

Death Penalty

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

MECHANISM

Universal Periodic Review

SESSION

53rd Session of the
Working Group on the
Universal Periodic Review

DATE OF REVIEW

4 November 2026

Papua New Guinea (PNG) abolished the death penalty when it passed the *Criminal Code (Amendment) Act Bill* in 2022. The country had previously abolished the death penalty in 1970, but reintroduced it in 1991. Since 2024, pro-death penalty sentiment has re-entered PNG politics, and in December 2024 the country voted against the UNGA resolution for a moratorium on the death penalty. PNG is encouraged to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2-ICCPR) to ensure full and irreversible abolition through international legal entrenchment.

PNG is abolitionist but has not yet ratified the Second Optional Protocol to the ICCPR.

- PNG's last execution took place in 1954. PNG initially abolished the death penalty in 1970 but reintroduced it for wilful murder in 1991.
- PNG repealed the death penalty and replaced it with life imprisonment on 20 January 2022, when the National Parliament of PNG passed the *Criminal Code (Amendment) Bill 2022*.
- On 21 July 2008, PNG acceded to the International Covenant on Civil and Political Rights (ICCPR). PNG has not ratified the Second Optional Protocol to the ICCPR.
- 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. In 2024, PNG voted against the UNGA resolution for a moratorium on the death penalty.

PNG has engaged in domestic scrutiny of the death penalty for more than a decade.

- 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.
- In 2014, the National Court in PNG commenced a judge-led inquiry into the human rights of people on death row. In 2017, the National Court ordered a stay on executions until the Advisory Committee on the Power of Mercy could properly perform its function to provide recommendations to the government on clemency applications.
- In 2020, the PNG Government launched a nationwide consultation to gauge whether the country should retain the death penalty, following requests from the Council of Churches to remove it.
- In 2021, the Supreme Court overturned the stay on executions after the decision of the National Court's judge-led inquiry was appealed in *Independent State of Papua New Guinea v Tamate*.

Politicisation of the death penalty in PNG risks its re-introduction.

- PNG's Parliament could reintroduce the death penalty a second time, as it was repealed in 2022 by ordinary legislation, and is not yet entrenched in binding international law.
- In October 2024, PNG's Minister for Justice and Attorney General, the Hon. Pila Ninigi, expressed support for reinstating the death penalty.
- On 21 February 2025, former Attorney General, Kerenga Kua, advocated for the reintroduction of capital punishment, citing escalating tribal and gender-based violence.
- In January 2026, Minister for Police Sir John Pundari indicated his support for reinstating the death penalty for illegal firearms and drug offences, in his first press conference as minister. On 23 March 2026, Sir Pundari announced proposed legislative amendments in Parliament that would apply the death penalty to anyone still holding firearms after the conclusion of a national firearms amnesty and buy-back period.
- The amnesty and buy-back period commenced on 28 February and is due to end on 16 September 2026. On 6 August 2026, Sir Pundari stated that anyone found in possession of an illegal firearm after the deadline will face mandatory life imprisonment. It is unclear whether authorities are still pursuing reintroduction of the death penalty, as no bill to enact this crime has been confirmed as formally tabled or passed at the time coauthors prepared this briefing.

PNG must take additional steps to fully abolish the death penalty.

- The ratification of the OP2-ICCPR is an important first step towards creating an irreversible, internationally binding commitment to abolish the death penalty. It ought to be ratified in accordance with section 117 of the *PNG Constitution*, for it to have domestic legal effect. The Group of Friends of OP2-ICCPR (Friends of the Protocol), an informal coalition of abolitionist states, can offer technical assistance with this process, should it be required.
- Following ratification, PNG should then amend sections 35 and 36 of the *PNG Constitution*, which contain exceptions that permit the death penalty: section 35(1)(a) excludes the execution of a death sentence from the right to life; section 36(2) provides that executions themselves do not constitute inhuman treatment.
- PNG should also amend section 18 in the *Criminal Code Act 1974* to remove 'death' from the list of 'punishments that may be inflicted.' As sections 597, 598, 599 and 614 of the Act relate entirely to death sentences, these should be removed. Any other provisions that refer to a crime or offence punishable by death should also be amended.

Recommendations

- Ratify the Second Optional Protocol to the ICCPR.
- Review and amend remaining domestic legislation, including the *PNG Constitution* and the *Criminal Code Act 1974*, to eliminate references to the death penalty.
- 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.
- Engage in public consultations with women's rights organisations, survivors of gender-based violence, and community stakeholders to develop and implement rights-respective policy approaches to prevent and reduce gender-based violence, rather than relying on punitive measures.