



Universal Periodic Review 25th Session
Friday 6 May 2016, Geneva.

**Statement on behalf of Fiji for the review of Papua New Guinea, delivered by
H. E. Nazhat Shameem Khan, Permanent Representative.**

Thank you Mr. (Vice-) President. We welcome the delegation of Papua New Guinea, led by Mr. Fred Sarufa, a good friend of Fiji, to this UPR Working Group. Fiji understands the challenges in engaging with the HRC and the UPR Working Group for PSIDS, distant as we are, and when there are so many conflicting priorities. Fiji therefore thanks PNG for making the effort to engage with this UPR Working Group and to present its report.

1. Fiji notes the decision of the Supreme Court of Papua New Guinea in **Belden Namah and the Minister for Foreign Affairs (BELDEN NORMAN NAMA, MP Leader of the Opposition AND: HON. RIMBINK PATO, MINISTER FOR FOREIGN AFFAIRS & IMMIGRATIONS AND: NATIONAL EXECUTIVE COUNCIL AND: THE INDEPENDENT STATE OF PAPUA NEW GUINEA) SCA. NO. 84 OF 2013** that Section I of Constitution Amendment (No.37) (Citizenship) Law 2014 which permitted the detaining of asylum seekers in Papua New Guinea is contrary to Section 39 (I) of the Papua New Guinea Constitution which provides that the question of whether a law that seeks to regulate or restrict the exercise of a right or freedom is a law that is "reasonably justifiable in a democratic society having a proper respect for the rights and dignity of mankind." Fiji notes that the effect of this decision is that the detention of asylum seekers and refugees on Manus Island, under agreement with the Government of Australia, is illegal and unconstitutional, and that the persons detained there must be released.
Fiji commends the decision of the Papua New Guinea Government to respect this decision and to seek alternative arrangements for those detained in Manus Island.