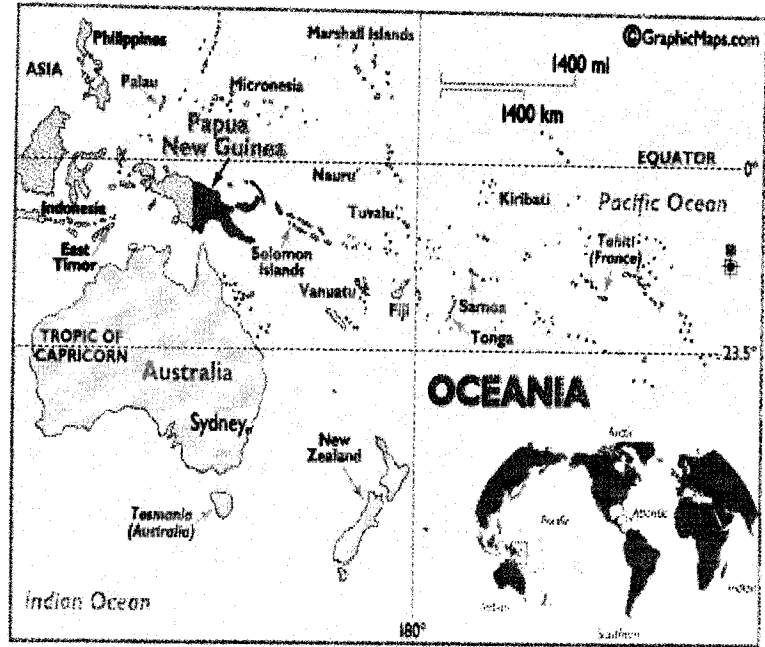
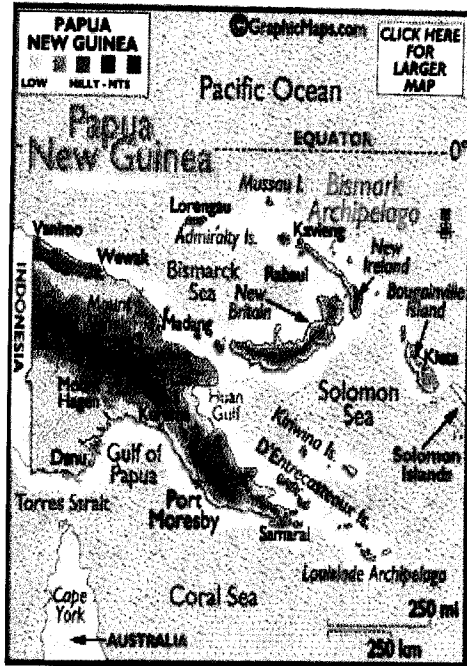


INTRODUCTORY SPEECH ON THE IMPLEMENTATION STATUS OF THE CEDAW CONVENTION TO THE 46<sup>TH</sup> SESSION OF THE UN COMMITTEE ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN



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MINISTER FOR COMMUNITY DEVELOPMENT

HEAD OF DELEGATION

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# **CEDAW IMPLEMENTATION IN PAPUA NEW GUINEA: AN OVERVIEW OF THE IMPLEMENTATION STATUS SINCE RATIFICATION IN 1995.**

## **INTRODUCTION**

Madam Chair and Committee Members, I am delighted to report to you on behalf of the independent State of Papua New Guinea at this 46<sup>th</sup> Session of the UN Committee on CEDAW. This first report consolidates the Initial, First, Second and Third Periodic Reports on CEDAW for Papua New Guinea and the Autonomous Region of Bougainville. I acknowledge with regret the lengthy delay in meeting our reporting requirements. It has taken too long, almost 15 years to be exact, for the PNG Government to report to the UN CEDAW Committee on the status of implementation of CEDAW.

The Government of Papua New Guinea ratified CEDAW in 1995 without reservations, thus making a firm commitment to its full implementation through the relevant implementing agencies, including our reporting obligations to the UN CEDAW Committee. Papua New Guinea could not fulfill the reporting obligations to submit periodic reports in a timely manner after 1995 due to constraints in its capacity in the areas of financial commitment and technical knowledge to prepare the reports. In addition, frequent changes in political leadership (for example, there were seventeen Ministers in the ten year period prior to my appointment in 2002) frustrated the bureaucratic efforts to ensure that Papua New Guinea complied with reporting requirements.

Presentation of PNG's Report in this prestigious meeting is not only the beginning of the fulfillment of our Government's international reporting obligations but is also a recognition of our own unfulfilled Constitutional commitment to women citizens of our nation.

Madam Chair and esteemed CEDAW Committee members, today dialogue on PNG's consolidated first Report marks the end of a long and often interrupted consultative process with several failed attempts to meet our CEDAW reporting

obligations. More importantly however, today marks the beginning of on-going engagement in constructive dialogue with CEDAW experts such as your team. I am proud to lead our team of bureaucrats who are eager to experience and learn from this engagement. I also acknowledge PNG's delegates from civil society who spoke to PNG's Shadow report on Monday. The PNG Shadow Report and other submissions to the CEDAW Committee such as the Amnesty International Report and the report on disability provide valuable perspectives to help guide future government action.

Madam Chair, my presentation is designed to provide the 46<sup>th</sup> Session of the UN CEDAW Committee with an overview of the implementation status by highlighting potentials and challenges we are grappling with as a State party to this very important women's human rights convention. I will concentrate most of my time on establishing the contextual framework that influences our implementation framework while my technical team will concentrate on the Articles in detail in the Q & A dialogue after my introduction.

#### GENERAL INTRODUCTION TO PAPUA NEW GUINEA

Madam Chair, allow me to introduce the PNG Government CEDAW team because that will give a microcosm of the complexities that we face in PNG. As the Team leader, I am a naturalized citizen of Papua New Guinea who has lived with my late husband's extended family and clan for over forty years but would never pretend to fully understand his tribal group let alone PNG in totality. Between us, our team understands and/or speaks 29 distinct languages. This is just a small percentage of the 800 plus languages spoken in PNG. Our small nation is home to 25% of the world's languages and this linguistic diversity reflects an equally complex cultural diversity.

Papua New Guinea is located in the Melanesian sub-region of the Pacific region but if you look at the physical appearance of our team they come from different tribal groups with distinct physical features. It is only in the last three or four decades that marriage between tribal groups has increased and the anthropological demographic is becoming more homogenized, particularly in

urban and resource development enclaves. However, these urban and resource impact areas represent only about 20% of the population of Papua New Guinea.

Our population is currently estimated at 6.5 million, mostly made up of young adults with a population growth rate of up to 3% per annum in some areas. Over 80% of the people live in rural areas engaged mostly in subsistence agriculture and informal economic activities. The informal economy provides cash income for about 85% of our people and limited studies have indicated that 65% of the informal economy participants are women.

Madam Chair, in spite of the global economic crisis, Papua New Guinea over recent years, has experienced steady economic growth based on exploitation of our rich natural resource base. Papua New Guinea has many mineral and petroleum resources such as gas, oil, gold, copper, nickel..... However, we are heavily reliant on international technical and financial capacity to develop these resources. The recent signing of the MOA with Exxon Mobil to develop the multi-billion dollar PNG Liquefied Natural Gas (LNG) will boost the economy further. In the agriculture and forestry sector, coffee, cocoa, copra and timber continue to dominate export along with the export of our rich fisheries resources.

However, translating our economic growth into improved access to basic services for our remote rural majority and our emerging urban poor has been an on-going challenge for successive governments and indications are that the increasing relative poverty in PNG reflects a female face and a young person's face. With the bulldozers of socio-economic and cultural globalization coming face to face with traditional indigenous societies, it is imperative that Papua New Guinea as a nation refocuses on our international social contracts such as CEDAW and CRC to ensure that our people benefit from and are not marginalized by progress and modernization.

Madam Chair, it is sad to note that in many parts of the country, women used to have more power in their societies than they have today. The various influences of colonization plus modern development have been major contributors to the decline in the status of women. The social structures superimposed on our communities in the last century with the arrival of missionaries, traders and

colonial rule, were strongly patriarchal in nature and negatively impacted the social dynamics of many communities, including the matrilineal societies in which women had great influence. In addition, many customs were misunderstood when viewed by foreigners and have now become abused by our own people, often to the detriment of women and girls.

Custom is a very important part of PNG society even for those who have received a Western form of education or live mainly in the urban areas. The reciprocal relationships and obligations of the “wantok” system is a key element of the social environment being the safety net under which family and clan members are required to support each other. However, due to modern development and the increasing burden of support, this social safety network is now under pressure and indeed stretched beyond capacity for many people. In addition, it has tended to become a one-way dependency support system rather than a system of reciprocity – this change results in increased tensions and violence in families and clans.

Another key element of custom in some tribal groups that has transferred into modern political power dynamics is the notion of “Big Man” leadership. The system of control it has engendered is strongly associated with masculinity, physical strength, power and wealth, with leaders expected to be men. The “Big man” notion of leadership, although traditionally localized to certain tribal groups, has permeated into other tribes and into modern power structures and social dynamics. Many of these cultural norms have had a negative impact on the perception of women as leaders and have created major barriers to women’s entry into decision-making positions.

Madam Chair, the discussion on the changing cultures and customs could be endless. It remains largely a narrative discussion and does require much more in-depth research to understand the dynamics and the outcomes of the changes occurring – the interface between tradition and modernity; the interface between the multiplicity of cultures within PNG and the extreme differential rates of change occurring have created a very complex cultural environment and, as has

been noted in several reports which I am sure the CEDAW committee members have read, women tend to have become the main victims of that complexity.

#### GENERAL INTRODUCTION TO STATUS OF IMPLEMENTATION OF CEDAW

Madam Chair, as a general introduction to implementation of our CEDAW obligations, I wish to inform the Committee that the Independent State of Papua New Guinea is currently considering the best approach to giving effect to the Convention on the Elimination of All Forms of Discrimination Against Women in its domestic laws. The Government in accordance with its system of laws is also considering amending the Constitution to enable an Organic Law to be created to address the traditional and emerging issues of discrimination.

A Cabinet Decision has endorsed this on-going work to produce an Organic law on Gender Equality and Participation and the first phase of acting on that Cabinet decision is well advanced with the Gender Equality and Participation Bill for Reserved Seats in Parliament now on Notice Paper and the reviewed Gender Equality and Participation Policy expected to go to Cabinet late this year.

Prior to this Cabinet decision, legislative reform relevant to compliance with CEDAW has tended to be piecemeal and driven by individual political will rather than comprehensive reform as is now being initiated. The piecemeal reform, however, cannot be ignored because it has begun to set new benchmarks, eg the 2002 reform to the Criminal Code on rape and sexual violence including removal of the marital defense for rape has really challenged cultural attitudes and is gradually bringing new ways of thinking in spite of the fact that successful prosecution under the law is still difficult.

Madam Chair, it is acknowledged that legal reform alone does not change reality. In fact drafting new, reactive laws is not the solution to some of our culturally based challenges and can sometimes even be counter-productive. However, the fact remains that comprehensive legal reform is long overdue, not only for compliance with CEDAW but also to give effect to our National Constitution which came into effect on Independence in 1975.

Madam Chair, the PNG Constitution is compliant with CEDAW in that it establishes equality and participation as our second national Goal and the Preamble to the Constitution also enshrines rights and obligations for all citizens regardless of gender. Our Constitution recognises custom but is also very clear that any custom that is abhorrent to the dignity of the individual or impinges on the rights of that individual can be declared unconstitutional.

Some successful judicial references have been handed down in this regard and the challenge in legal reform is not necessarily to outlaw custom completely but to draft laws in such a way that deals with the abuse of custom. On a positive note, the Ministry of Justice and Attorney General through the Law & Justice Sector Program is now trialling a pilot project in Manus to Declare some of the Customs un-lawful and put a complete stop to any further practice of effective use and application of customary practices that maybe discriminatory in nature.

Another legislative challenge is that many of our laws have not been changed since Independence and some are archaic (even draconian) laws reflecting British laws of the 1800s as inherited through the Queensland Criminal Code. September this year, 2010, marks 35 years of Independence so there has been ample time for reform.

I am sure that some observers here today will be thinking that my introduction has been too much narrative and not enough evidence of action. However as our dialogue develops, many areas of past, present and future actions (including legislative, policy and programme development) will be highlighted by our team. We continue to be hampered in our reporting requirements by inadequate and poorly co-ordinated data collection but progress is now being assisted with technical input from our development partners – these developments will also be highlighted later by our team.

Madam Chair, you and your committee would be well aware of the poor progress PNG has made in our attempts to achieve the Millennium Development Goals. I am sure that our dialogue will delve much deeper into this situation because the MDGs and CEDAW goals are inextricably related. Today's meeting of the 46<sup>th</sup> Session of the UN Committee on CEDAW is of extreme importance to the women

of Papua New Guinea and media coverage in PNG of this meeting will hopefully also act as a new impetus for our MDG Campaign. The combined catalysts of CEDAW and the MDGs must be used to benefit not only the women of PNG but also the nation as a whole. It is well known that the level of development of a nation can be gauged by the status of women in that nation. As the status of women improves so too will the social indicators of the MDGs improve.

Madam chair, before closing I must mention one final area that is an emerging challenge for PNG and also for some other Pacific nations. As nations we have signed these very important international social contracts such as CEDAW and CRC. These human rights instruments are based on a strongly individual concept of human rights



Just a few notes on Bougainville, it has been given an autonomous status which used to be known as North Solomons Province is now called the Autonomous Region of Bougainville.

#### **A. ACHIEVEMENTS**