

PAPUA NEW GUINEA

SLOW PROGRESS ON REFORMS TO PROTECT CIVIC SPACE



Papua New Guinea parliament (Photo Credit: Open Government PNG)



INTRODUCTION

Prime Minister James Marape came to [power](#) in May 2019 in Papua New Guinea (PNG) with a promise to undertake [reforms](#) on a range of issues, including on human rights. Human rights, including civic freedoms are guaranteed in PNG's [constitution](#) as well as the International Covenant on Civil and Political Rights (ICCPR) which PNG ratified in 2008.

In November 2021, PNG's human rights record was [reviewed](#) by the UN Human Rights Council in Geneva at its Universal Periodic Review (UPR). Ahead of the review, CIVICUS together with the Pacific Island Association of Non-Government Organisations (PIANGO) and Transparency International Papua New Guinea (TIPNG) made a [submission](#) to the UN on our concerns related to civic freedoms including the ongoing targeting of human rights defenders and journalists and restrictions on freedom of expression and peaceful assembly.

Following the review, a number of [recommendations](#) were made by UN members states related to civic space. They include introducing legislation on access to information that is in line with international standards and to guarantee the rights to freedom of expression and association, by reviewing the regulations that have the effect of limiting the exercise of these rights. Recommendations were also made to investigate effectively all acts of the security forces including torture, ill-treatment, extrajudicial killings and sexual violence and prosecute and punish perpetrators and to establish a national human rights institution in accordance with the Paris Principles.

Despite these recommendations and PNG's international human rights obligations, the CIVICUS Monitor, a global tool tracking the state of civic freedoms continues to document restrictions as well as the lack of progress in establishing mechanisms to ensure transparency and accountability. The country's civic space continues to be rated as '[obstructed](#)' by the CIVICUS Monitor.

This brief highlight some of our ongoing concerns on the state of civic space in PNG and makes a series of recommendations.

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Papua New Guinea as "**Obstructed**".

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



CRIMINAL DEFAMATION LAW CREATES CHILLING EFFECT

Article 46 of PNG's [Constitution](#) contains strong safeguards to promote and protect the right to freedom of expression.

However, the PNG government passed the [Cybercrime Act](#) in December 2016 that has been used to silence criticism and creates a chilling effect. The law has been criticised by the opposition, journalists and activists for its implications for freedom of expression and political discourse.



Supreme Court in Port Moresby, Papua New Guinea (Photo Credit: EMTV)

The law defines cybercrime as “offences committed using electronic devices, systems and or networks.” The Act covers a whole range of illegal online activities including defamatory publication. Defamation carries a maximum penalty of up to 25 years’ imprisonment or a fine of up to one million Kina (approx. US\$ 260,000).

Such a provision is inconsistent with international human rights law and standards that call for the decriminalisation of defamation. In [General Comment 34](#), the UN Human Rights Committee states that

imprisonment is never an appropriate penalty for [defamation](#). Arrests, detention, charges or convictions based on laws that criminalise the peaceful exercise of freedom of expression are considered arbitrary and unlawful. Civil damages are widely seen to be sufficient to redress harm to an individual’s reputation.

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

In November 2023, a man from Hela Province was [arrested and charged](#) by the police in Port Moresby for committing defamation under the law against the Hela Governor, Philip Undialu.

Rickson Apa of Pureni Hela Province was accused of producing, uploading and circulating multiple videos, audios and text messages containing defamatory comments against the governor. The videos went viral on social media, prompting the governor to file a complaint with the Cyber Crime Unit in Port Moresby. Apa was arrested but later released on bail.

In another case, a lawyer underwent four years of judicial harassment under the Cybercrime Act after he was [accused](#) in 2019 of defamation for accusing a senior police investigator on Facebook of being bribed by the opposing party in an ongoing criminal case to evict his client. He was finally [acquitted](#) in December 2023.



REMOVAL OF WEST PAPUAN INDEPENDENCE FLAGS

In July 2023, the authorities [clamped down](#) on displays of the West Papuan independence flag ahead of the Indonesian president's visit to Papua New Guinea in July 2023.

Papua New Guinea, which has a 760-kilometre border with Indonesia, is home to thousands of refugees from the Papuan provinces in Indonesia, where an indigenous Melanesian independence movement and armed insurgency has simmered for decades.



West Papua flag displayed at the Rainbow refugee camp in Port Moresby (Photo Credit: Benar News)

[According to Benar News](#), officers from Papua New Guinea's National Intelligence Organisation arrived at the refugee camp in Port Moresby in two unmarked white vehicles with tinted windows. Their activities caused a commotion and some women and men wept as they sang the West Papuan national anthem in protest.

The officers removed Morning Star independence flags and banners at the Rainbow refugee camp in the capital Port Moresby. Supporters of Papuan self-determination were marking the 1 July anniversary of a decades-old proclamation of independence from Indonesia.

RESTRICTIONS AND REPRISALS ON JOURNALISTS

The CIVICUS Monitor has continued to report of reprisals, harassment, intimidation and attacks against journalists for undertaking their work.

In February 2022, long-standing and experienced news manager Sincha Dimara was [suspended](#) for three weeks without pay by the EMTV management - Media Niugini Limited (MNL). MNL is owned by Telikom, which is itself a government entity. Dimara is one of the longest serving journalists in PNG. She was suspended for insubordination and damaging the reputation of the company due to the EMTV coverage about the rearrest of Australian hotel manager Jamie Pang. According to the International Federation of Journalists (IFJ), the suspension came from a request from Public Enterprises and State Investment Minister, William Duma.

Prime Minister Marape has imposed increasing restrictions on the media especially after his re-election in August 2022.

On 31 August 2022, the office of Prime Minister James Marape published a full-page public notice in two newspapers, informing journalists that his office



Sincha Dimara, one of the longest-serving journalists and Head of News and Current Affairs at EMTV (Photo Credit: Twitter/@News_jubi)



will [no longer engage in direct correspondence](#) with either domestic or international journalists and media practitioners, and that they should direct their questions to the appropriate government ministries instead. The office indicated that this direction came from the Prime Minister personally and warned that if the instructions were not respected then the government would limit journalists' access to prime ministerial press conferences. This move was criticized by the [International Federation of Journalists \(IFJ\)](#) and [Amnesty International](#).

In September 2022, the Prime Minister's Department and National Executive Council announced increased [screening of foreign journalists](#) and the requirements that foreign journalists need to submit before they are allowed entry into the country. This involves seeking permits from several offices such as the Department of Foreign Affairs, PNG Immigration & Citizenship Authority, PNG National Filming Institute and the Prime Minister's Department.

In June 2023, the Speaker of Parliament decided that there would be certain areas of parliament where the [media cannot access](#). According to reports, journalists are now restricted to the press gallery and cannot venture around the House in search of news.

A media outlet came under attack from the Prime Minister in November 2023 after it raised concerns about a [circular](#) that could curb media freedom. The Post-Courier carried a front-page article titled "PM Stops Media Freedom," which reported that all media statements from ministers, government MPs and provincial governments must be approved by the Prime Minister's office before they are distributed for public consumption. The Office of the Prime Minister refuted the article and said the headline of the newspaper misrepresented the circular.

Journalists have also faced harassment and attacks in recent years. On 29 September 2022, a female journalist of The National was [harassed and threatened](#) by supporters of former Gumine MP Nick Kuman outside the Waigani Courthouse. The National reported that a journalist was in the courts covering a criminal case against Kuman when she was confronted by his supporters. They took away her phone and told her that her outlet had "spoiled the name of Nick Kuman" and should stop reporting on his case. A Post Courier reporter was also reportedly threatened, harassed and intimidated.

A journalist and camera operator with the National Broadcasting Corporation (NBC) were injured in August 2023 after being shot during a power station tour in the village of 9-Mile, near the nation's capital of Port Moresby. According to the [International Federation of Journalists \(IFJ\)](#), on 9th August 2023, around six gunshots were fired in two bursts as the journalists took lunch. One of three initial shots grazed the NBC camera operator before striking senior NBC journalist Gwendella Rea in her right forearm. Police said were investigating the incident but CIVICUS is unaware if anyone has been brought to justice for the attacks.

CONCERNS ABOUT PROPOSED MEDIA POLICY AND LAW

In February 2023, it was reported that a new media development policy being proposed by the Papua New Guinea Communications Minister, Timothy Masiu, could lead to more [government control](#) over the country's relatively free media.



According to reports, the bill proposes improving journalistic standards but alarm has grown about the finer details, including sections that give the government the “power to investigate complaints against media outlets, issue guidelines for ethical reporting, and enforce sanctions or penalties for violations of professional standards.” There are also concerns that the law will punish journalists who create content that is against the country’s development objectives.



PNG Minister for Information and Communication Technology, Timothy Masiu (Photo Credit: PNG Facts)

The draft media development policy also doesn’t address obstacles that journalists face, including the need for training and better remuneration, and it doesn’t state clearly exact mechanisms to protect journalists from violence, harassment and intimidation.

The [PNG Media Council](#) expressed concern about the government’s plans, warning it could undermine media freedom and diminishes the role of the media to hold those in power to account. The International Federation of Journalists (IFJ) said: “The current provisions within the proposed National Media Development Policy pose significant concerns for press freedom in Papua New Guinea, with media regulations amounting to government censorship and restrictions on independent journalism.”

RESTRICTIONS AND ATTACKS ON PROTESTERS

Article 47 of the PNG [Constitution](#) provides that “every person has the right peacefully to assemble.”

The [Peace and Good Order Act 1991](#) regulates the holding of public processions or public meetings. Those planning to hold a protest are required to submit an application to a provincial Committee made up of the provincial authorities and police to consider and issue a permit. This Committee must meet as soon as is practicable and, unless it is satisfied on reasonable grounds that the procession or meeting is likely to



Protest against the shooting of four young men in Jiwaka in August 2022 (Photo Credit: Twitter/@tambijr_ArmPNG)

be prejudicial to the maintenance of peace and public order, shall issue the permit. This is inconsistent with international law whereby state authorities may put in place a system of prior notification, but it should not function as a request for authorisation. Further, spontaneous assemblies should be exempt from notification requirements.

Over the last two years, peaceful protests have been allowed to take place without any major restrictions. These include [protests](#) in May 2023, by students at the University of Papua New Guinea (UPNG) that marched to Parliament House in Port Moresby in protest over offensive comments made by Foreign Minister Justin

Tkatchenko and protests against the signing of a defence cooperation agreement with the United States in Port Moresby.

However, there has been lack of progress in ensuring accountability for the [unlawful shooting of protesters](#) in Jiwaka province in 2022 around the general elections in the Anglimp-South Waghi electorate. The National reported that security forces had allegedly shot dead at least four men and wounded 15 others on 6 August 2022. The protesters were mostly young men from the Kuli tribe in Jiwaka, including students.



It was reported that the men were not happy with the conduct of the election and held a protest at the Highlands Highway at Anglimp junction, blocking it off.

An investigation was reported to have taken place into the shootings and was ongoing. On 27 October 2022 it was [reported](#) that eight policemen had been [identified](#) as suspects. However, no further information has been reported publicly.

SLOW PROGRESS ON RIGHT TO INFORMATION LEGISLATION

There is no Right to Information (RTI) legislation in PNG despite guarantees in the Constitution (article 51). According to civil society groups, government information is extremely difficult to access and there is a



Papua New Guinea parliament (Photo Credit: Lowy Institute)

culture of secrecy. Further, there is a lack of clarity on what information is publicly accessible. The government of PNG, through the Open Government Partnership (OGP) process, has committed to enacting RTI legislation. Despite this, progress on the RTI legislation has been slow.

In a [roundtable discussion](#) from September 2023, it was reported that Department of Information and Communication Technology (ICT) will commence public regional consultation on the draft National RTI Policy in

October 2023 with the support of UNDP. Once the consultation is completed and feedback is incorporated, the Department of ICT aims to finalise the policy for cabinet endorsement. Following the development of the policy, the government will commence drafting of RTI legislation in the first quarter of 2024. However, at the time of writing, no further developments have been reported.

LACK OF PROTECTION FOR HUMAN RIGHTS DEFENDERS



Protest by the Akali Tange Association in Poregera against a gold mine, August 2023 (Photo Credit: Facebook/Akali Tange Association)

Human rights defenders remain at risk in Papua New Guinea. According to [Frontline Defenders](#) those advocating for local landowners' rights and for the environment with regard to mining, fishing, forestry, and liquefied natural gas projects throughout the country face judicial harassment and police abuse. In the absence of rule of law in some regions, it is very hard for human rights defenders to advocate, protest or speak publicly of such abuses and some of them have been arrested and detained for speaking out.

One key institution for the protection of human right defenders is national human rights institutions (NHRI).

Despite recommendations by the UN members states during the 2021 UPR to establish such a body – which the government supported - it has not been set up. According to information received, a Human Rights Secretariat was established in 2023 under the Department of Justice and has drafted legislation to establish an NHRI. However, the bill has yet to be made public or brought to parliament.

There has also been a lack of public information around plans to develop a Human Rights Defenders' Protection bill. In April 2022, it was [reported](#) that human rights defenders had been invited to a consultation on the development of the bill that better protects human rights defenders from retaliation or intimidation in the course of their work.



RECOMMENDATIONS

- Review and amend criminal defamation provisions in the Cybercrime Act to ensure that it is in line with ICCPR article 19 and international law and standards in the area of the freedom of expression.
- Ensure that journalists can work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Ensure any media laws drafted are consistent with international human rights law and standards and refrain from adopting any laws providing for censorship or undue control over the content of the media.
- Draft and pass Right to Information (RTI) legislation to promote maximum disclosure of information in the public interest, to guarantee the right of everyone to access information, and to provide for effective mechanisms to secure that right.
- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Ensure that those responsible for those involved in excessive force or unlawful killings of protesters, are promptly identified, charged and prosecuted.
- Review and if necessary, update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Provide human rights defenders, civil society members and journalists with a safe and secure environment in which they can carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of offences to justice.
- Take steps to establish a protection framework for human rights defenders and ensure that they are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Initiate a consolidated process of review, repeal or amendment of legalisation that unwarrantedly restricts the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Take all necessary steps to establish an independent national human rights institution in accordance with the Paris Principles and ensure it works to protect human rights defenders.