



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-sixth session

12-30 July 2010

### List of issues and questions with regard to the consideration of periodic reports

#### Papua New Guinea

The pre-session working group considered the combined initial, second and third periodic reports of Papua New Guinea (CEDAW/C/PNG/3).

#### General

1. The report mentions difficulties on producing and compiling sex-disaggregated data. Please provide information on any Government initiatives in place to ensure progress in this respect in the country in general and to what extent such data collection includes rural population. Please also indicate whether the State party is considering seeking technical assistance to that effect.
2. Please provide detailed information regarding the status, impact and application of customary law in the domestic sphere and indicate which law prevails if there is a conflict between customary law, national law and international human rights norms, including examples of any relevant court decisions.
3. The report indicates the progress in the establishment of a national independent human rights commission in the country, in line with the Paris Principles with a mandate to receive and investigate complaints of violations of human rights, including the human rights of women and children, as well as gender-based discrimination. Please provide information on any obstacles faced in this process.

#### Legal status of the Convention, legislative and institutional framework

4. From the report, it appears that the Convention has not yet been incorporated into domestic law and therefore is not applicable in national courts. Please indicate whether the State party intends to introduce legislative measures with a view to incorporating the Convention in national law.



5. Please provide updated information on any plans to amend the Constitution in order to include a prohibition of discrimination on the ground of sex as well as a definition of discrimination in line with art. 1 of the Convention, which would cover both direct and indirect discrimination. Please also provide updated information on any steps taken by the State party to repeal discriminatory provisions in the legislation and to introduce legislation in order to embody the principle of equality of women and men in the Constitution or in other appropriate legislation in line with art. 2 (a) of the Convention

#### **National machinery for the Advancement of Women**

6. Please provide updated information on the national machinery in place, in particular the recently established Office of Development of Women in the State party mandated to implement the Convention. Please also indicate what human and financial resources are allocated to that body.

7. The report notes that the National Women's Policy calls for equal participation by women in all political, economic, social, religious and cultural activities. However, this policy has faced difficulties in its implementation phase. Please indicate whether steps were taken in order to accelerate the achievements of the main objectives of this policy.

#### **Temporary special measures**

8. Please provide concrete examples of the outcome of the Government's policy of using temporary special measures in accordance with art. 4, paragraph 1 of the Convention and general recommendation No. 25, such as the establishment of quotas for the nomination of women or incentives for women's political participation to accelerate achieving equality. Please also describe what initiatives are in place in the areas of employment, education, participation in political and public life and the judiciary.

#### **Stereotypes and discriminatory cultural practices**

9. Throughout the report reference is made to deep-rooted traditional and customary social patterns, norms, attitudes and stereotyped roles that contribute to continued gender discrimination in all areas of society and severely disadvantage women, such as polygamy, women's lack of legal capacity and the traditional view of the "Big Man" leadership. Please indicate what concrete measures are in place, or are planned, to change the social and cultural patterns of conduct of women and men in line with art. 5 (a) of the Convention, as well as any progress achieved in their implementation.

#### **Violence against women**

10. Please provide information and statistics on the incidence of various forms of violence against women, in particular domestic violence and also provide the number of cases in the judicial system regarding domestic violence as well as the outcome of those cases, in particular sentences rendered and remedies awarded to victims. Please also indicate what progress has been made to adopt the legislation that expressly prohibits violence against women.

11. The report (CEDAW/C/PNG/3) mentions that the village courts attempt to reach a settlement through mediation prior to exercising their formal jurisdiction. Please indicate what measures the State party has taken to encourage women victims of gender-based violence, including domestic violence and sexual violence, to seek justice through the formal legal system rather than the traditional conflict resolution. Please also describe the types of social services which are offered by the State party to victims of gender-based violence, including domestic violence and sexual violence, as well as their accessibility for all groups of women.

12. Taking into account Security Council resolution 1325 on Women, Peace and Security, please indicate whether both women and men war veterans have benefited from equal recognition and rehabilitation in the post-conflict area of the Autonomous Region of Bougainville, including general and mental medical care.

13. Please provide information on the measures taken by the State party to address the phenomenon of violence, including alleged killings, against women and girls perceived witches.

#### **Trafficking and exploitation of prostitution**

14. Please provide statistics, if available, on the number of women and girls engaged in prostitution and on the extent of trafficking in the State party. Please also elaborate on laws and measures adopted to prevent and punish the exploitation of prostitution and trafficking, in line with art. 6 of the Convention, as well as measures taken to provide rehabilitation and support for social integration of women who wish to leave prostitution.

#### **Participation in decision-making and representation at the international level**

15. The report (CEDAW/C/PNG/3) recognizes the very low representation of women in the political arena, noting that there is only one woman serving as Member of Parliament, one woman National Court Judge and no women provincial governors. Furthermore, the report notes that stereotypical traditional roles of women and men affect their involvement in formal decision-making processes, including political participation. Please provide detailed information on programmes in place and any other measures taken or envisaged to promote women's participation in political and public decision-making positions such as the civil service, public administration and the judiciary, including those aimed at empowering women in that regard.

16. Taking into account General Recommendation No. 23 on political and public life, please indicate whether the Government intends to issue directives, establish quotas, or take any other specific measures to increase the representation of women at senior levels of government, the judiciary as well as their representation at the international level.

#### **Education**

17. The report states that early pregnancy puts an end to girls education, as expulsion of pregnant girls from schools is not prohibited by law. Please indicate what educational programmes are available for girls and women who have left school before school leaving age and graduation, as well as any other measures

taken or envisaged by the State party to allow pregnant girls and women to pursue their education.

18. The report mentions the Gender Education Policy which aims to improve the quality of life through general education for all. Please provide information on whether adequate human and financial resources have been allocated to achieve the objectives of this policy, or whether measures have been put in place to increase the budget allocation for the education of girls. Please also elaborate on measures taken by the Department of Education in respect of the elimination of stereotyped attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training, and the outcome of those measures.

19. The report mentions that some girls are subject to sexual abuse by their teachers and that many girls in rural areas are subjected to gender-based violence including sexual verbal harassment from youths called steam bodies, who are intoxicated by drugs or alcohol. Please describe the measures taken to protect girls from sexual abuse and harassment in schools and on their way to schools and to prosecute the perpetrators of those crimes.

### **Employment**

20. The report indicates that there is a lack in national labour law of provisions ensuring maternity protection and prohibition of sexual harassment in the workplace. Please indicate what measures have been taken by the State party to include such provisions in domestic legislation. Please also indicate whether there are any State funded childcare services available for working mothers.

21. Please provide information and statistics on women's labour force participation in the informal sector. Please describe the types of legal, social, or other services and protection available to women in the informal sector, and any measures to increase their accessibility.

### **Health**

22. Please provide information and data on the access to general and mental health services for women and girls, including those from rural areas. Please also describe services provided by the State party to elderly women.

23. The report states that the State party has one of the highest maternal mortality rates in the Western Pacific. Please describe any measures taken or envisaged by the Government in order to reduce high maternal and infant mortality rates, including programmes in place to ensure safe motherhood as well as prenatal and post-natal assistance.

24. The report states that contraceptive usage remains low, is largely determined by men and that cultural attitudes based on gender roles prevent women and adolescent girls from refusing sexual relations or insisting on safe and responsible sex practices. Please indicate what measures have been taken by the State party to promote changes in these attitudes. Please also provide updated information on whether any existing programmes to prevent and combat HIV/AIDS integrate a gender perspective, and describe what actions are being taken by the Government to promote access to family planning services and to raise awareness about sexually transmitted infections, including HIV/AIDS, with a particular focus on the needs of young people.

25. According to the report, abortion is a criminal offence in the State party and is under no circumstances permitted, not even if the life of the mother is in danger. Please elaborate on any plans to amend legislation with a view to remove punitive provisions imposed on women who undergo abortion, in line with general recommendation No. 24.

#### **Social and economic benefits**

26. Please provide information on whether women have access to loans and financial credit on equal terms with men. Please specify any measures taken to ensure any efforts carried out by the Government in order to eliminate any de facto inequality between women and men on this issue.

27. According to the report, it appears that women would be more vulnerable to poverty due to their traditional roles in society. Please provide information on strategies the Government may be contemplating to address this problem.

#### **Rural women**

28. The report states that about 90 per cent of land is under customary ownership where men determine most, if not all decisions, pertaining to its use. Please indicate what measures are being taken and/or planned to ensure women's equal access to and control over land and land usages, along with other efforts to enhance their economic independence.

29. Please provide detailed information on any programmes, which have been developed to meet the needs of rural women, in particular in the areas of education, vocational training, access to health services and employment. Please also describe the outcome of those programmes.

#### **Marriage and family life**

30. According to the report women face various obstacles in the areas of marriage, divorce, child guardianship, custody, as well as inheritance. Please provide information on steps taken to ensure equality between women and men in personal status with respect to the above-mentioned areas.

31. The report indicates that the State party sets different minimum legal ages for marriage, which are 18 years for boys and 16 years for girls. Please provide statistical data, disaggregated by sex and age, of persons who marry before 18 years of age and indicate whether the Government intends to raise the minimum age of marriage for girls to 18 years. Please also indicate measures taken to address customary marriages of girls as young as 14 years of age deemed to be valid under customary law when girls are considered to have the physical maturity to enter into a customary marriage.

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

32. Please indicate any progress made towards accession to the Optional Protocol to the Convention. Please also indicate what progress has been made towards acceptance of the amendment to art. 20, para. 1, of the Convention relating to the Committee's meeting time.