be treated equally in their foster families as the biological children. The results of a study being conducted on the issue of adoption and customary adoption would soon provide more insight on the issue.

17. **Mr. Arua** (Papua New Guinea) said that the Industrial Relations Bill that had been drafted in the course of reviewing the country's labour laws included, in addition to the other provisions outlined in the responses (CEDAW/C/PNG/Q/3/Add.1, p. 28), the possibility of appeals on the basis of sexual harassment. The Government had asked for assistance from the Australian Agency for International Development (AusAID) in drafting legislative amendments to the Employment Act 1978. In addition, the National Apprenticeship Trade Testing Board screened applicants for the State-run technical schools, which were given to both men and women; 2009 statistics showed that approximately 100 women had enrolled in highly technical programmes, and that another 200 women were currently participating in the government-sponsored training programmes for employment in private companies in various skilled fields. The Government had also passed a Restricted Employment Visa Bill that gave male or female immigrants the opportunity to work in Papua New Guinea.

18. **Ms. Saleu** (Papua New Guinea) added that the Department of Labour and Employment had prepared a revision of the Employment Act 1978 after consultation on standards with employers, workers and government representatives in the light of the International Labour Organization (ILO), United Nations and other conventions in the field, and was now awaiting feedback from its social partners on the draft, whose provisions would affect the child welfare legislation, the Lukautim Pikinini Act, and the provisions of the Informal Sector Control and Management Act.

19. **Ms. Ameline**, underscoring the link between education and employment and especially the obstacle that illiteracy posed to any responsible activity in the workforce or elsewhere, asked if the Government was planning to upgrade its literacy programmes and if it was receiving any technical assistance to do so.

20. **Ms. Murillo de la Vega** said that in drafting new legislation, the Government should include provisions promoting the employment of women, such as special temporary measures or maternal leave provisions. She wondered whether the trade unions as well had adopted clauses regarding the punishment of violations of the right to work.

21. **Ms. Kidu** (Papua New Guinea), agreeing that literacy was a most important issue, especially in her country where the literacy rate for both men and women stood at about 50 per cent, said that a small unit within the Ministry of Education, the National Literacy and Awareness Secretariat, was working on the issue with university professors and the Ministry of Community Development; the plan was eventually to raise the status of the unit by creating a language and literacy institute above all departments. Churches and NGOs were doing most of the literacy work in the country, and development partners helped. The Papua New Guinea Education Advocacy Network also did some work in the area, as did the Ministry of Community Development through the learning and development centres it now maintained. At the outset, literacy was taught in the mother tongue first.

22. **Mr. Arua** (Papua New Guinea) assured members that their comments would be taken into account in the final draft of the new Employment Act.

Article 12

23. **Ms. Arocha Domínguez** asked, especially in view of the drastic picture given in the report of the deterioration of reproductive and maternal health conditions in the country, if the Government supervised the quality of the sex education given in the schools, for teachers were often unwilling to discuss the subject; and also, since so many girls dropped out of school just at the age of puberty, where else responsible sex education was taught — through the media or in the communities — to young people, both male and female. It was not enough to inform the population, however, but to have adequate health services in place and contraceptives available,

especially in the more remote islands. She wondered what the prospects were for well-staffed maternity services and for safe, spaced childbirth practices. In that connection, she would like information on the extent of the abortion problem — how many deaths had occurred, how many persons had actually been convicted of the crime of abortion and whether Papua New Guinea was equipped with qualified personnel who could assess the risks and perform the abortions that were legally allowed.

24. **Ms. Rasekh**, congratulating Papua New Guinea for the honest assessment of the situation in the country, observed that unless mentalities changed — especially those of men — women's health and well-being the policies governing them would not change. It would be interesting to know how the Government was educating men as well as women about a woman's rights over her sexual life, in order to avoid unwanted pregnancies and the contraction by women of HIV/AIDS or sexually transmitted diseases. The Government needed to pay special attention, through education, encouragement and enforcement, to eliminate the abuse of women on charges of sorcery and witchcraft, which apparently had a significant health impact in the country. She would like more information on the impact of the National Health Plan which was coming to a close in 2010, and on whether international funding or technical capacity-building was available to Papua New Guinea.

25. **Dame Carol Kidu** (Papua New Guinea) said that very little sex and reproductive health education was available for out-of-school young people. The services provided were not comprehensive enough and did not reach all young people and they were generally run by NGOs working in cooperation with donors and the Government.

26. There were decentralized health services in the form of clinics in all areas of the country, but the deterioration of women's health was a matter of national concern: maternal mortality had almost doubled between 2006 and the latest health surveys, with five women per day dying of pregnancy-related illnesses. That had come as a wake-up call to the Government, which had the previous month issued a ministerial report on maternal health and had immediately mobilized its forces to study the recommendations in the report on the many issues involved. It had begun discussions on establishing, with Australia's help, a broad-based "Safe Motherhood

Alliance" patterned on the global Safe Motherhood Alliance, in which civil-society partners and development partners would work with the Government, because the Health Department alone could not accomplish what was needed.

27. Although men too were becoming accepting of family planning, less than 40 per cent of women in the country had access to family-planning methods, which was not nearly adequate. There were no comprehensive data, other than some hospital records, on abortions: the number of unsafe terminations was on the rise even though recourse to traditional abortion practices was discouraged. There were no public abortion facilities. Legal abortions to save the life of the mother were permissible if authorized by two doctors, but safe abortions were available only in private practice, which put them out of reach of the poor.

28. The delegation would submit a brief on the status of the National Health Plan 2001-2010 subsequently. Certainly Papua New Guinea was receiving much support from United Nations and private agencies and foundations to improve maternal health standards. HIV/AIDS had reached epidemic proportions in Papua New Guinea and was a priority concern of the Government, which had established a separate unit within the Health Ministry to work on it. The epidemic was mainly heterosexual in nature, but other at-risk communities had been very proactive, mainly in urban areas, and had achieved some success in lowering their own rate, especially in the same-sex community.

29. She agreed that the mindset of men regarding women's health rights had to be changed, and the Government was trying to do so by targeting young men through media programmes, talk-back sessions and the like.

Article 13

30. **Ms. Zou Xiaojiao** asked what the Government was doing to help women to open their own bank accounts and obtain credit. Also, she wondered what opportunity rural and highland women had to enjoy their right to culture and entertainment.

31. **Dame Carol Kidu** (Papua New Guinea) acknowledged that women, and men as well, had poor access to financial institutions, for they lacked collateral and the necessary financial literacy. Papua New Guinea's access rate — 8 per cent — was the lowest in the region and had to be improved, because it

was critical for economic empowerment. The few, generally successful microfinance pilot programmes in a few urban and rural areas, which targeted men and women without distinction but were probably used more by women, now had to be established as a comprehensive nationwide programme.

32. As for access to culture, all of the many cultures in the country held frequent traditional village celebrations that were as a rule managed by the women. Church-related activities such as singing and rituals were also a focus of community gatherings, as were national cultural festivals, shows and dances that were intended to attract tourism but provided entertainment for the population as well, although a few of the missions had, sadly, acted to stop them. And, lastly, there was a nascent night-club culture for young people of which many Papua New Guinean parents disapproved.

Article 14

33. **Ms. Zou Xiaojiao** commended the Government of Papua New Guinea for its Medium Term Development Strategy 2010-2050 to address gender equality. She inquired about the measures it would take in that context to address the particular problems rural women faced, and its plans to improve infrastructure and public services in rural areas. She also wished to know what steps the Government was taking to address the impact of climate change on rural women, and how its climate change strategy would reflect rural women's concerns.

34. **Ms. Patten** asked how the Government was including women's perspective on an equal basis with men in decision-making on sustainable natural resource management and for the development of policies and programmes in that regard, as poor women in rural areas were particularly vulnerable to climate change.

35. She would also appreciate information on policies and programmes to enhance access of women working in the agricultural and fisheries sectors to financial, technical and market services. She asked what was being done to provide women access to and control over land, and what infrastructure and technical assistance was available to increase women's income and promote food security in the household. She would also like to know whether any State or community-based safety nets were in place as an integral part of the Government's social policy to help rural women

living in poverty to withstand adverse impacts on the environment and help them preserve their livelihood and assets.

36. **Ms. Ara Begum** asked how Papua New Guinea, in the absence of any social security network, was guaranteeing the human rights of older and disabled women in rural areas when such women lacked family support. In the absence of any law about witchcraft, how could the safety of older women be ensured, when they were sometimes even killed on suspicion of practising witchcraft? She also wished to know about legal services available to women in rural areas, particularly those who had suffered domestic violence, rape and other forms of ill-treatment, or harassment on their way to and from the market. She asked whether there was any teaching in schools about human rights and legal literacy. She also asked what steps had been taken to provide electricity, fresh water, sanitation and improved transportation to the rural areas. Recalling that the National Agricultural Development Plan had been described as a blueprint for improving the life of rural women, she asked to what extent the Plan incorporated gender perspectives.

37. It was regrettable that the delegation had not provided any data on the number of migrant workers, both in the country and overseas. She wondered whether the Government intended to provide incentives to support women's organizations, such as those for women in agriculture or women in mining, to enable them to participate meaningfully in the development process.

38. **Dame Carol Kidu** (Papua New Guinea) said that the most disadvantaged women were those living in remote rural areas which could be reached only by canoe or by several days of walking through the mountains. The Government did not want people to leave those remote areas; they were the owners of the land and the controllers of the resources. Instead, it was attempting to remedy their situation by seeking to learn from some of its neighbours that had transformed their remote areas through the use of modern measures such as telecommunications, satellite technology and similar methods.

39. Almost equally disadvantaged were the marginalized urban poor, particularly the women. A major problem emerging for both urban and rural women was the issue of land. Traditionally, no women in Papua New Guinea were ever denied access to land

on which to grow food for subsistence, but it was increasingly becoming the practice that land was held by men and women were being denied their traditional rights; that was an example of abuse of custom. One step towards restoring the situation would be found in the new Customary Land Act, which stipulated that the clan land groups being formed must include at least two women.

40. The Government was aware that there were many gaps in the social safety net of the extended family. In the case of older women, who traditionally had been much respected, there had been occurrences of accusations of witchcraft, and some had even been killed as a result, but it was not a generalized phenomenon. As cracks developed in social networks, some groups became vulnerable. Papua New Guinea was working towards a first draft of a social protection policy framework. Older women, young unmarried women and women with disabilities had been identified among vulnerable groups to be protected under that framework.

41. Non-governmental organizations were working on spreading legal knowledge, empowerment and literacy for women, although much more work was needed.

42. Access to electricity and water was still a very big problem. The country did have a rural electrification programme that was gradually extending access, and a sustainable electricity policy was being developed to look into the possibilities of solar and hydro energy. The country did not yet have a water plan, but work was starting on that.

43. Traditionally, migrant workers in Papua New Guinea had come in to the plantations. Some ethnic issues were starting to arise, with plantation workers living on customary land. Papua New Guinea had not truly defined its landless population: 97 per cent of the land belonged to the people, only 3 per cent had been alienated. It had long been held that there were no landless people in Papua New Guinea, but the country was having to admit that there were indeed some.

44. **Mr. Klapat** (Papua New Guinea), said that Papua New Guinea was one of the main advocates for action on climate change. The Office of Climate Change and Environmental Sustainability was working on a national strategy to address it. Sea levels were rising, many of the country's islands were at risk, and already some relocations had been necessary.

45. In terms of social protection, the global economic crisis had brought about many changes throughout the Pacific region. Early in 2009, the Government had decided to begin setting up a social protection system, which was a new concept; a task force was looking into the options prior to making a recommendation. The new idea was quite challenging, but it was also coming at an opportune time. Papua New Guinea was experiencing a resource boom, and a windfall of revenue was expected which could be used to fund social protection for the victims of climate change, people living with HIV/AIDS, the disabled, the landless and other groups at risk, including, of course, disadvantaged women.

46. **Ms. Kagen**a (Papua New Guinea) said that the Department of Agriculture and Livestock was also working very closely with the Office of Climate Change to develop a policy framework. Gender issues must be incorporated into that framework because climate change affected women as the main producers of foodstuffs. Because of a projected drought by 2012, drought-resistant varieties of crops were being developed for distribution to rural people. Women had been part of that effort, in part through Women in Agriculture, an NGO working very closely with the National Agricultural Research Institution. There were also networking initiatives with women in agriculture in Australia and New Zealand.

47. It was certainly true that there was harassment at the markets where women were selling their produce. The Government was aware of the problem, and expected the relevant agencies, such as the marketing boards, to take steps to address it.

48. The National Agricultural Development Plan (NAPD) did indeed encompass gender perspectives. A request had been made for an amount of \$17.5 million for the NADP, over 10 years, to be used for microfinance projects for women, although the funds had not yet been allocated.

Articles 15 and 16

49. **Ms. Awori** said that the legal age for marriage seemed to be totally inconsistent, depending on whether one was reading the "Lukautim Pikinini" Act (formerly the Child Welfare Act), the Marriage Act, or various other instruments, and she asked for clarification.

50. **Dame Carol Kidu** (Papua New Guinea) acknowledged that the various provisions on the age of marriage needed to be harmonized. As she had mentioned earlier, there were preliminary discussions on preparing a new Marriage and Family Protection Act, which would provide an opportunity to iron out those contradictions. Much of the country's legislation came from colonial times and was quite archaic.

51. **Mr. Klapat** (Papua New Guinea) said that the confusion was partly a question of definition. The "Lukautim Pikinini" Act defined how long a person was considered a child; it was not a matter of when that person would marry. The minimum age of marriage had yet to be defined.

52. **Ms. Awori**, recalling that concern had been expressed about sexual violence against women in detention perpetrated by police and prison officers in the report of the Special Rapporteur on torture, asked whether the Government recognized that problem and whether anything was being done about it.

53. **Ms. Ara Begum** observed that although rural women came regularly to the markets to sell their produce, they did not have any say in the management of the market, nor in its planning, budgeting or decision-making. She asked whether the Government had given any thought to putting women in charge of those aspects.

54. **The Chairperson**, speaking as a member of the Committee, was concerned that apparently a woman could obtain a legal abortion only if the pregnancy threatened her life. That surely meant that women who had been raped would be forced to bear the child of the criminals who had assaulted them. In her view, that must be a major reason for women to seek illegal- and usually unsafe-abortions. She asked whether the Government might consider liberalizing the provisions on abortion.

55. **Dame Carol Kidu** (Papua New Guinea) said that, realistically, safe pregnancy terminations were only available from private doctors, and thus only available to the wealthy. She was not aware of any public facility offering safe abortions for any reason whatsoever. She agreed that it was a matter for concern, as young or even older women who had unplanned and unwanted pregnancies resorted to traditional abortion practitioners, even in urban areas, who used quite unsafe methods that could result in the death of the mother. Currently, it would probably not be feasible for

abortion to be completely legalized, but the rules should be liberalized. It might then be possible for legal abortions to be performed in public facilities, by doctors who had no moral objection to the practice. As the country worked towards the incorporation of the Convention into organic law, abortion would be one of the issues that must be looked at.

56. Market management was a local authority function, not a national one, although there had been some nationally sponsored programmes, some of them promoted by UNIFEM. Markets had traditionally been managed, very badly and sometimes corruptly, by city authorities, and an experiment was under way to establish a public-private community partnership that would create a market management services board. It was hoped that a pilot scheme could start within a month or so, and it would, of course, include participation by women.

57. On the issue of violence in detention, she conceded that it had occurred, but expressed the hope that its incidence was decreasing. The Police Commissioner had made some very strong and very public statements on zero tolerance for the practice; those statements must be translated into reality.

58. In another area of positive government response to women's concerns, the Health Secretary had announced a new policy framework under which all victims of gender-based violence would be treated free of charge at public hospitals.

59. In closing, she said that the Committee's comments on the report would help the country speed up the implementation of its obligations under the Convention.

The meeting rose at 5.35 p.m.