



Convention on the Rights of the Child

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Summary record of the 935th meeting

Held at the Palais Wilson, Geneva, on Thursday, 22 January 2004, at 3 p.m.

Chairperson: Mr. Doek

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

Consideration of reports of States parties (*continued*)

Initial report of Papua New Guinea (continued) (CRC/C/28/Add.20; CRC/C/Q/PNG/1; CRC/C/RESP/52, document distributed at the meeting, in English only)

1. *At the invitation of the Chairperson, the members of the delegation of Papua New Guinea resumed their places at the Committee table.*
2. **Mr. Krappmann** regretted that education in Papua New Guinea was neither compulsory nor free and that there was no policy of subsidies to help families, which were already hesitant about schooling, to defray education costs. The children of families that could not afford school fees were expelled, which explained the high dropout rate.
3. While the Government's current objectives, particularly the achievement of universal primary education by 2015 and the provision of more useful education in vernacular languages, were laudable, he feared that, in a country with over 800 spoken languages, there would be problems in training enough teachers and producing textbooks and teaching aids.
4. The reduction in education funding and the project to make schools more self-sufficient by means of revenue-earning activities were further causes for concern because they might signify the beginning of privatization of the education system.
5. In the circumstances, only extensive reform of the education system could reduce dropout rates, facilitate access to education, promote equal participation by girls, harmonize curricula and eliminate the continuing substantial differences, especially in school attendance rates, between regions.
6. **Mr. Liwski**, expressing fear that the ubiquitous and, by definition, unregulated practice of customary adoption, or transfer in and adoption out of children in extended families, left the door open to all kinds of abuse and to infringement of some of the rights of the child enshrined in the Convention, asked how far the best interests of the child were taken into account in adoption procedures, whether the Government intended bringing those procedures into line with the Convention and whether it would seek help from organizations such as UNICEF for the purpose. He welcomed the fact that placement of children in families was far more common than placement in institutions.
7. **Ms. Ouedraogo** asked which body was responsible for censoring the dissemination of obscene publications and what was done to protect children against such material. She also wished to know about the progress of the World Bank-aided project for subsidising public and school libraries.
8. As Papua New Guinea had not ratified any of the Hague Conventions on adoption, child protection or child support, the Matrimonial Causes Act did not recognise custody or guardianship rights and the Child Welfare Act did not cover parents' rights, obligations and responsibilities, it should be stated whether the country intended to harmonise its legislation on the family environment and alternative care with the Convention. It was particularly worrying to see from the report that in many households there might be no adult with a legal duty or conscious commitment to provide for the physical or emotional needs of an informally adopted child.
9. It would also be helpful to know what role the Government intended to play to help parents who confessed themselves powerless in the face of social change and breaks with tradition, to halt the consequent revival in rural areas of traditional initiation rites such as scarification and corporal punishment and to re-establish parent-child and inter-generational communication. In addition, parents' responsibility to meet their children's needs for food,

protection, education and development should be duly reflected in all the legislation relating to children.

10. She also wished to know whether there had been any large-scale national discussion of the practice of polygamy, which remained firmly rooted in tradition and was still common in several regions, and whether the bill to make polygamy punishable by imprisonment had been adopted.

11. She asked what rules governing the operation of church-administered juvenile detention centres, where destitute or uncontrollable children removed from their parents were placed, what policy there was for maintaining contact with the parents and what means there were for reviewing the children's institutionalization. She would also welcome information on the measures taken to help broken families and ill-disciplined children following the studies of the causes of delinquency in Papua New Guinea.

12. There was an urgent need to bring all child-protection laws into line with the Convention, particularly as concerned children's right to be heard by a court or to visit the parent who had not been given custody of them.

13. As the war had prevented free movement to and from Bougainville, and thus contact between many children and their parents, for a decade, it would be useful to know what the authorities were doing to facilitate family visits and ultimately family reunification. It would be of interest in that regard to know what was Bougainville's current status relative to Papua New Guinea.

14. **Ms. Smith**, observing that parents or guardians who did not look after children properly ran little risk of punishment and that the State gave parents no direct support, asked whether Papua New Guinea intended to open homes for neglected children. She also asked what progress had been made with the family well-being and happiness project and what measures had been taken to help social workers give parents better advice.

15. **Ms. Al-Thani** asked whether children with disabilities were placed in institutions rather than being cared for by their families. Noting that in a traditional setting disability was often associated with spirits and sorcery, she asked whether the Government, which was currently trying to integrate children with disabilities into mainstream education, was taking action to prevent discrimination against them and to make public buildings and transport accessible to them.

16. The improvement in vaccination coverage and the recent decline in child mortality were welcome, especially as many women still gave birth alone at home. It would be interesting in the latter regard to know how many women had access to health centres, whether the authorities planned any large-scale training programme for community midwives, what measures were taken against clandestine abortion and what proportion of women suffered complications connected with such abortion.

17. Regarding HIV/AIDS, it would be helpful to know where AIDS orphans were placed, whether action was taken to combat mother-to-child transmission, whether the Government intended funding the purchase of antiretrovirals and what had been the results of the prevention campaigns conducted with the participation of Australia. The stigmatization of children with HIV/AIDS was disturbing.

18. As malaria was endemic throughout the country, it would be of interest to know why the authorities had not considered distributing insecticides and mosquito nets free of charge under the programme supported by Australia. She also wondered what Papua New Guinea was doing with regard to sanitation and drinking-water distribution.

19. **The Chairperson**, speaking as a member of the Committee, requested further information on the brutality by police and prison officers and the ill-treatment and

excessive punishment to which the report referred. He wondered whether there was any law banning corporal punishment and whether there were any campaigns against the practice.

20. With respect to violence against children, he praised the country's recent exemplary legislation against sexual abuse, which had become a serious problem. The law on evidence was particularly innovative. On the other hand, it was disturbing that infanticide, although prohibited, remained widespread. It would be helpful to have information on the measures taken or to be taken to combat the practice.

21. It would be good to have fuller information on the divorce rate and divorce procedures in Papua New Guinea.

22. **Ms. Kidu** (Papua New Guinea) said that, in a spirit of openness, her country had denounced a number of unacceptable practices such as infanticide and exchanges of children in its report. It should not be concluded from that, however, that they were widespread. It was not because a practice was mentioned in the report that it was the norm.

23. It was true that education was neither free nor compulsory. Enrolment fees were subsidised, but public opinion considered it normal that parents should pay at least part of the cost of their children's education.

24. The country's real problem in the education sector was a shortage of school places. That was why it had, in a partnership between the Ministry of Education and the Ministry of Community Development, established alongside the formal infrastructure that provided primary education in English a whole informal network that provided elementary education in the vernacular. That new method had enabled it to equip almost all children with basic knowledge and to set up literacy programs for adults, especially women. Illiteracy nonetheless remained a major problem, since recent assessments put the illiteracy rate at 70 per cent.

25. There was no denying that the large number of spoken languages was not conducive to the production of textbooks or other teaching aids. Curriculum reform was ongoing; it was chiefly a matter of moving from a style of teaching inherited from the colonial era and based largely on that found in Australia to one genuinely suited to the particular features of life in Papua New Guinea.

26. It should not be forgotten that formal employment, with pay slips and taxable income, such as was found in industrialized countries, was virtually non-existent in Papua New Guinea. In addition, 97 per cent of land belonged to individuals and the remainder was shared between the private sector and the State, so that it was difficult to develop resources and a non-monetized economy predominated. Those factors could explain, for example, why schools grew produce for making lunches in order to keep down their operating costs. Society looked favourably on that modus operandi, considering it healthier to teach children to eat food they had grown themselves than to ask the State to provide it.

27. Both society and family relationships were, however, undergoing profound change. Traditionally, adoption had been seen as a means of sharing children out through the family network, relieving the burden on too large families and giving childless households the children they lacked. The fact that very few of those customary adoptions been legally registered did not mean that the children had been ill-treated. Similarly, unwanted pregnancies had caused at most a temporary feeling of shame and in the end the children born of them were been integrated into the wider family circle without being stigmatized. In the present day, attitudes were changing and greater vigilance was required.

28. For example, clandestine abortion, while still confined to the urban areas, was on the increase. The abortion laws were strict, but a judicial decision dating from 1982 had given judges a measure of flexibility in interpreting them. It was now accepted that the mother's health must be taken into account and that an abortion could be carried out if two doctors

agreed it was necessary. However, the pregnant woman still had to be able to afford the fees of two private doctors because there were virtually no abortions in public health facilities.

29. Regarding protection of children against obscene publications, the country had a Censorship Board but little money to give it, so that its effectiveness was limited. The Board monitored magazines and films and also did public awareness work, but lacked the resources to monitor the Internet.

30. It was not true that parents were not considered to be responsible for their children; it would be more correct to say that they were supported in their role as parents by the community as a whole, which had a supplementary role to play. They also received support from various churches, which offered parent- and couple-counselling services.

31. Although it was officially illegal, polygamy remained a reality in much of Papua New Guinea, since most marriages were customary and unregistered. The emerging culture born of the clash between tradition and Western culture was once again giving rise to a complex situation in which traditional polygamy, where it was obligatory for the husband to look after all his wives equally, was tending to give way to "serial marriage", in which the earlier wives were abandoned.

32. Books were inordinately expensive in Papua New Guinea. A network of libraries had been created, but had gradually broken down, largely because borrowers did not bring books back. Currently only five of the 19 provinces still had one or more libraries in operation. The World Bank library-support programme had probably ceased. The National Library offered subsidized books and supplied schools.

33. Neither the need to open a home for abandoned children, nor that to create juvenile detention centres had ever been felt. If anything, popular sentiment was against it. It was true that some non-governmental organizations took in abused children, but never for long, because the general view was that the children should rapidly be reintegrated into their community.

34. It was very hard to integrate children with disabilities into a school system that was already unable to find room for all able-bodied children and the country's resources were too limited to set up specialized establishments. Children with disabilities were therefore mainly educated within their communities, either by individuals or by non-governmental organizations.

35. The high proportion of home births was regrettable, but understandable in view of the country's geography and the fact that many women lived at least two days' walk from the nearest clinic. Thanks to the combined efforts of non-governmental organizations and religious associations, village midwives had been trained to help women give birth in safe and hygienic conditions; that had brought down maternal mortality. Breast-feeding had expanded considerably since feeding bottles had been declared illegal. The ban was not a real problem for adoptive families because it was common for women who had a lot of milk to suckle other children besides their own.

36. The country already had AIDS orphans, who, for the moment, were cared for by the community. The question was whether that situation would continue if their number increased. There was currently only one institution for persons who were seropositive and antiretroviral treatment was literally unaffordable.

37. **Ms. Aluoch** asked whether it was planned to subsidise such treatment.

38. **Ms. Kidu** (Papua New Guinea) said that, while that would be desirable, she thought it unlikely. The only funds available for helping persons with HIV/AIDS came from donors.

39. There were, however, some grounds for satisfaction. The Port Moresby General Hospital would open shortly, relations between the police and communities had improved because of the gradual disappearance of the culture of police brutality left over from the postcolonial era, and progressive legislation, particularly the Evidence Act, had been adopted against sexual abuse.

40. It would take some time for enforcement of the new laws to become established practice, but the process was under way. Post-trauma counselling centres had opened thanks to cooperation between the Ministry of Health, the police, the Department of Social Services and Soroptimist International, and there was now, for the first time, an organized system for collecting data on ill-treatment and sexual abuse.

41. Regarding divorce, more and more couples were splitting up, but they usually did so according to customary rules and without legal proceedings. As a result, they did not have to pay legal fees.

42. **Ms. Khattab** pointed out that the customary rules in question were very often unfavourable to women.

43. **Ms. Kidu** (Papua New Guinea) acknowledged that it was often difficult for the woman to obtain what she thought was her entitlement. Moreover, under customary law children belonged to their father.

44. **Mr. Klapat** (Papua New Guinea) said that customary divorces were generally accompanied by arrangements providing, where appropriate, for the payment of financial compensation to the woman. In most cases the man and the woman remained on good terms and continued to see each other occasionally, especially if they had had children.

45. **Mr. Maipakai** (Papua New Guinea) said that all the Committee's observations and suggestions would be passed on to the Government, which would not fail to take them into account in its policies and in its drafting of the next report.

46. The draft constitution for Bougainville was in second reading and the island now had a provisional government which should give way to an autonomous government by June of the current year. Meanwhile, thanks in particular to financial support from Australia and New Zealand, the health and education services were largely operational; for example, three quarters of the schools were open. It was certain, however, that the situation of children would improve faster once an official, legitimate government was in place.

47. The juvenile justice system, with its court in Port Moresby and its data collection system, had only been set up in June 2003. No statistics were yet available on police brutality and minors in the justice system.

48. **Ms. Khattab** said the juvenile courts would not resolve the problem of police brutality. The solution lay in training and awareness-raising.

The meeting was suspended at 3.40 p.m. and resumed at 3.55 p.m.

49. **Mr. Maipakai** (Papua New Guinea) said that in the colonial era births, marriages and deaths had been registered at the village level; following independence, that system had been replaced by a centralized office in the capital. Given the results, consideration was being given to reverting to a local system.

50. **Mr. Klapat** (Papua New Guinea) said that registering births was a Government priority. The central civil-status registry and the census services were, under the auspices of UNICEF, looking for the best ways of covering the whole of the country.

51. Water and sanitation issues were addressed under the National Health Plan, which enjoyed substantial support from WHO and other development partners.

52. **Ms. Kidu** (Papua New Guinea) said that the legislation concerning persons with disabilities would shortly be reviewed to take into account questions like accessibility.
53. **Ms. Ortiz** said that the traditional methods of adoption through churches and communities played a vital role but were insufficiently supervised. That gave rise to additional cases of ill-treatment or sexual or economic exploitation of children. The methods need not be abolished, but should be combined with mechanisms for their rights-oriented supervision.
54. **Ms. Khattab** asked how common was the “institutional gender blindness in schools” which, according to paragraph 109 of the report, permitted many teachers to favour male students.
55. **Ms. Kidu** (Papua New Guinea) said that, while some teachers might be prejudiced, the authorities definitely did not encourage such an attitude, but instead promoted gender equality. For example, Papua New Guinea had both male nurses and female aircraft pilots.
56. **Ms. Ortiz** asked whether there were rehabilitation and reintegration programmes for the children who had participated in armed clashes during the 10-year civil war and the numerous orphans the conflict had left and what was done for the children who had been separated from their parents by the events in Bougainville, many of whom were employed as domestic labourers by the families which had “adopted” them. Amnesty International having stated that young men were the principal victims of summary executions and torture, she asked if the number of such victims was known and what was done for them and their families.
57. The fact that the authorities’ attitude in the event of natural disasters was limited to distributing relief provisions and suppliers would, she feared, promote passivity in the communities concerned. She would prefer them to be helped to help themselves.
58. Regretting the absence of formal services for aiding abandoned or maltreated children or children in conflict with the law, she said that the welfare officers deployed in the country’s 20 provinces could be trained and used to fill the gap.
59. **Ms. Khattab**, observing that, according to some sources, 75 per cent of schoolchildren had access to marijuana, asked whether there were programmes to combat drug abuse and to what extent NGOs and the Government shared in such efforts.
60. She expressed concern at the influence of some cultural attitudes that seemed conducive to sexual abuse and asked what concrete steps had been taken to implement the Stockholm Agenda for Action against Commercial Sexual Exploitation of Children.
61. **Mr. Kotrane** said he was deeply concerned by the delegation’s comments to the effect that a whole series of problems was attributable not to the Government but to society.
62. **Mr. Citarella**, noting that, because of the low rate of birth registration, there was considerable uncertainty about many children’s ages, asked how the rules on the age of criminal responsibility were applied. He also wished to know to what penalties minors could be sentenced, in particular by village courts.
63. **Mr. Filali** said that the change from petty theft to serious crime in the pattern of juvenile offences was probably attributable to the context of violence in which the current generation had grown up and that it was time to prepare a better future for the country’s children. The lowering of the age of criminal responsibility and the training of prison staff in contact with young people were essential. As minors who had committed homicide or rape were tried by the National Court, clarification was needed concerning the role of the juvenile courts as bodies for committal proceedings and the appealability of National Court verdicts.

64. **Mr. Liwski** asked whether children living in unofficial refugee camps had, like children in official camps, access to health and education services and whether they were covered by family reunification programmes.

65. **Ms. Chutikul** welcomed Papua New Guinea's adoption of the Stockholm Declaration of the World Congress against Commercial Sexual Exploitation of Children and the inclusion in the new Criminal Code of provisions pursuant to which children involved in prostitution were considered victims, not offenders. She wondered whether the relevant national plan focused solely on human trafficking for the purposes of sexual exploitation or also concerned the other forms of labour exploitation.

66. **Ms. Aluoch** felt that the system whereby, when the parents did not pay a fine imposed on a young offender, the minor was placed in a church-run institution was all the more flawed in that in most cases the child would be transferred to the juvenile section of the nearest prison or, for lack of space, to the adult section. She urged the State to put an end to it. She asked what happened to young female offenders, and in particular whether they too were detained with adults.

67. **Ms. Kidu** (Papua New Guinea) said that since peace had been restored in Bougainville NGOs such as Peace Melanesia had been working for reconciliation through activities, including sports, that brought the former enemies together. Under a programme financed by the Australian Government, former combatants were invited to lay down their arms in return for an assurance that basic services would be restored in their communities.

68. Since the return to peace, training centres, many of them funded by UNDP, had been focusing on vocational training so that adults could earn their livelihood and the region's social fabric could be rebuilt. On the other hand, the absence of care facilities for people traumatized by the 10 years of war was a real problem of which the Government was fully aware.

69. Child protection services and services for children who were victims of ill-treatment or sexual abuse were provided by NGOs and churches because, owing to a lack of resources, all funding for the recruitment of public child protection officers had been frozen.

70. The statistics for sexual exploitation of children showed a rise that reflected not a change in attitudes towards the reporting of such abuse, but a worsening of the scourge. The problem seemed most pronounced in urban areas, where people were hungry.

71. In another new development, rapes, contrary to what had previously been the case, now often occurred in the context of tribal disputes.

72. There was indeed a drug problem in Papua New Guinea. It concerned mainly consumption of marijuana and home-brewed alcohol; hard drugs were not common. The Government was considering launching an awareness-raising campaign headed by the National Narcotics Bureau.

73. Female young offenders were held with adults, because there was no specialized penal institution for them. There were, however, only some 15 of them and the conditions in the country's only women's prison were relatively good.

74. **Mr. Maipakai** (Papua New Guinea) said that if young girls usually stayed at home to help with house work, that was more a consequence of their cultural and customary heritage than of constraint. It was true that the practice hindered their development, and the Government would try to promote girls' education more.

75. Papua New Guinea was conscious of the need to regularise the situation of refugees who were in an irregular situation and had adopted legislation to that end. The fee that was currently charged for the granting of citizenship should shortly be abolished. Refugee

children, most of whom came from the neighbouring region of Irian Jayan, attended the same schools as Papua New Guinea children. The approximately 1,800 asylum seekers who had been temporarily housed in Papua New Guinea under Australia's Pacific Solution programme had now left the country.

76. The age of criminal responsibility was still 7, but children under 14 could not be given prison sentences and were referred to the social rehabilitation services. Children aged between 14 and 18 were liable to penalties depending on the nature of their offence.

77. Village courts were only responsible for protecting customary rights and could not try serious offences. As village court judges seemed inclined to favour men over women, the Government intended to promote judicial training for women to ensure greater impartiality. The juvenile courts having only been set up in June 2003, it was still too soon to draw conclusions and make a statistical analysis.

78. **Ms. Ortiz** thanked the delegation for the quality of the dialogue with the Committee and said she was confident that the Convention would, in time, be implemented in Papua New Guinea. That would require the adoption of a national action plan on children and the involvement of NGOs and children in putting it into effect.

79. **Ms. Khattab** stressed the need to establish an efficient juvenile justice system and to provide the Committee with all relevant information concerning it.

80. **Ms. Kidu** (Papua New Guinea) said that Papua New Guinea was fully aware of the scale of the task facing it and would spare no effort to make its society worthy of children.

The meeting rose at 6 p.m.