

PAPUA NEW GUINEA
Joint Stakeholder Submission for the United Nations Universal Periodic Review

**Submitted by Capital Punishment Justice Project, Anti-Death Penalty
Asia Network, World Coalition Against the Death Penalty,
Parliamentarians for Global Action and the Advocates for Human Rights**

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Capital Punishment Justice Project (CPJP) is an Australian-based NGO that stands for a world without the death penalty or other forms of state-sanctioned killing. CPJP works closely with partners in Asia to support the defence of people facing the death penalty, assist local anti-death penalty civil society organisations, and campaign to convince governments to abolish the death penalty. Ending the death penalty is one of the Australian Government's human rights priorities and CPJP's work is imperative to ensuring that Australia is a leading voice on abolition.

Anti-Death Penalty Asia Network (ADPAN) is the peak regional body for organisations committed to the abolition of the death penalty across the Asia-Pacific, with members from 20 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life; that it is the ultimate form of cruel, inhuman, and degrading punishment; and that the death penalty should be entirely abolished internationally.

The World Coalition Against the Death Penalty (WCADP) is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Parliamentarians for Global Action (PGA) is the largest non-governmental, cross-party, international network of individual legislators with 1,000 members in 148 parliaments worldwide. PGA mobilizes parliamentarians as champions committed to promoting the rule of law, democracy, human security, inclusion, and gender equality. By using a peer-to-peer methodology and country-specific strategies, PGA educates, sensitizes, and builds the technical capacity of parliamentarians to take concrete initiatives and legislative actions to achieve results on PGA's campaign objectives. PGA supports individual parliamentarians in their national contexts and parliaments and then leverages that capacity with international networking to support democracy, human rights, and peace. The organization's vision is to contribute to creating a rules-based international order for a more equitable, safe, and democratic world. PGA is in general consultative status with the Economic and Social Council of the United Nations and fosters cooperation with The Hague-based International Organizations, including the International Criminal Court. The Secretariat of PGA is based in New York and The Hague.

The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

1. Executive summary

- 1.1. Thank you for the opportunity to provide input to the fourth cycle of the Universal Periodic Review (**UPR**) of Papua New Guinea (**PNG**). This submission addresses PNG's progress toward the abolition of the death penalty, and the further steps it can take to consolidate these gains.
- 1.2. On 20 January 2022, the National Parliament of PNG passed the *Criminal Code (Amendment) Act Bill 2022*, which repealed the death penalty and replaced it with life imprisonment. PNG's abolition aligns with the global trend against capital punishment, leaving Tonga as the only Pacific Island nation retaining the death penalty.¹
- 1.3. This is a significant development by PNG, achieving legislative abolition at the domestic level. However, full and irreversible abolition requires the additional step of international legal entrenchment. PNG has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (**OP2-ICCPR**),² which would provide that guarantee and mitigate the risk of reintroduction by a future government – a real concern given PNG's long and inconsistent history with capital punishment. Ratification should be prioritised, followed by associated amendments to domestic legislation.
- 1.4. This submission highlights the following issues:
 - 1.4.1. Domestic controversy and debate around the possibility of reinstating the death penalty highlights the need to mitigate the risk of reintroduction. Public support for the death penalty – particularly under the misconception that it can deter violent crime – has long been used by governments to justify the death penalty.³ However, this can be mitigated by raising public awareness about the ineffectiveness of the death penalty as a deterrent.
 - 1.4.2. The need to ratify the OP2-ICCPR. PNG acceded to the International Covenant on Civil and Political Rights (**ICCPR**) on 21 July 2008 and is to be commended for abolishing the death penalty in 2022. Ratifying the OP2-ICCPR would take the further step of accepting binding international law obligations against reintroducing the death penalty.
 - 1.4.3. Required amendments to domestic legislation, including the *Constitution of the Independent State of Papua New Guinea (PNG Constitution)* and the *Criminal Code Act 1974*, to irreversibly abolish the death penalty at the domestic level, and as part of the post-ratification process to ensure legal conformity with the OP2-ICCPR.

2. Overview of the death penalty in PNG

- 2.1. PNG's last execution took place in 1954.⁴ The death penalty was initially abolished in PNG in 1970, but was reintroduced in 1991 for wilful murder.⁵ It was

abolished for the second time in 2022, when the *Criminal Code (Amendment) Act Bill 2022* repealed the death penalty and replaced it with life imprisonment.

- 2.2. However, in the decade leading up to the 2022 abolition, and in the context of concerns about violent crimes – particularly murder and rape – the death penalty was actively expanded, scrutinised by the courts, and debated at a political and public level in PNG.
- 2.3. In 2013, the *Criminal Code (Amendment) Act 2013* expanded the scope of the death penalty to include sorcery-related murder, aggravated rape, and robbery.⁶
- 2.4. In 2015, with hanging having been the only available execution method since 1991, the PNG Government approved guidelines endorsing four additional methods for carrying out the death penalty – deprivation of oxygen, electrocution, lethal injection, and firing squad.⁷
- 2.5. At the same time, the conditions of detention for people on death row in PNG were subject to judicial scrutiny. In 2014, in the National Court and under Section 57 of the *PNG Constitution*, Cannings J commenced a judge-led inquiry into the human rights of people on death row.⁸
- 2.6. During this inquiry, evidence showed that “of the 23 people sentenced to death since 1991, 14 remained incarcerated, with some inmates now imprisoned for over 17 years (the longest serving prisoner is Kepak Langa, sentenced to death on 26 September 2003).”⁹ This evidence drew attention to potential human rights violations associated with lengthy periods of incarceration under the sentence of death,¹⁰ with Cannings J stating that this gave “rise to a potential argument that the prolonged delay amounts to inhuman punishment”.¹¹
- 2.7. In concluding the inquiry in 2017, the “National Court held that the non-functioning of the ACPM [Advisory Committee on the Power of Mercy] prevented death row inmates from having the opportunity to effect the full legal protection of the Constitution.”¹² As such, the National Court, having found that the ACPM had “become defunct”, ordered a stay on executions until the ACPM could be reinstated so that it could properly perform its functions.¹³
- 2.8. In 2020, the PNG Government launched a nationwide consultation to gauge the views of citizens on whether the country should retain the death penalty, following requests from the Council of Churches to remove the death penalty.¹⁴
- 2.9. In 2021, the decision of the National Court’s judge-led inquiry was appealed in the Supreme Court in *Independent State of Papua New Guinea v Tamate*.¹⁵ The Supreme Court’s examination centred largely on the procedural aspects of the 2014 inquiry, with the majority ruling overturning the decision to stay all executions. This outcome made capital punishment a real possibility for those on death row until the death penalty was abolished by Parliament in January 2022.¹⁶

3. Implementation of Universal Periodic Review recommendations

- 3.1. In its third-cycle UPR in November 2021, PNG noted all twenty-one recommendations it received relating to the death penalty.¹⁷ Among these recommendations, 13 included a call to ratify, or consider ratifying, the OP2-ICCPR, and 13 included a call to abolish, or consider abolishing, the death penalty.¹⁸
- 3.2. Since its last UPR, and despite noting, rather than accepting any of the recommendations relating to the death penalty, PNG is to be commended for amending the *Criminal Code Act 1974* in January 2022 to abolish the death penalty for all crimes.
- 3.3. On 11 January 2022, Prime Minister James Marape announced that the PNG Government would abolish the death penalty, citing Christian principles – including that capital punishment was inconsistent with the commandment “thou shalt not kill” – and the constitutional protection of the right to life as reasons for abolition.¹⁹
- 3.4. In presenting the *Criminal Code (Amendment) Act Bill 2022* to Parliament on 20 January 2022, then Justice Minister Bryan Kramer stated that the abolition of the death penalty was based on the lack of deterrent effect and the absence of the necessary administrative mechanism and infrastructure to implement executions.²⁰ The government also acknowledged it could not guarantee that the approved execution methods could be implemented consistently with the *PNG Constitution* “due to a lack of a clear execution protocol and appropriate apparatuses and technologies”.²¹
- 3.5. It should be noted that abolition of the death penalty represents a significant step by PNG in fulfilling its international human rights obligations. Having acceded to the ICCPR in 2008, this marks tangible progress in implementing that treaty and responding to recommendations made during its third-cycle UPR.²²
- 3.6. However, PNG voted against six United Nations General Assembly (**UNGA**) resolutions for a moratorium on the use of the death penalty – in 2007, 2010, 2014, 2016, 2018 and 2020 – and abstained in 2008, 2012 and 2022.²³ Most recently, in 2024, PNG again voted against the UNGA resolution for a moratorium on the death penalty.²⁴ This reversion from abstaining to voting ‘no’, especially following PNG’s 2022 abolition of the death penalty, raises concerns that the future reintroduction of capital punishment remains possible.²⁵
- 3.7. Further efforts by PNG should now focus on ratifying the OP2-ICCPR to remove the possibility of reintroduction, as well as building public understanding of the rationale for repealing the death penalty, including the risks of wrongful conviction and the importance of upholding constitutional values of dignity, fairness, and the right to life.

4. Mitigating the risk of reintroduction

- 4.1. Despite the abolition of the death penalty, “it is still possible that a subsequent government with differing political views might make a volte-face and reintroduce capital punishment.”²⁶
- 4.2. Even under the current government, the risk may be present. In October 2024, the Minister for Justice and Attorney General, Pila Kole Niningi, expressed support for reinstating the death penalty, arguing those convicted of murder must “pay the price” for their action.²⁷ On 21 February 2025, former Attorney General Kerenga Kua publicly advocated for the reintroduction of capital punishment, arguing that it was necessary to deter escalating tribal and gender-based violence.²⁸
- 4.3. Most concerningly, in January of this year, in his first press conference following his appointment as Police Minister, Sir John Pundari indicated his support for reinstating the death penalty for illegal firearms and drug offences.²⁹ On 23 March 2026, Sir Pundari announced in Parliament that, under proposed legislative amendments, the death penalty would apply for people still holding illegal firearms following the conclusion of an amnesty and buy-back period in September 2026.³⁰
- 4.4. PNG should resist these calls for reintroduction. Executing perpetrators neither prevents murder, rape or other offending, nor does it deliver meaningful justice, particularly when survivors do not report due to entrenched gender biases and fear of structural violence from within the justice system. By using the death penalty to respond to gendered violence, states manipulate “the language of women’s rights to violate the right to life”.³¹
- 4.5. Extensive studies show that there is no conclusive causality between the use of the death penalty and a reduction in homicide rates.³² In their 2025 report to the Human Rights Council on the question of the death penalty, the UN Secretary-General unequivocally stated that “the death penalty cannot be reconciled with full respect for the right to life. There is no conclusive evidence to support the theory that the death penalty deters crime more effectively than any other punishment.”³³
- 4.6. This position that the death penalty is not an effective deterrent has been echoed domestically by national leaders within PNG for several decades. On 27 February 1995, then Prime Minister, the late Sir Julius Chan, publicly expressed his opposition to capital punishment, stating: “I do not believe that it acts as a deterrent, and secondly, I believe it flouts a basic Christian principle of the sanctity of life... The day we allow the death penalty to be viewed as legalised ‘payback’ is the day we have reduced the moral status of our country.”³⁴ Such statements underscore both the ethical and empirical weaknesses of the death penalty as a policy response.

- 4.7. The most effective way for PNG to mitigate the risk of reintroduction is to formally bind itself under international law. Ratifying the OP2-ICCPR would transform PNG's current legislative abolition – which can be reversed by Parliament – into a binding international legal obligation.
- 4.8. Under the OP2-ICCPR, States Parties commit to abolishing the death penalty permanently.³⁵ This legal architecture ensures that no future government, however motivated by political pressure or public sentiment, could reintroduce capital punishment without breaching its international human rights obligations. Ratification would therefore provide a durable safeguard that domestic legislation alone cannot guarantee.

5. Steps needed to fully abolish the death penalty

- 5.1. By formally repealing the death penalty under the *Criminal Code (Amendment) Act Bill 2022*, PNG marked a decisive step towards its complete abolition and “an opportune time for PNG to positively engage with the UN and the Asia Pacific region to help promote a world free of the death penalty.”³⁶
- 5.2. PNG's abolitionist position would be greatly strengthened by ratifying the OP2-ICCPR and achieving full and irreversible abolition. In doing so, PNG would join the 92 countries that have already taken this step, aligning itself with the clear global movement toward human dignity and the right to life. Ratification would signal PNG's firm commitment to human rights, rule of law, and the values enshrined in its own Constitution.
- 5.3. The OP2-ICCPR ought to be ratified in accordance with section 117 of the *PNG Constitution*, for it to have effect in PNG. This includes obtaining parliamentary approval, after which PNG should prepare its instrument of ratification and deposit it with the Secretary-General of the United Nations in New York.³⁷ PNG should formally notify the UN Human Rights Committee and other treaty bodies of its ratification and reaffirm its commitment to the abolition of the death penalty for all crimes. Importantly, PNG does not need to complete domestic legislative reform before ratifying – ratification itself is the priority, with legislative amendments to follow as part of the implementation process.
- 5.4. Following ratification, PNG should then review and amend any remaining legislation that may indirectly reference or enable the reintroduction of the death penalty, ensuring full legal conformity with the OP2-ICCPR.
- 5.5. The primary domestic legislative amendments needed to implement PNG's obligations under the OP2-ICCPR following ratification include:
 - 5.5.1. Amending sections 35 and 36 of the *PNG Constitution*, which currently contain exceptions that permit the death penalty – specifically, section 35(1)(a), which excludes the execution of a death sentence from the right to life, and section 36(2), which provides that executions do not of

themselves constitute inhuman treatment, while accepting that the execution method may do so.

5.5.2. In the *Criminal Code Act 1974*, amending section 18 to remove “death” from the list of “punishments that may be inflicted” under the Act; removing sections 597, 598, 599 and 614, which relate entirely to death sentences; and amending any other provisions that refer to a crime or offence punishable with death.

5.6. While PNG's international obligations will arise upon ratification, the commencement of the amended domestic laws will mark the point at which PNG achieves full legal conformity with those obligations at the domestic level.

6. Recommendations

6.1. This stakeholder submission makes the following recommendations for the Government of Papua New Guinea:

6.1.1. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2-ICCPR) to consolidate its abolitionist stance and become a regional leader in the Asia-Pacific in promoting the right to life.³⁸ Should it be required, technical assistance for this process can be requested from the Friends of the Second Optional Protocol.

6.1.2. Following ratification, review and amend any remaining domestic legislation, including the *PNG Constitution* and the *Criminal Code Act 1974*, that may indirectly reference or enable the reintroduction of the death penalty, ensuring legal conformity with the OP2-ICCPR.

6.1.3. In collaboration with civil society, undertake comprehensive public education initiatives about the reasons for repealing the death penalty, including its ineffectiveness as a unique deterrent, and alternative means to combat violent crime. Such initiatives should include a broad awareness raising program engaging key stakeholders such as parliamentarians, churches, traditional leaders, women's groups, and youth groups.³⁹

6.1.4. Engage in public consultations to develop and implement rights-respecting policy approaches to prevent and reduce gender-based violence, rather than relying on punitive measures. These consultations should engage women's rights organisations, survivors, and community stakeholders to ensure that responses address the structural and social drivers of gendered violence.

- ¹ Daniel Pascoe and Andrew Novak, 'Holdouts in the South Pacific: Explaining Death Penalty Retention in Papua New Guinea and Tonga' (2022) 11(3) *International Journal for Crime, Justice and Social Democracy* 43 <<https://www.crimejusticejournal.com/article/download/2475/1270/9826>>.
- ² United Nations Office of the High Commissioner for Human Rights, 'Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty' (Web Page, 15 December 1989) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/second-optional-protocol-international-covenant-civil-and>> ('Second Optional Protocol').
- ³ Amnesty International, *Papua New Guinea: The death penalty: not the solution* (Report, 1 February 1996) <<https://www.amnesty.org/en/documents/asa34/001/1996/en/>>.
- ⁴ Ibid.
- ⁵ Ibid.
- ⁶ Mai Sato and Matthew Goldberg, 'After nearly 70 years, the death penalty again becomes a real prospect in Papua New Guinea', *The Conversation* (19 August 2021) <<https://theconversation.com/after-nearly-70-years-the-death-penalty-again-becomes-a-real-prospect-in-papua-new-guinea-166096>>.
- ⁷ HROI No 2 of 2015: *Re Human Rights of Prisoners Sentenced to Death* (2017) N6939 (12 October 2017) [39]-[42] <<https://www.paclii.org/pg/cases/PGNC/2017/266.html>> ('*Re Human Rights of Prisoners Sentenced to Death*'); 'PNG government defends death penalty as new guidelines approved', *ABC News* (online, 18 February 2015) <<https://www.abc.net.au/news/2015-02-18/png-government-defends-death-penalty-following-new-guidelines/6143738>>.
- ⁸ *Re Human Rights of Prisoners Sentenced to Death* (n 7).
- ⁹ Jon Yorke, 'Part I: The Death Penalty in Papua New Guinea: A Continuing Constitutional Anomaly', *Death Penalty Research Unit* (Blog Post, 9 December 2021) <<https://blogs.law.ox.ac.uk/research-and-subject-groups/death-penalty-research-unit/blog/2021/12/part-i-death-penalty-papua-new>>; See also *Re Human Rights of Prisoners Sentenced to Death* (n 7) [78].
- ¹⁰ Yorke (n 9).
- ¹¹ *Re Human Rights of Prisoners Sentenced to Death* (n 7) [78].
- ¹² Yorke (n 9).
- ¹³ *Re Human Rights of Prisoners Sentenced to Death* (n 7) [78]-[82].
- ¹⁴ 'Survey on the Death Penalty', *The National* (online, 24 February 2020) <<https://www.thenational.com.pg/survey-on-death-penalty/>>.
- ¹⁵ [2021] PGSC 54 (30 July 2021) <<https://www.paclii.org/pg/cases/PGSC/2021/54.html>>.
- ¹⁶ 'Pokanis: no law on executions', *The National* (online, 13 August 2021) <<https://www.thenational.com.pg/pokanis-no-law-on-executions/>>.
- ¹⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Papua New Guinea: Addendum* (22 March 2022), 4, UN Doc. A/HRC/49/11/Add.1 <<https://docs.un.org/en/A/HRC/49/11/Add.1>>.
- ¹⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Papua New Guinea* (30 December 2021), 14-15, 17-18, UN Doc. A/HRC/49/11 <<https://docs.un.org/en/A/HRC/49/11>> ('*Report of the Working Group: PNG*').
- ¹⁹ Moses Sakai, 'The PNG Parliament abolishes the death penalty for the second time', *Eleos Justice* (Blog Post, 27 January 2022) <<https://www.monash.edu/law/research/eleos/blog/eleos-justice-blog-posts/the-png-parliament-abolishes-the-death-penalty-for-the-second-time>>.
- ²⁰ Ibid.
- ²¹ Jon Yorke, 'Part III: The Death Penalty in Papua New Guinea: Papua New Guinea Repeals the Death Penalty', *Death Penalty Research Unit* (Blog Post, 9 December 2021) <<https://blogs.law.ox.ac.uk/research-and-subject-groups/death-penalty-research-unit/blog/2022/03/part-iii-death-penalty-papua>>.
- ²² United Nations Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to HRC res 16/21: Papua New Guinea*, UN Doc A/HRC/WG.6/39/PNG/1 <<https://docs.un.org/A/HRC/WG.6/39/PNG/>>.
- ²³ International Commission Against the Death Penalty, *UNGA Moratorium Resolution Table* (Web Page) <<https://icomdp.org/map-unga/>>; World Coalition Against the Death Penalty, *Ratification Kit – Papua New Guinea* (21 July 2023) <<https://worldcoalition.org/pays/papua-new-guinea/>>.
- ²⁴ United Nations Digital Library, *Moratorium on the use of the death penalty: resolution / adopted by the General Assembly* (Web Page, 2024) <<https://digitallibrary.un.org/record/4069732?ln=en>>.
- ²⁵ ECPM Together Against the Death Penalty, *Resolution for a Universal Moratorium on the use of Death Penalty: Analysis of the Vote in UNGA Plenary Meeting* (December 2024) <<https://www.ecpm.org/app/uploads/2024/12/Vote-pleniere-ENG.pdf>>.
- ²⁶ Yorke (n 21).
- ²⁷ Henzy Yakham, 'Death penalty is no deterrent to crime', *The National* (online, 14 March 2025) <<https://www.thenational.com.pg/death-penalty-is-no-deterrent-to-crime/>>.
- ²⁸ Ibid; Caroline Tiriman, 'Death penalty needed to curb rape and murder says PNG's former attorney general', *ABC Pacific Beat* (online, 21 February 2025) <<https://www.abc.net.au/pacific/programs/pacificbeat/png-death-penalty/104964808>>.

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- ²⁹ Belinda Kora, 'Death penalty floated to help curb guns and drugs in PNG', *ABC Pacific Beat* (online, 22 January 2026) <<https://www.abc.net.au/pacific/programs/pacificbeat/death-penalty-floated-to-help-curb-guns-and-drugs-in-png/106255852>>.
- ³⁰ Steven Kenda, 'Surrender illegal guns or face death penalty in new laws, Minister Pundari warns', *The PNG Sun* (online, 24 March 2026) <<https://www.thepngsun.com/surrender-illegal-guns-or-face-death-penalty-in-new-laws-minister-pundari-warns/>>.
- ³¹ Monash University, 'Eleos Justice director addresses UN Human Rights Council' (online, March 2023) <<https://www.monash.edu/law/news-and-events2/news/2023/eleos-justice-director-addresses-un-human-rights-council>>.
- ³² See, eg, Daniel Nagin and John Pepper (eds), *Deterrence and the Death Penalty* (The National Academies Press, 2012) <<https://www.nationalacademies.org/read/13363/chapter/1>>; Amnesty International, *Death penalty has no proven deterrent effect on crime and is the ultimate cruel, inhuman and degrading punishment* (Oral Statement, 23 February 2021) <<https://www.amnesty.org/en/documents/ior40/3737/2021/en/>>, citing Amnesty International, *Not making us safer: Crime, public safety and the death penalty* (Report, 10 October 2013) <<https://www.amnesty.org/en/documents/act51/002/2013/en/>>.
- ³³ Human Rights Council, *Question of the Death Penalty: Report of the Secretary-General*, UN Doc A/HRC/60/47 (Report, 13 August 2025) <<https://docs.un.org/en/A/HRC/60/47>>.
- ³⁴ Speech delivered by the then Prime Minister on 27 February 1995 in opening the 1995 Judicial Conference in Port Moresby, PNG, as quoted in Amnesty International (n 3).
- ³⁵ *Second Optional Protocol* (n 2) article 2.
- ³⁶ Yorke (n 21).
- ³⁷ *Second Optional Protocol* (n 2).
- ³⁸ Sakai (n 19).
- ³⁹ *Report of the Working Group: PNG* (n 18), see, eg, Uruguay's recommendation 144.69 [144].