



# 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  
12-30 July 2010

## **Concluding observations of the Committee on the Elimination of Discrimination against Women**

### **Papua New Guinea**

1. The Committee considered the combined initial, second and third report of Papua New Guinea (CEDAW/C/PNG/3) at its 939th and 940th meetings, on 22 July 2010 (see CEDAW/C/SR.939 and 940). The Committee's list of issues and questions is contained in CEDAW/C/PNG/Q/3, and the responses of the State party are contained in CEDAW/C/PNG/Q/3/Add.1.

#### **Introduction**

2. The Committee commends the State party for its ratification of the Convention without reservations. It expresses its appreciation to the State party for the quality and frankness of its combined initial, second and third report, but regrets the significant delay of 13 years in the submission of the report. It also appreciates the fact that the report followed the Committee's former guidelines for the preparation of initial reports, including reference to the Committee's general recommendations, and that it was prepared through a consultative process with the participation of Government bodies.

3. The Committee commends the State party for its high-level delegation, headed by the Minister for Community Development, and expresses its appreciation for the open and constructive dialogue that was held between the delegation and members of the Committee. The Committee also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group, and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee's members.

4. The Committee notes the recognition by the State party of the important role played by non-governmental organizations, which assist it in its efforts to eliminate all forms of discrimination against women.

5. The Committee takes note of the fact that the State party is very vulnerable to environmental threats, including coastal erosion and rising sea levels as a result of

climate change, as well as national disasters, and notes its particular geographical situation, which poses restrictions on movement and communication.

#### **Positive aspects**

6. The Committee welcomes the adoption by the State party of the 2009 Lukautim Pikinini (Child Protection) Act, including a range of provisions to protect girls from discrimination.

7. The Committee notes with satisfaction several legislative initiatives by the State party in relation to sexual offences, including the enactment, in 2002, of the Sexual Offences and Crimes against Children Act under the revised Criminal Code, introducing a series of new offences, including marital rape, graded according to the seriousness of the harm and incorporating the ways in which women are sexually violated.

8. The Committee notes with appreciation the adoption of a number of policies, plans and programmes on women and gender development, such as the National Strategic Plan 2010-2050 (Papua New Guinea Vision 2050), which includes human capital development and gender, youth and people empowerment as major pillars that promote gender equality and participation.

#### **Principal areas of concern and recommendations**

**9. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention. It views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of its next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, Parliament and the judiciary in order to ensure their full implementation.**

#### **Parliament**

**10. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.**

#### **Status of the Convention**

11. The Committee notes that the State party is currently considering the approach to take in relation to giving effect to the Convention in domestic law and that the Department of Justice and the Attorney General have undertaken a legislative review of domestic laws in compliance with the Convention. However, the Committee is concerned that, although the Convention was ratified in 1995, it has not yet been accorded the status of domestic law under the Constitution or an Act of

Parliament and does not form part of the domestic law of Papua New Guinea, hence having no direct domestic effect.

**12. The Committee urges the State party to proceed without delay with the full incorporation of the Convention into its domestic legal system in order to give central importance to the Convention as the basis for the elimination of all forms of discrimination against women and the achievement of gender equality.**

#### **Definition of equality**

13. The Committee notes with concern that the Constitution does not include sex as a prohibited ground, thereby allowing for lawful discrimination on the grounds of sex or gender. The Committee is also concerned that neither the Constitution nor other appropriate legislation embodies the principle of equality between women and men or contains a definition of discrimination against women in accordance with article 1 of the Convention, covering both direct and indirect discrimination, and extending to acts of both public and private actors in accordance with article 2. However, the Committee notes with interest the statement by the delegation that the issue of the definition of equality will be solved through the drafting of an organic law on gender equity.

**14. The Committee recommends that the State party incorporate fully and without delay into the Constitution or other appropriate legislation, such as an organic law on gender equality, the principle of equality between women and men and a prohibition of discrimination against women, in line with the definition provided in article 1 of the Convention. The Committee further recommends the enactment of effective legislation to enforce the prohibition of discrimination on the grounds of sex and gender.**

#### **Visibility of the Convention**

15. While noting some efforts undertaken to raise awareness of the Convention throughout the State party, including in partnership with non-governmental organizations and the international community, the Committee is concerned that the Convention has not been translated into the main local languages and that there is inadequate knowledge about the rights of women included in the Convention, the concept of substantive equality of women and men as defined in the Convention and the Committee's general recommendations in society in general, including among all branches of the Government and the judiciary at all levels.

**16. The Committee encourages the State party to translate the Convention into the main local languages and to widely disseminate and raise awareness about the Convention and other legislation, in particular with regard to the meaning and scope of direct and indirect discrimination, and the formal and substantive equality of women and men. The Committee urges the State party to take all appropriate measures to ensure that the Convention is sufficiently known and applied by all branches of Government as a framework for all laws, court decisions and policies on gender equality and the advancement of women. The Committee also calls upon the State party to ensure that the Convention and related domestic legislation are an integral part of the education and training of law enforcement and judicial officers, including judges, lawyers and prosecutors, in order to establish firmly in the country a legal culture supportive of women's equality and non-discrimination.**

**Access to justice**

17. While noting the plural legal system operating in Papua New Guinea, the Committee is concerned that even though customary law is subordinate to the Constitution and statutory laws, it is the main law applicable in the village courts, resulting in continuing discrimination against women. The Committee is also concerned about the barriers hindering women's access to justice, including in terms of geographical distance to and from courts, lack of legal aid, lack of information about their rights and lack of resources to access the services of lawyers.

**18. The Committee urges the State party to ensure that the village courts, in their decisions, apply the principles of equality and non-discrimination in line with article 1 of the Convention. The Committee also urges the State party to take steps to raise awareness of women's rights among the general public, including members of the village courts, law enforcement agencies and women in particular. The Committee recommends that information about the Convention be provided to women through the use of all appropriate means, including through the media, such as radio and the Internet, as well as by making use of oral traditions. The Committee further encourages the State party to reintroduce legal aid for civil cases in order to enable women to assert their rights in civil courts.**

**Legal complaints mechanisms, including a national human rights institution**

19. The Committee is concerned that the State party does not have a comprehensive and effective legal system for receiving complaints and regrets the lack of data on complaints filed by women and their outcome. The Committee takes note of the information provided indicating that the State party is in the process of establishing a national human rights institution in compliance with the principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles; see General Assembly resolution 48/134, annex).

**20. The Committee urges the State party to strengthen its legal complaints system to ensure that all women have effective access to justice. The State party is encouraged to accelerate the process of establishing a national human rights institution in accordance with the Paris Principles and to ensure that the institution will be provided with a broad mandate in respect of human rights, as well as sufficient human, financial and technical resources for its effective functioning, and that its composition and activities will be gender-sensitive and will fully address the issue of the promotion and protection of women's human rights. It further encourages the State party to collect data on the number of complaints filed by women, the types of complaints received and their outcomes and to include this information in its next periodic report.**

**National machinery for the advancement of women**

21. The Committee welcomes the establishment of an Office for the Development of Women. However, the Committee is concerned about the lack of information provided on how the national machinery works for the protection of women's rights, especially how it monitors the situation of women in all areas. In this respect, the Committee notes with concern that the Office does not have the institutional authority, capacity and resources to effectively promote implementation of the

Convention and coordinate use of gender mainstreaming across all sectors and levels of Government, including in rural and remote areas.

**22. The Committee calls upon the State party to expeditiously strengthen the national machinery, namely the Office for the Development of Women, by providing it with adequate human, financial and technical resources and the authority and decision-making power that are necessary for it to coordinate and work effectively for the promotion of gender equality and gender mainstreaming. It also requests the State party to strengthen its impact assessments of measures taken so as to ensure that such measures achieve their goals and targets.**

#### **Temporary special measures**

23. While noting some efforts made by the State party for the application of temporary special measures in the area of political participation, the Committee is concerned that temporary special measures in accordance with its general recommendation No. 25 are not systematically applied as a necessary strategy to accelerate the achievement of de facto or substantive equality between women and men in all areas of the Convention, including employment, education and other areas of public life.

**24. The Committee encourages the State party to familiarize all relevant officials with the concept of the temporary special measures described in article 4, paragraph 1, of the Convention, as interpreted in the Committee's general recommendation No. 25. The Committee recommends that the State party consider applying various types of temporary special measures in areas in which women are underrepresented or disadvantaged, including through the allocation of additional resources where needed, to accelerate the advancement of women. The Committee also recommends that the State party include in its legislation specific provisions on the application of temporary special measures that encourage their use in both the public and private sectors.**

#### **Customary practices and stereotypes**

25. The Committee recognizes the rich culture and traditions of the State party and their importance in daily life. However, the Committee expresses its serious concern about the persistence of harmful norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life. These include polygamy, bride price (*dava*), "good" woman stereotypes, the traditional view of "big man" leadership and the custom of including women as part of compensation payment. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, that they are reflected in women's disadvantageous and unequal status in many areas, including education, public life, decision-making and in the persistence of violence against women, and that, thus far, the State party has not taken sustained systematic action to modify or eliminate stereotypes and negative traditional values and practices.

**26. The Committee invites the State party to view culture and tradition as dynamic aspects of the country's life and social fabric and therefore as subject to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate customary practices and stereotypes that discriminate against women in conformity with articles 2, 2 (f)**

**and 5 (a) of the Convention. This strategy should include awareness-raising efforts targeting women and men at all levels of society, including chiefs, island leaders and pastors, and be undertaken in collaboration with civil society and women's organizations. The Committee encourages the State party to use innovative measures that target young people and adults to strengthen understanding of the equality of women and men, and to work through the educational system, both formal and informal, as well as with the mass media, to enhance a positive and non-stereotypic portrayal of women. It also requests the State party to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals in this respect. The State party is encouraged to conduct studies on this subject, including in the outer islands, use the findings to carry out informed interventions, and seek assistance, if needed, from the international community for this purpose.**

#### **Torture and killings of women and girls accused of witchcraft**

27. While noting that the State party has established a working committee in the context of the Constitutional Law Reform Commission to review the law on sorcery and sorcery-related killings, the Committee expresses its serious concern about reports of brutal torture and killings of women and girls, especially old women, accused of witchcraft and is particularly concerned that the number of female victims is increasing. The Committee regrets the lack of information on the prevalence of this phenomenon as well as on any investigations, prosecutions and punishments of perpetrators. The Committee underlines that this harmful practice is a grave violation of girls' and women's human rights and of the State party's obligations under the Convention.

28. The Committee urges the State party to take immediate and effective measures to investigate the incidences of torture and killings of women and girls, especially old women, based on accusations of witchcraft or sorcery, to prosecute and punish the perpetrators of such acts and to prevent their reoccurrence in the future. The Committee calls on the State party to accelerate its review of the law on sorcery and sorcery-related killings and to strengthen the enforcement of relevant legislation. The Committee urges the State party to strengthen its awareness-raising and educational efforts, targeted at both women and men, with the support of civil society and the involvement of community and village chiefs and religious leaders, to eliminate this practice.

#### **Violence against women**

29. While commending legislative amendments to the Criminal Code regarding sexual offences as well as the 2003 amendments to the Evidence Act to assist victims of gender-based violence, the Committee expresses its deep concern at the persistence of violence against women, including sexual violence at domestic and community levels, and at the lack of information and statistical data on its nature, extent and causes. The Committee is particularly concerned that such violence would appear to be socially legitimized and accompanied by a culture of silence and impunity and that cases of violence are thus underreported. The Committee is also concerned by reports of traditional apologies as a form of resolution for offences committed against the victims, including in the context of the village courts. The Committee is further concerned about the lack of a comprehensive legal framework addressing all forms of violence against women. Furthermore, the Committee notes

with concern that victims protection services and enforcement measures are insufficient. It is also concerned about the lack of shelters or safe houses, counselling and other services. In addition, the Committee expresses its deep concern about reports of sexual abuse of women upon arrest and in police custody, perpetrated by both police officers and male detainees, and at times in the form of collective rape, and that such abuses are rarely documented and investigated and perpetrators not prosecuted and punished.

**30. The Committee draws the attention of the State party to the Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1) and urges the State party to take note of its contents and to give priority attention to the enactment and implementation of a comprehensive legal framework addressing all forms of violence against women in conformity with the Committee's general recommendation No. 19. It also calls upon the State party to take steps to ensure that traditional apologies be abolished and to raise public awareness, including through the mass media and education programmes, that all forms of violence against women, including domestic and sexual violence, are a form of discrimination under the Convention and are unacceptable. The Committee further calls upon the State party to ensure that women and girls who are victims of violence have access to immediate and effective means of redress and protection, including shelters and safe houses. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It further recommends that the State party enhance its data-collection efforts and establish a monitoring and evaluation mechanism in order to regularly assess the impact and effectiveness of measures aimed at preventing and redressing violence against women. It invites the State party to seek international assistance in its efforts to put in place such a comprehensive response. Furthermore, it urges the State party to take necessary measures to ensure that custodial violence by officials, including acts of sexual abuse of women and girls, are prosecuted and punished as grave crimes.**

#### **Exploitation of prostitution and trafficking**

31. The Committee notes that the State party is in the process of ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention. However, the Committee notes with concern that there are no specific laws addressing trafficking-related problems. It is also concerned about the lack of information and data on the prevalence of the exploitation of prostitution and trafficking in the State party, about the increase in the number of young women between 16 and 24 years of age engaged in prostitution and about the fact that there is little systematic State intervention or sanction. Furthermore, the Committee expresses its concern about cross-country trafficking, which involves commercial sex as well as exploitative labour.

**32. The Committee calls on the State party to prepare and adopt a legislative framework on trafficking in human beings, including the prevention of trafficking, the timely prosecution and punishment of traffickers, the provision of protection from traffickers/agents and quality support and programmes for**

victims. The Committee requests the State party to include information and data in its next report on the prevalence of the exploitation of prostitution and. The Committee encourages the State party to conduct studies and surveys for this purpose and to seek international assistance as required. The Committee also encourages the State party to accelerate the process of ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention. The Committee urges further cooperation with countries of origin on measures for the prevention and prosecution of trafficking as well as protection of victims.

#### **Participation in political and public life**

33. The Committee welcomes the preparation of the Equality and Participation Bill, now on Notice Paper in Parliament, which provides for 22 reserved seats for women in Parliament (one per province, representing each of the 22 provinces). However, the Committee expresses its concern about the very low representation of women in Parliament and by the low levels of participation of women in other areas of public and political life, especially at the highest levels of decision-making, local government, the judiciary, including the village courts, and the international civil service. The Committee is also concerned about the practice of family voting, whereby one family member (usually the male head of the household) casts votes on behalf of other family members, or family members enter the voting booth together.

34. **The Committee urges the State party to expeditiously adopt, through its Parliament, the Equality and Participation Bill with 22 reserved seats for women in Parliament. The Committee also calls on the State party to take all appropriate measures to increase the number of women in elected and appointed office at all levels, so as to comply with articles 7 and 8 of the Convention. The Committee encourages the State party to take concrete measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, the Committee's general recommendations No. 23 and No. 25, and to establish concrete goals and timetables in order to accelerate the increase in the representation of women in all spheres of public life. It also encourages the State party to implement awareness-raising campaigns, including on the purpose of introducing temporary special measures as a necessary strategy for accelerating realization of women's de facto equality, such as quotas, and to highlight the importance to society as a whole of women's full and equal participation in leadership positions in all sectors and at all levels. The Committee also calls on the State party to take measures to empower women in the outer islands so that they can participate in island matters on an equal footing. The Committee recommends that the State party carefully monitor the effectiveness of measures taken and results achieved and encourages it to continue to use targets and quotas, where appropriate, in this respect.**

#### **Birth registration**

35. While noting that the Civil Registration Office within the Department for Community Development has a compulsory birth and marriage registration programme, the Committee notes with concern that only a small percentage of the

population has had its birth registered and that this might impact negatively on the legal status of women.

**36. The Committee recommends that the State party take effective measures to achieve timely registration of all births and marriages and undertake awareness-raising measures, throughout the country, particularly in rural and remote areas, on the importance of registering births for the equal status of women.**

### **Education**

37. The Committee welcomes the launch, in 2002, of the policy of Gender Equity in Education to redress the gender gaps at all levels of education. It also welcomes the launch, in 2005, of the 10-year education plan (2005-2014), but expresses its concern about the lack of information on the specific budgetary allocations for the education sector, including the implementation of the plan as well as the Bougainville Education Plan. The Committee is also concerned about the lack of a comparative analysis of education enrolment rates, dropout rates and literacy rates by sex and urban and rural area. It is further concerned about traditional attitudes that constitute obstacles to girls' education and that the completion rate for girls is much lower than for boys. The Committee is concerned that the State party has not yet met its national targets under Goal 2 (universal education) and Goal 3 (gender equality) of the Millennium Development Goals; it stresses that education is a key to the advancement of women and girls and that the low level of education of women and girls remains one of the most serious obstacles to their full enjoyment of their human rights. While noting that the State party has adopted a zero-tolerance approach in this respect, the Committee expresses its deep concern about the high level of sexual abuse and harassment against girls in schools, including by male teachers, as well as expulsion or rejection because of pregnancy.

**38. The Committee recommends that the State party continue to strengthen its efforts under article 10 of the Convention through implementation of its 10-year education plan and the Bougainville Education Plan in order to achieve the equal access of all girls to all levels of education in line with the Millennium Development Goals. The Committee also recommends that the State party take effective steps to overcome traditional attitudes that may constitute obstacles to girls' and women's education, and take necessary measures to ensure equal access of girls and women to all levels of education and their retention. In this regard, the Committee recommends that the State party put in place measures, including monitoring mechanisms and sanctions, to ensure that pregnant students stay in school during pregnancy and return after childbirth. The Committee urges the State party to allocate the necessary budget for the implementation of various projects and programmes and requests the State party to provide information in its next report on the measures taken and on their impact on gender. It also calls upon the State party to review and improve its statistics in the area of education and to carry out human rights education in all schools. The Committee further calls upon the State party to strengthen its efforts to provide an educational environment free from discrimination and violence, including through awareness-raising and the training of school officials, teachers and students, sensitization of children through the media, the promotion of intercultural perspectives in education services and the**

**establishment of reporting and accountability mechanisms to ensure that perpetrators of sexual abuse against girls are prosecuted.**

### **Employment**

39. The Committee welcomes the adoption in 2004 of the Informal Sector Control and Development Act and notes that the Ministry of Labour and Industrial Relations has embarked on a labour laws review programme, commencing with the proposed Industrial Relations Bill providing for an appeals system. The Committee also welcomes the fact that the State party has ratified 24 important International Labour Organization conventions. However, the Committee regrets the limited data contained in the report on the situation of women in the labour force, which prevented it from obtaining a clear picture with regard to women's participation in the labour force in urban and rural areas, unemployment rates, the gender wage gap and vertical and horizontal labour force segregation. It also regrets the lack of information on women's labour rights, including protection from sexual harassment.

**40. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It calls on the State party to review its labour laws and ensure that employment legislation applies to and is enforced in the public and private sectors. The Committee also calls upon the State party to provide a regulatory framework for the informal sector, with a view to providing access to social protection and benefits. It further calls on the State party to provide, in its next report, detailed information, including data disaggregated by sex; an analysis on the situation of women in the field of employment, in both the formal and informal sectors, and trends over time; and information about measures taken and their impact on realizing equal opportunities for women in the employment sectors, including in new fields of employment and entrepreneurship. The Committee requests the State party to provide in its next periodic report detailed information about legal provisions and their monitoring and enforcement; equal pay for work of equal value; and existing complaints mechanisms, as well as statistical information concerning their use by women and their outcomes. It also requests the State party to provide information on legislative and other measures taken to protect women from sexual harassment in the workplace.**

### **Health**

41. While noting the existence of various policies and programmes, and while recognizing geographical constraints, the Committee is concerned that women, particularly in the outer islands, experience difficulties in accessing affordable and appropriate health care. The Committee notes with concern that the life expectancy for women in the State party is lower than that of men and it expresses its serious concern about the very high rate of maternal mortality (930 per 100,000 live births), as well as the high rate of infant mortality. The Committee is also concerned that abortion is a punishable offence under the law, with a penalty of seven years imprisonment with no exceptions, and that this prohibition leads women to seek unsafe, illegal abortions, with consequent risks to their life and health. Clandestine abortions are a major cause of maternal mortality and the Committee regrets the lack of data available on the percentage of maternal deaths attributed to unsafe abortions. The Committee is further concerned about the inadequacy of preventive health care information and services, including in the area of sexual and

reproductive health, the low rates of use of contraceptives and the high rates of teenage pregnancies and sexually transmitted infections. In addition, the Committee is concerned that adequate attention may not be paid to all areas of health care, including mental health and services for those women who may need specialized care, such as disabled women and girls.

**42. The Committee urges the State party to take concrete measures to enhance all aspects of health care for women in accordance with article 12 of the Convention and the Committee's general recommendation No. 24 on women and health in order to effectively address differential needs in the area of general health and the specific health needs of women, including those with special needs. It calls upon the State party to ensure that preventive health care information and services, especially sexual and reproductive health care, is adequately addressed and to enhance access to such services by women in the outer islands. The Committee recommends that the State party review the laws relating to abortion, with a view to removing punitive provisions imposed on women who undergo abortion and to providing them with access to quality services for the management of complications arising from unsafe abortion. It requests the State party to provide data on the percentage of maternal deaths attributed to unsafe abortions in its next periodic report. It also requests the State party to strengthen and expand its efforts aimed at the prevention of teenage pregnancies and sexually transmitted infections by increasing knowledge about family planning, including contraceptives, and awareness of existing services. This should include the provision of comprehensive, youth-friendly sexual and reproductive health-care services, confidence-building programmes and age-appropriate sex education as part of the formal and informal education curricula targeted at girls and boys. Such programmes should take due account of traditions and the physical barriers confronting women in rural areas.**

#### **HIV/AIDS**

43. While noting the information provided on various important initiatives undertaken by the State party to prevent and combat HIV/AIDS, including the HIV/AIDS Management and Prevention Act 2003 and the National Strategic Plan on HIV/AIDS 2006-2010, the Committee notes with deep concern that the State party faces a serious epidemic, with 1.5 per cent of its 6.5 million people being infected, and that women and girls are disproportionately affected by HIV, accounting for 60 per cent of the people living with HIV. The Committee is particularly concerned that girls and women are infected at a younger age than boys and men, with twice as many women as men infected between the ages of 15 and 29 years, and that girls between 15 and 19 years of age have the highest rate of HIV/AIDS in the country, four times that of boys the same age. In this respect, the Committee is concerned that women and girls may be particularly susceptible to infection owing to gender-specific norms and that the persistence of unequal power relations between women and men and the inferior status of women and girls may hamper their ability to negotiate safe sexual practices and may increase their vulnerability to infection.

**44. The Committee recommends that the State party take continued and sustained measures to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences. It urges the State party to enhance its focus on women's empowerment, include clearly and visibly a gender**

**perspective in its policies and programmes on HIV/AIDS and increase the role of men in all relevant measures. The State party is encouraged to undertake awareness-raising campaigns throughout the State party and among Government personnel in respect of prevention, protection and maintenance of confidentiality in order to systemize and integrate approaches for multiple government sectors. The Committee recommends that the State party report, in its next report on measures taken in this respect, as well as on obstacles encountered and results achieved.**

#### **Rural women**

45. The Committee notes that more than two thirds of the population lives outside urban centres, where the majority of women are engaged in subsistence livelihoods. While noting that the State party has initiated various development projects, programmes and measures, including in the outer islands and remote areas, the Committee is concerned that such development projects may not always include a gender perspective. Furthermore, the Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. It is especially concerned about the situation of rural women, particularly in view of their precarious living conditions and lack of access to justice, health care, ownership of land, inheritance, education, and community services, as well as their lack of participation in decision-making processes at the community level. The Committee also expresses its concern that women lack access to credit and banking facilities, which is a major constraint to their participation in small business projects, and that this is linked to the fact that most women do not have control or ownership of land or other substantial resources, which banks generally require as collateral for loans.

**46. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, ensuring their participation in decision-making processes and full access to justice, health care, inheritance, education and community services. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land and to ensure that women participate in decision-making processes and have access to income-generation opportunities, including access to training, markets and credit. The Committee calls on the State party to ensure that a gender perspective is included in all poverty reduction plans and strategies and it recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report. The Committee encourages the State party to seek assistance from the international community in this respect.**

#### **Disadvantaged groups of women**

47. While noting the statement by the delegation that the State party is considering the establishment of a social protection policy framework for certain disadvantaged groups, the Committee notes with concern that at present there is no social response or political framework for addressing the problems of women belonging to

disadvantaged groups other than family solidarity. It regrets the very limited information and statistics about vulnerable groups of women, including elderly women, women with disabilities and migrant women, who often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care. The Committee is also concerned about the statement in the State party report that increased formal and informal fostering/adoption of children, particularly within the extended family, is another potentially harmful cultural practice that places young children at risk and it regrets the lack of information on the prevalence of such practice as well as measures taken to protect these children.

**48. The Committee requests the State party to provide in its next report a comprehensive picture of the de facto situation of disadvantaged groups of women, including older women, women with disabilities and migrant women, in all areas covered by the Convention, as well as information on specific programmes and achievements. The Committee also requests the State party to provide information on the prevalence of formal and informal fostering/adoption of children as well as measures taken to protect these children.**

#### **Family relations**

49. The Committee expresses its concern about the multiple marital systems that apply in the State party and is concerned that the minimum age of marriage is 16 years for girls and 18 years for boys. The Committee is particularly concerned about the practice of polygamy, bride price, early marriages as well as forced and arranged marriages and it is also concerned that other discriminatory customary practices persist, especially in rural and remote communities, with regard to, inter alia, marriage and its dissolution, as well as family relations, including inheritance.

**50. The Committee urges the State party to harmonize its civil, religious and customary law with article 16 of the Convention and to accelerate reform in respect of the laws relating to marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention. Such a process should be participatory and include local community and religious leaders, as well as women from civil society. The Committee calls on the State party to raise the minimum age for marriage to 18 years of age for both males and females, in line with international standards. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, in line with the Committee's general recommendation No. 21 on equality in marriage and family relations. In addition, the Committee recommends that the State party immediately undertake research on marriage and its dissolution, including inheritance, to inform on reform strategies.**

#### **Autonomous Region of Bougainville**

51. The Committee, being cognizant of the need to sustain peace and reconciliation in the post-conflict society and situation in the Autonomous Region of Bougainville, expresses its concern about the limited involvement of women in the formal decision-making processes in the post-conflict area and is concerned that women and men war veterans may not have benefited from equal recognition and rehabilitation, including general and mental health care.

52. **The Committee calls on the State party to take the necessary measures to ensure women's involvement in the establishment of peace and reconciliation in Bougainville, including through their equal opportunity and participation in the decision-making processes in all spheres of development. It also calls on the State party to ensure that both women and men war veterans benefit from equal recognition and rehabilitation, including general and mental medical care. The Committee further calls on the State party to ensure that the Autonomous Bougainville Government adopt measures that take due account of Security Council resolution 1325 (2000) on women and peace and security.**

#### **Data collection and analysis**

53. While noting that some statistics have been provided and that the State party is establishing a sex-disaggregated database within the Office for the Development of Women, the Committee is concerned by the limited availability of data disaggregated by sex and ethnic group for several areas covered by the Convention, which are necessary for an accurate assessment of the situation of women and for informed, targeted policymaking and the systematic monitoring and evaluation of progress achieved, and trends over time, towards the realization of women's de facto equality in regard to all areas covered by the Convention.

54. **The Committee calls upon the State party to continue to enhance the collection of comprehensive data disaggregated by sex and of measurable indicators to assess trends in the situation of women and progress towards the realization of women's de facto equality, and draws its attention to the Committee's general recommendation No. 9 in this regard. The Committee invites the State party to seek international assistance, as necessary, for the development of such data collection and analysis efforts and to ensure that such efforts are based on the needs of users of the data.**

#### **Optional Protocol and amendment to article 20, paragraph 1**

55. **The Committee calls upon the State party to accede to the Optional Protocol to the Convention and invites the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

#### **Beijing Declaration and Platform for Action**

56. **The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

#### **Millennium Development Goals**

57. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and for explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

### **Dissemination**

58. The Committee requests the wide dissemination in Papua New Guinea of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee recommends that the dissemination should include the local community level. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of the observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

### **Ratification of other treaties**

59. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Papua New Guinea to consider ratifying the treaties to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

### **Follow-up to concluding observations**

60. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 28 and 34 above.

### **Technical assistance**

61. The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations as well as the Convention as a whole, with the support of the Committee. The Committee calls upon the State party to strengthen further its cooperation with the specialized agencies and programmes of the United Nations system,

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

including the United Nations Development Programme, the United Nations Development Fund for Women, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights, as well as the United Nations Statistics Division and the Division for the Advancement of Women of the Department of Economic and Social Affairs of the Secretariat.

**Preparation of next report**

62. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult a variety of women's and human rights organizations during that phase.

63. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in July 2014.

64. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.