



Papua New Guinea National Election

4–22 July 2022



The Commonwealth



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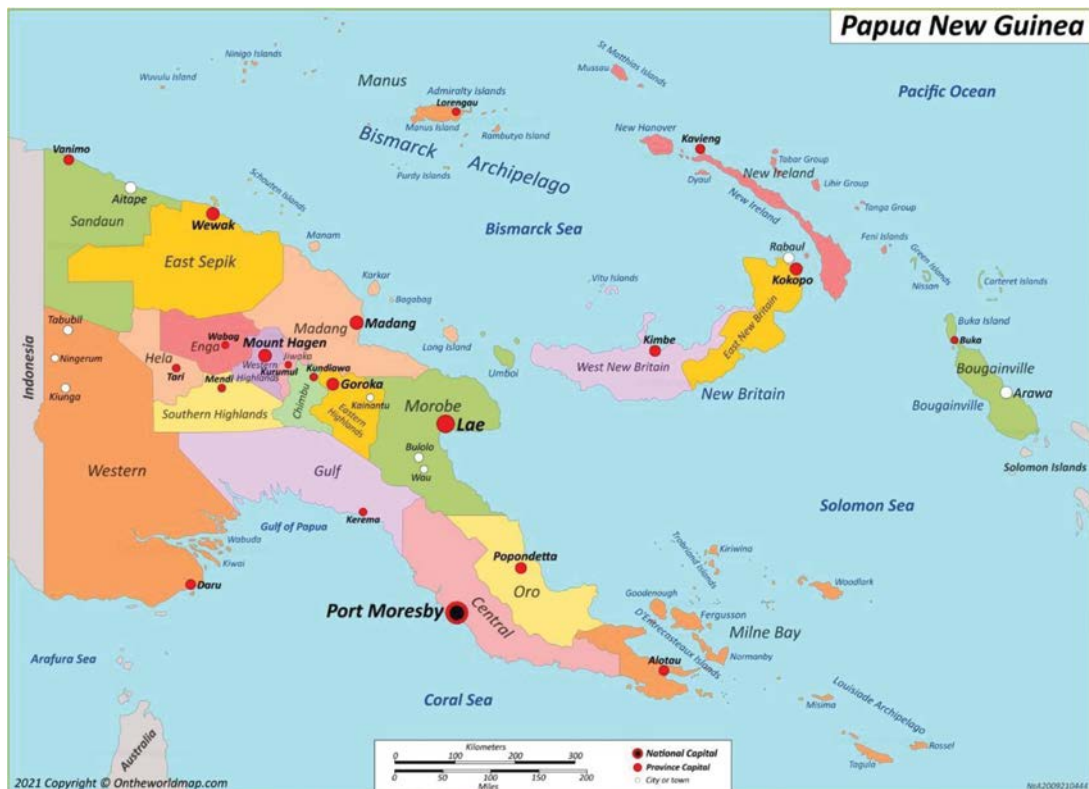
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Map of Papua New Guinea



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Acronyms and Abbreviations

APO	Assistant Presiding Officer
BVR	biometric voter registration
CEDAW	Convention on the Elimination of Discrimination Against Women
CIMC	Consultative Implementation and Monitoring Council
COG	Commonwealth Observer Group
CSO	civil society organisation
EAC	Electoral Advisory Committee
IDEC	Inter-Departmental Election Committee
IPPPC	Integrity of Political Parties and Candidates Commission
LPV	limited preferential voting (system)
MP	Member of Parliament
NBC	National Broadcasting Corporation
NCD	National Capital District
OLIPPAC	Organic Law on the Integrity of Political Parties and Candidates
OLNLLGE	Organic Law on National and Local-level Government Elections
PGK	kina (PNG currency)
PNG	Papua New Guinea
PNGEC	Papua New Guinea Electoral Commission
PO	Presiding Officer
PWDs	persons with disabilities
RO	Returning Officer
WHO	World Health Organization

Letter of Transmittal to the Commonwealth Secretary-General

25 November 2022

Dear Secretary-General,

I am very pleased to convey herewith the final report of the Commonwealth Observer Group, which you had constituted to observe the 2022 Papua New Guinea National Elections that were held from 4 to 22 July.

The Group observed the elections in accordance with our Terms of Reference, and considered the various factors impacting the administration of the election. These factors were observed within the context of national election-related laws, as well as international standards for democratic elections to which Papua New Guinea has committed itself, including the Charter of the Commonwealth.

I am pleased to advise that we were able to carry out our mandate effectively and independently and I take this opportunity to thank the Government of Papua New Guinea and the Papua New Guinea Electoral Commission for their support. We are also grateful to the United Nations, which provided crucial co-ordination services as well as facilitated access to background documentation.

Over the course of our mission, the Group was very impressed by the patience and dedication of voters in exercising their franchise in the face of delays at several stages of the electoral process, as well as a number of security challenges. We are also grateful to all the voters and citizens who spoke with us and shared their insights and experiences, which we have endeavoured to capture in our report.

The Group notes that this was the country's first national election to be held since the onset of the coronavirus pandemic (COVID-19), the consequences of which presented challenges to the administration of the election. We note that there were other longstanding legacy issues that are yet to be addressed, which impacted the delivery of elections, and which we cover in our report. We also commend the hard work and diligence of the polling officials, counting officials and security personnel, many of whom worked long hours and in challenging circumstances to deliver the election.

Our Report contains our collective views and findings and draws on our members' strengths, areas of expertise and experience. We have also proposed recommendations on how we think the electoral process can be strengthened, which we hope will be useful to the Papua New Guinea Electoral Commission and relevant stakeholders

I would be grateful if you could assist in conveying this report to the Government and people of Papua New Guinea.




Baron Waqa

Former President of the Republic of
Nauru and Chairperson of the Commonwealth
Observer Group

Observers' Signatures



Dr Nicole George



Mr Hendrick Gappy



Ms Makereta Komai



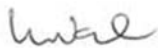
Mr Johnson Honimae



Hon Luamanuvao Dame Winnie Laban



Ms Emeline Siale Ilolahia



Ms Makereta Vaelua



Mr Wilson Toa

Executive Summary

The Commonwealth Observer Group for the 2022 national election deployed to Papua New Guinea from 29 June to 31 July of that year. A Pre-Election Assessment Mission was undertaken by the Commonwealth Secretariat in March 2022.

The 2022 election was the first national election to be held following the COVID-19 global pandemic. Delivering an election in Papua New Guinea has always been a huge logistical and costly exercise, which in 2022 was made even more difficult in the context of the COVID-19 pandemic. Preparations for the election were hampered by the late disbursement of funds and outstanding payments from previous elections. There were also incidents of election-related violence before, during and after the election, which presented additional challenges to authorities.

The Observer Group deployed in four teams and observed polling (including the opening and closing of polls) in all four regions. Observer Group members also observed counting in New Ireland Province, Central Province and the National Capital District (NCD). The Group was pleased to see that women were well represented as polling, counting and security officials, as well as scrutineers. The efforts of officials working to deliver the election is to be commended, particularly considering the security challenges some faced while undertaking their duties.

While the Group did not observe any campaigning, stakeholders shared the view that for the most part campaigning was peaceful, although there were areas where violence broke out between supporters of rival candidates. It was also shared that campaign practices had changed in some areas, with the greater use of financial resources than had been observed in past elections. Social media was a favoured medium for candidates to directly reach their constituents, although only 11.2 per cent of the country has access to the major social media sites.

The mainstream media, both print and broadcast, provided good coverage of the election, including on all candidates contesting the election. The national broadcaster provided opportunities for candidates and parties to air their policies on its

platforms, but not all candidates took up the offer. Larger parties with resources were able to pay for advertising on mainstream media platforms. However, the media lacked regular access to the Electoral Commission, which also did not provide timely updates on its website and social media channels. This may have contributed to fuelling misinformation.

The Observer Group commends the dedication and patience of voters to exercise their right to vote, especially in light of issues the Group observed with the election. It was noted that once underway, polling in most of the stations the Group visited eventually proceeded without incident. This was particularly the case in locations with multi-day polling. However, at all locations visited, polls opened late, usually hours late, and the Electoral Commission rarely communicated timely updates to voters waiting for polling stations to set up.¹ Despite opening late, observers noted that polls would often close at, or before, the legally mandated time of 6pm. This was also the experience of other observers and stakeholders the Group consulted.

Another key issue identified by observers was the very large number of names missing from the electoral rolls; in some cases as many as 50 per cent of eligible voters were reportedly not on the rolls. On the other hand, observers were told by many voters that they saw numerous names of deceased persons and people who no longer lived in the electorate on the roll. Public dissatisfaction with the roll was widespread and, in some cases, led to voters disrupting polling.²

Observers note that in some stations, polling officials allowed unregistered people to vote, using spare ballots, once registered voters had done so, possibly to placate the crowd. While noting this decision by Presiding Officers (POs) may have been taken on security grounds, allowing non-registered voters to vote violates fundamental electoral good

¹ In the NCD for instance, the deferral of polling by 48 hours was not communicated to voters until after polling was supposed to start on the originally scheduled day.

² In one polling station in the Central Province, the community refused to allow polling teams to set up on the second day of polling due to the large number of names missing from the rolls.

practice. This, therefore, speaks to the importance of ensuring the common roll is as accurate as possible so as to ensure POs are not put in this position in the future.

Other key issues of concern observed include the following:

- The highly centralised structure of the Electoral Commission presents many overwhelming challenges in the effective delivery of the election.
- The late and insufficient disbursement of funds, unpaid bills and allowances from previous elections, created a lack of trust in the Commission by suppliers. This impacted the timely and safe conduct of this election.
- Numerous allegations of bribery and treating³ involving candidates' agents. Observers also witnessed the distribution of money and food to voters during the polling period.
- Inadequate efforts to facilitate the inclusion and participation of women, youth, persons with disabilities (PWDs), and other disadvantaged groups in the political and electoral process.

The issue of election-related violence in Papua New Guinea, resulting in a significant number of deaths, is a grave cause for concern, with the severity of violence being perpetrated reportedly worsening. It was noted that incidents of election-related violence have also spread to areas that have previously been free of severe violence in the context of elections. This includes the National Capital District.

The Chair of the Observer Group, HE Baron Waqa, on behalf of the Group in its preliminary statement on 25 July, expressed grave concern and sadness at the daily incidents of violence and tragic loss of lives reported in mainstream media, social media and from other observer teams. HE Waqa also conveyed deepest condolences to the families of those who had lost loved ones, and reiterated and supported calls for peace, made by church and community leaders.

³ 'Treating', as defined in the Criminal Code Act, refers to corruptly paying for (or receiving) food, drink or lodging in the context of an election, to influence or reward the actions of an elector.

Recommendations

The Observer Group notes that many of the recommendations proposed by the 2017 Commonwealth Observer Group have not been implemented and remain significant issues.

Where relevant, the Group reiterates those recommendations, and proposes new recommendations.

Electoral framework and election administration

The Observer Group reiterates these recommendations from 2017:

- The Papua New Guinea Electoral Commission (PNGEC) should conduct an urgent review and lessons learned process immediately following this election. The review should include a specific component on the transparency of the PNGEC's operations, which needs to be improved in order to enhance the credibility of the PNGEC and the electoral process.
- It is critical that the PNGEC be provided with timely and adequate funding. The Government should consider introducing arrangements for direct appropriation of funds to the PNGEC to ensure its independence.
- The PNGEC should ensure adequate and timely release of funds to provincial election authorities and service providers, to minimise avoidable disruption to the election timetable.
- The Government should ensure timely release of funding to the PNGEC to enable a thorough process of updating the electoral roll. This process should be completed earlier in advance of the election and finalised prior to the cut-off upon the issue of the writs.
- The PNGEC should consider providing for continuous voter registration, including online registration.
- Election-related offences, particularly regarding bribery, undue influence and underage voting, should be enforced to dispel the culture of impunity. Individuals who seek to prevent other potential voters, particularly women, from exercising their franchise should be liable for prosecution, in line with existing law.

New recommendations:

- The PNGEC should be reformed to create authorised commissioners for each of the four regions to ease the burden on a single commissioner of delivering an election in the hugely challenging geographic and logistical circumstances. A new role of Chief Electoral Commissioner could provide an advisory and oversight role, including ensuring consistency in compliance with the legislative framework.
- The Government should consider constituting the Inter-Departmental Election Committee (IDEC) much earlier in advance of the election (for example, one year) to ensure it has adequate time to work with the PNGEC to address any logistical and operational challenges.
- The Inter-Departmental Electoral Committee should meet regularly after the election to discuss the roles and responsibilities of IDEC partners, and the impact of their contributions on the conduct of the 2022 election. These meetings should inform future elections in line with the legal framework.
- The Government and the Parliament should reform legislation to strengthen the effectiveness and independence of the Electoral Advisory Committee (EAC). The Organic Law on National and Local-level Government Elections (OLNLLGE) should be amended to ensure that the:
 - nomination of committee members is made independent of the PNGEC;
 - representation of civil society on the committee is expanded beyond Transparency International; and
 - the committee has full and unrestricted access, information and resources to make good faith recommendations on any electoral issues aimed at improving the electoral process.
- The Government should establish a domestic mechanism, involving all relevant stakeholders (including civil society and faith-based representatives), to review and take forward the recommendations made by election observers.
- Given the serious issues raised with the common roll due to shortcomings with the registration exercise, the Government should urgently prioritise funding for the next national census.
- The Government should prioritise funding for the implementation of biometric voter registration (BVR) in light of the immense benefits of BVR, which include ensuring the integrity of the common roll.
- The PNGEC should review the current payment system as part of its post-election review in order to ensure all polling workers are paid on time. Such a review could consider alternative means of transferring money.
- The PNGEC and the Integrity of Political Parties and Candidates Commission (IPPPCC) should institutionalise the 'Code of Conduct for Political Parties, Candidates, Party Scrutineers and Supporters' so it applies to all future elections; that political parties and candidates are required to sign the code as a prerequisite for contesting an election; and that the code includes provision that places responsibility on political parties and candidates to ensure their scrutineers and supporters comply with the code and all relevant laws.
- The National Assembly should pass the revised OLIPPAC.
- The Government should ensure the IPPCC is given sufficient funding to continue its outreach, awareness and mentoring programmes.

Civil society organisations

- The Government should ensure that formal structures for engaging with civil society organisations (CSOs), such as the Consultative Implementation and Monitoring Council (CIMC), have the necessary protections to ensure CSOs' independence, and are sufficiently resourced to ensure CSOs can meaningfully participate in and contribute to these mechanisms.
- Given their critical role, the PNGEC should partner with civil society to establish a national network so they are better supported to conduct activities related to voter education, participation and election monitoring. This national network should be convened as soon

as possible, to allow civil society participation in any post-election audit.

- The PNGEC, the Government, police and other relevant stakeholders should use appropriate mechanisms to engage CSOs on peacebuilding activities throughout the electoral cycle.

Women's political participation

- Recognising past legislative efforts to increase the political representation of women, the Government should convene a representative and consultative parliamentary process on the issue. The ultimate aim of this should be designing and building support for legislation that will improve the political representation of women.
- The PNGEC should reduce the registration costs for women candidates, recognising that party-endorsed women receive little financial support for candidate registration fees and campaigning.
- The IPPCC should strengthen its proposed legislation on gender quotas for political parties to create stronger incentives for them to train, endorse and provide campaign support for women candidates. It should be required that funding returned to parties to support women political candidates be spent on future candidate recruitment and training activities for women.
- Recognising the inconsistent ways in which gender-split provisions were evident at polling stations, the PNGEC must ensure that there is timely training and sufficient resources to ensure these provisions are more consistently implemented before the next election.
- Given the important role that the Gender and Development Branch might play in promoting more gender-equitable election processes, the Observer Group recommends that the Government prioritise more funding as well as increased technical support for this government agency.

Youth political participation

- The Government should work with the IPPCC to reform the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) to encourage political parties to set up youth

wings. The youth wings can help provide space for young people to meaningfully participate and develop their skills alongside the main party structure.

- National and provincial governments should consider establishing a mechanism that allows for youth representatives to be consulted and given an opportunity to comment on proposed national and provincial bills and policies.
- The PNGEC should make more effective use of social media networks to ensure the dissemination of accurate information. Highly targeted social media approaches are needed to engage young voters in electoral processes. This is increasingly important due to mis- and disinformation and hate speech circulating online. The scale and scope of youth engagement with social media will likely continue to grow in the foreseeable future. These platforms therefore have the potential to become valuable and practical tools to inform young people about all aspects of elections.
- The PNGEC should expand the Youth Voter Festival to take place in all provinces of Papua New Guinea twice a year. The Youth Voter Festival provides the opportunity for PNGEC to strengthen citizens' knowledge and understanding of democracy and electoral processes and motivate youth to participate in elections. PNGEC could set up exhibitions using different art forms (video, photo, music, multimedia installations, storytelling) and create an interactive experience with games and mock polling exercises.
- The PNGEC should reduce the registration costs for youth candidates, recognising the significant youth population and the importance of youth voices in national decision-making processes.

Persons with Disabilities

- In the next iteration of the National Persons with Disability Policy, the Government should ensure that it provides for policies and mechanisms to enhance political participation of PWDs.
- The PNGEC should use the CIMC mechanism to engage specifically with PWDs to:

- o conduct its 2022 election review with the aim of identifying and addressing challenges impeding PWDs' electoral participation; and
- o review and strengthen its PWD policy and guidelines to ensure improved training for electoral officials on PWDs' access to the electoral process.

Campaign

- A review of the OLIPPAC and electoral related laws on the integrity of political parties and candidates should be undertaken after the 2022 election. This will identify urgent areas that require strengthening and to ensure compliance. The review team should include representation from the community, including women's groups and minority groups, accountability organisations, and traditional leadership.
- A survey should be undertaken regarding the compliance and understanding of the Code of Conduct for Political Parties, Independent Candidates, Scrutineers and Supporters, before, during and after an election.
- Building on the 2017 COG recommendation, Parliament should update and strengthen laws relating to the regulation and transparency of campaign financing, such as by defining legitimate campaign expenditures, introducing spending limits, and providing the IPPCC with sanctioning powers. Such amendments should be accompanied by an extensive awareness programme conducted by the IPPCC.

The Media

- The PNGEC should strengthen its media/communications department to ensure it is robust and functional, placing greater focus on enhancing accessibility to the media and being transparent in the sharing of information critical to the electoral cycle.
- The PNGEC should consider improving its social media capacity, including setting up a fact-checking platform to correct false or misleading claims or statements on both traditional and social media.
- The PNGEC should consider developing relationships with social media companies

for the purposes of removing fake accounts as well as false and misleading claims. The Commonwealth Secretariat is encouraged to support the PNGEC in this outreach.

- The PNGEC should engage relevant stakeholders, especially community and faith-based radio stations that already have infrastructure in place, for election awareness and training programmes.
- The Group encourages the media in Papua New Guinea to strictly adhere to the Media Council of Papua New Guinea's Code of Ethics, and the Media Council could consider developing election-specific provisions within the Code of Ethics that bind all journalists covering the election.
- The Group encourages continued consultation between the Media Council and the National Information and Communications Technology Authority (NICTA) on the Broadcast Content Regulation Law, including on the issues of voter education, political advertising and equitable airtime.
- In order to support women candidates' coverage during the campaign, the official election broadcaster is encouraged to: i) make greater efforts to inform women candidates of the free slots; and ii) consider ways of assisting women in rural areas to take advantage of these slots, such as by allowing pre-recorded videos to be digitally transmitted to regional media offices.
- The Government should partner with the media and civil society to finalise legislation on a Right to Information bill in line with international good practice.

Voting

- Recognising that PWDs may require voter assistance, the PNGEC should appoint an extra polling official to check that assisted voters' choices are being respected, as per Section 5.12 of the 2022 *Polling Manual*.
- The PNGEC should establish a structure in all provincial electoral offices to assist in the continuing awareness of the electoral process, including among temporary electoral workers engaged specifically to

deliver elections. This would help ensure uniformity in compliance with electoral laws and PNGEC manuals and policies, and would address inconsistencies in processes and procedures during elections.

- The Government and National Assembly should amend OLNGLLE such that PNGEC can provide digital copies of the final version of the common roll to political parties and candidates free of cost. This would assist political parties and candidates in ensuring scrutineers have copies of the roll, thus enabling them to fulfil all key functions expected of scrutineers.
- The PNGEC should develop a scrutineers' manual, and political parties and candidates should ensure scrutineers adhere to this manual. This would ensure scrutineers are better trained and do not become a disruptive presence at polling booths.
- The PNGEC should conduct adequate and timely inspection of polling stations to ensure that the polling schedule can be released in good time, thus ensuring there are fewer last-minute changes to polling locations.
- While OLNLLGE currently allows for postal voting, the Group recommends an amendment to the law to allow for early voting for polling staff, the police and other security personnel so as to reduce the possibility of disenfranchisement.
- The PNGEC should ensure all polling stations are provided with requisite materials, including battery-powered lamps, to facilitate voting and closing of polls.
- The National Assembly should revise sections 130(2)(a–b) pertaining to the opening and closing of polls, in order to ensure greater consistency in the time available for voters to cast their vote and to bring these provisions in line with international good practice.
- The National Assembly should revise sections 131(b–c) to offer greater clarity on the rights of queueing voters to cast their vote after 6:00pm. The law should also stipulate that such rights also pertain in instances where the close of polls is extended beyond 6:00pm due to delays in opening polls in the morning. The Group further recommends that polling staff and the police be better trained on these legal provisions.

Counting

- Sufficient time should be allocated for the training for counting officials before the commencement of counting.
- The PNGEC should consider using livestreaming or other options to transmit counting information to increase transparency during the count.

1. Introduction

Invitation

At the invitation of the Papua New Guinea Electoral Commissioner, Mr Simon Sinai, the Commonwealth Secretary-General, The Rt Hon. Patricia Scotland, KC, constituted a Commonwealth Observer Group (COG) to observe the 2022 Papua New Guinea national election, which was held from 4 to 22 July 2022. The Commonwealth Observer Group was chaired by HE Mr Baron Waqa, former President of the Republic of Nauru.

In March 2022, a Pre-Election Assessment Mission was undertaken by the Commonwealth Secretariat, in line with the '2018 Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries'. Among other things, the aim of the Pre-Election Assessment Mission was to ascertain if there would be broad welcome for a Commonwealth team to observe the election, and to seek assurances that Commonwealth observers would have access to relevant electoral processes and materials, electoral actors and freedom of movement around the country.

The Commonwealth Observer Group visited Papua New Guinea from 28 June to 31 July 2022 and deployed to all four regions of the country – the Southern Region, Highlands Region, Momase Region and the New Guinea Islands Region. The Group comprised experts from various fields, including election management, politics, civil society, the media, participation and inclusion, and gender, and was supported by a Commonwealth Secretariat staff team.⁴

Terms of Reference

The Terms of Reference were as follows:

The Group is established by the Commonwealth Secretary-General at the invitation of the Government of Papua New Guinea. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.

The Group will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation as well as relevant Commonwealth, regional and other international norms and commitments.

The Group is to act impartially and independently. It has no executive role: its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Papua New Guinea, the Papua New Guinea Electoral Commission and leaders of political parties, and thereafter all Commonwealth member governments.

Activities

The Commonwealth Observer Group convened in Port Moresby on 28 June 2022. Over the course of its mission, the Group met with a wide range of stakeholders including the Electoral Commissioner and electoral officials, the Registrar of Political Parties, the Attorney General, the Secretary for the Constitutional Law Reform Commission, the police, the media, and representatives from political parties and civil society organisations, including youth, women and persons with disabilities. Meetings were also held with Commonwealth diplomatic missions in Papua New Guinea, the United Nations Resident Coordinator, the International Foundation for Electoral Systems (IFES), Transparency International Papua New Guinea, and other international and citizen observer groups.

Before the commencement of polling, the Group deployed in four teams across the country. The Group observed polling in the Central Province, National Capital District, East New Britain, New Ireland, Autonomous Region of Bougainville,

⁴ The Commonwealth observers were from Nauru, Australia, Fiji, New Zealand, Samoa, Seychelles, Solomon Islands, Tonga and Vanuatu.

Morobe, East Sepik, and Eastern Highlands provinces. Observers met with local stakeholders, including electoral officials, the police, candidates, traditional and community leaders, civil society and faith-based representatives, and members of the community. Observers also liaised with other international and citizen observers.

On 13 July, the Observers reconvened in Port Moresby after the conclusion of polling in their respective areas of deployment. Observers were able to observe counting for the National Capital District and the Central Province (the New Ireland team had observed some of the counting at Namatanai), as well as to hold follow-up meetings with relevant stakeholders

based in Port Moresby. These included the Electoral Commissioner, the Attorney General and the Secretary for the Constitutional and Law Reform Commission, and officials from the Ombudsman Commission.

On 25 July, after the conclusion of polling, the Chair of the Group issued the Group's Interim Statement on its preliminary findings and observations.

This report consolidates and summarises the observations and assessments of the teams that deployed across the country and, in the spirit of partnership and co-operation, proposes recommendations to help address issues identified.

2. Political Context

Papua New Guinea is a parliamentary democracy under a constitutional monarchy, which achieved independence on 16 September 1975. The Head of State is King Charles III, represented by a Governor-General.⁵ The current Governor-General is Sir Bob Dadae, who was appointed on 28 February 2017.

The other members of the executive are the Prime Minister, as the Head of Government, and the National Executive Council (Cabinet), which is appointed by the Governor-General on the recommendation of the Prime Minister. The judiciary consists of a Supreme Court, national courts and other courts established under Section 172 of the Constitution. These include the entire district (magistrate) courts and local courts, military courts, and taxation courts.

There are four regions: the Highlands, Momase, Southern, and New Guinea Islands (including Bougainville), within which are 20 administrative provinces, plus the National Capital District and the Autonomous Region of Bougainville. Each province is further divided into local-level government areas (LLGs). Provincial and local governments exist in addition to national government.

The National Parliament is a 118-member unicameral legislature elected for 5-year terms. There are 96 single-seat 'open' electorates and 22 provincial electorates (representing the 20 provinces plus the National Capital District and the Autonomous Region of Bougainville). At elections, voters cast two ballots – one for the member for the open seat and one for the provincial member. Except for the regional member for Bougainville, members from regional electorates also serve as provincial governors and oversee the provincial assembly and administration.⁶

⁵ At the time of the election, in July 2022, Queen Elizabeth II was Head of State and was succeeded by King Charles, on 9 September 2022.

⁶ The Autonomous Region of Bougainville is administered by the Autonomous Bougainville Government (ABG), with its own executive (President, directly elected by popular vote) and legislature (Bougainville House of Representatives). The regional member of Bougainville represents the interests of the Bougainville people in PNG's national Parliament but does not preside over the ABG.

Political history

The first post-independence election was held in 1977. From 1977 to 2002, there were five national elections; however, no government was able to complete a full five-year term, with prime ministers removed through votes of no confidence or being forced to resign. In this period, the position of Prime Minister alternated among seven men, four of whom held the post more than once. From independence to 2017, when the previous national election was held, only seven women had been elected to the National Parliament.

Since independence, no single party has ever won an outright majority to form a government, so every government has been a coalition. The Constitution stipulates that the Governor-General shall appoint a Prime Minister in accordance with a decision of the Parliament, as decided by the majority of its members.

The first post-independence Prime Minister was Sir Michael Somare, who won the 1977 election but was replaced in 1980 following a parliamentary defeat. His successor, Sir Julius Chan, served until national elections in 1982, when Sir Michael was re-elected by Parliament. In 1985, Sir Michael was again removed following a vote of no confidence and replaced by Pias Wingti. National elections were held in 1987, when Mr Wingti was re-elected Prime Minister. However, he lost a vote of confidence in 1988 and Sir Rabbie Namaliu became Prime Minister.

Elections were held in 1992, when Mr Wingti was again elected Prime Minister. However, he was replaced by Sir Julius Chan in 1994, who subsequently resigned in 1997 and was replaced by John Giheno. An election that same year saw the election of Bill Skate as Prime Minister. However, plagued by allegations of corruption and a financial crisis, he lost the majority in Parliament in 1999 and was replaced by Sir Mekere Morauta.

Sir Mekere initiated regulatory reforms to stabilise the political and economic situation. Under his leadership, Parliament passed the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) in 2001 (amended in 2003). OLIPPAC instituted stringent party membership rules

designed to make political parties stronger and governments more stable. Under OLIPPAC, Members of Parliament (MPs) would be penalised for 'party hopping' behaviour and had to vote in accordance with their party on matters relating to constitutional amendments, budget appropriations and motions of no confidence.

Following the enactment of OLIPPAC, the 2002 elections were won by Sir Michael, who became the first Prime Minister to complete a full five-year term. He also won the 2007 election. In July 2010, the Supreme Court ruled that key elements of the OLIPPAC were unconstitutional. These included provisions that restricted MPs' votes relating to the election of (and vote of no confidence in) the Prime Minister, the budget, constitutional laws, and whether they wanted to remain within a political party or change allegiance.

In 2011, following Sir Michael's extended absence from the country for medical reasons, Parliament voted to declare the Office of the Prime Minister vacant and elected Peter O'Neill as Prime Minister. A legal challenge led to the Supreme Court ruling that the vacancy was unconstitutional and Peter O'Neill's election invalid. Parliament then passed legislation effectively disqualifying Sir Michael from holding office (by placing an age limit on office bearers) and Mr O'Neill retained the position.

Mr O'Neill subsequently won the 2012 and 2017 elections, but resigned in May 2019 following a series of high-level defections from his governing party. He was succeeded as Prime Minister by James Marape.

Limited preferential voting

Another key reform instituted by Sir Mekere, which was first implemented in the 2007 election, was the replacement of the first past the post (FPTP) voting system with the limited preferential voting (LPV) system. In August 2021, a Government Member of Parliament, Nick Kanuman, tabled a private members' bill seeking to change the voting system from the LPV back to the FPTP. However, the bill faced opposition from both sides of the floor and did not progress beyond the tabling.

Autonomous Region of Bougainville

The context in Bougainville is unique. The region has been on a path toward greater autonomy since the Bougainville Peace Agreement (BPA) was signed

in August 2001. The BPA provided for the conduct of a referendum no later than 20 years after the signing. The referendum on the political future of Bougainville was held in December 2019. There was a high voter turnout of 87.4 per cent, of whom 97.7 per cent voted for independence.

The referendum result is subject to ratification by the Papua New Guinea Parliament. Commonwealth observers were told by voters in Bougainville who participated in the 2022 Papua New Guinea election that one of the key drivers for their participation in this election was to choose leaders who would work toward independence. The Group was told that community leaders had encouraged people to make voting choices that reflected their history and their aspirations for self-determination.

COVID-19

The 2022 election was the first national election in Papua New Guinea since the announcement of the COVID-19 global pandemic in March 2020. The official COVID-19 statistics for Papua New Guinea showed that, at the time of the election, 44,702 confirmed cases and 662 deaths had been reported to the World Health Organization (WHO), covering the period between March 2020 and 23 June 2022.

As with the rest of the world, following the announcement of the global pandemic by the WHO, Papua New Guinea implemented strict lockdown measures to control the spread of the virus. However, the global and domestic restrictions also had the effect of severely curtailing economic activity in the country and consequently, drastically reducing the Government's revenues. Papua New Guinea officially opened for international travel in July 2022.

The Observer Group was informed that, due to the Government's financial situation as a consequence of the pandemic, several planned and approved national activities had to be deferred. These included conducting a census in 2020, estimated to cost approximately 200 million kina (PGK), and plans to roll out biometric voter registration before the election, at around PGK300 million.

The economic situation may have also impacted the number of independent candidates contesting the election, which had dropped from the last election.

3. Electoral Framework and Election Administration

Legal framework

Papua New Guinea's national electoral legal framework comprises the following:

- Constitution of Papua New Guinea (1975, as amended)
- Organic Law on National and Local-Level Government Elections (1999, as amended)
- Electoral Law (National and Local-Level Government Elections) Regulations (2007)
- Organic Law on the Integrity of Political Parties and Candidates (2003, as amended)
- Organic Law on Duties and Responsibilities of Leadership (amended 2006)
- Integrity of Political Parties and Candidates Regulation (2005)

Other legislation and policies relevant to the conduct of the election include:

- Broadcasting Corporation Act 1973
- Cybercrime Code Act 2016
- Telecommunications Act 1996
- National Information Communication and Technology Act 2009
- Defamation (Amendment) Act 2016
- Criminal Code (Amendment) Act 2013
- Code of Conduct for Political Parties, Candidates, Party Scrutineers and Supporters (2022 National Election)
- Code of Conduct for Polling Officials

International and regional commitments

Additionally, Papua New Guinea has signed or agreed to several major regional and international commitments and instruments relating to the conduct of elections and human rights. These include:

- The Charter of the Commonwealth (2012)
- Pacific Islands Forum Leaders Declaration on Gender Equality (2012)

- Convention on the Rights of Persons with Disabilities (2008)
- Biketawa Declaration of the Pacific Islands Forum (2000)⁷
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- Convention on the Rights of the Child (CRC)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Universal Declaration of Human Rights (1948)

Papua New Guinea national election

Papua New Guinea's Constitution provides the basic framework for parliamentary democracy, with elections required to take place every five years (s.105):

- *"A general election to the Parliament shall be held –*
 - Within the period of three months before the fifth anniversary of the day fixed for the return of the writs for the previous general election; or*
 - if, during the last 12 months before the fifth anniversary of the day fixed for the return of the writs for the previous general election –*
 - a vote of no confidence in the Prime Minister or the Ministry is passed in accordance with Section 145; or*
 - the Government is defeated on the vote on a question that the Prime Minister has declared to the Parliament to be a question of confidence; or*
 - if the Parliament, by an absolute majority vote, so decides."*

⁷ Note the 2018 Pacific Islands Forum Boe Declaration is not included on the Electoral Commission website.

Papua New Guinea Electoral Commission

The Organic Law on National and Local-Level Government Elections (OLNLLGE) provides for the establishment of the Papua New Guinea Electoral Commission (PNGEC) and the regulatory framework for the administration and conduct of elections. The Constitution mandates the independence of the Electoral Commission (s.126) and provides a comprehensive framework for electoral matters, including the Boundaries Commission and the Electoral Commission and its operation, requiring detailed provisions on these to be set out in the relevant organic laws.

The PNGEC consists of the Electoral Commissioner, who is appointed by the Head of State, acting with, and in accordance with, the advice of the appointments committee, consisting of the Prime Minister, Leader of the Opposition, Chair of the Parliamentary Committee dealing with electoral oversight, and Chair of the Public Services Commission (s.5-6).

The Electoral Commissioner is appointed for a term of six years and is eligible for re-appointment and is not subject to the direction or control by any person or authority. The current Electoral Commissioner, Simon Sinai, was appointed on 1 December 2021, for six years (s.14.2) or until he turns 60, whichever occurs first. Mr Sinai was Acting Commissioner from September 2020.

Papua New Guinea's Constitution entrenches the right of citizens to vote and to be elected to office (s.50). It establishes universal adult suffrage for citizens aged 18 years and over (s.126).

The OLNLLGE makes provisions for all aspects of the electoral process, including the responsibilities of the Electoral Commission (s.5-24), determination of boundaries (s.25-42), polling places (s.43), electoral rolls (s.44-72), issue of writs (s.73-82), nominations (s.83-96), election cancellation and failure (s.97), voting and counting (s.98-174), return of writs (s.175-177), election offences (s.178-205), and dispute resolution (s.206-233).

The PNGEC oversees election administration, supported by provincial election offices and other appointed field structures. All election officers, including Election Managers, Returning Officers, Assistant Returning Officers, polling teams, and other election staff are subject to the authority and direction of the Electoral Commissioner.

Temporary additional staff are also recruited or seconded as required to assist as part of the election workforce.

The PNGEC received support from several international partners, including the Governments of Australia, India, and New Zealand; the Australian Civilian Corps; the Australian Electoral Commission; New Zealand Electoral Commission; International Foundation for Electoral Systems; and the United Nations.

Inter-Departmental Election Committee

The Inter-Departmental Election Committee (IDEC) is a Government initiative to facilitate the operations and logistics of the PNGEC. It came into operation in 2022 on the publishing of the writs. The IDEC consists of the Chief Secretary of the Prime Minister's Department (Chair), the PNGEC and other relevant government agencies, including the police and military. The Group was informed that IDEC played a fundamental role in the co-ordination of agencies through an 'all-of-government' approach during elections. It was reported that, due to IDEC's effectiveness, it has been recommended that it remains active in preparation for the next elections.

Integrity of Political Parties and Candidates Commission

Section 128 of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) sets out provisions for the registration and regulation of political parties and provides for the establishment of the Integrity of Political Parties and Candidates Commission (IPPC). The powers and areas of responsibility of the IPPC are contained in sections 3 to 15 of the OLIPPAC.

The main functions of the commission (section 12) are:

- registration of parties;
- management of the Central Fund;
- administration of terms and conditions of the executives of registered parties; and
- other functions as defined by the OLIPPAC.

In carrying out its functions and exercising its powers, the commission is not subject to any control or direction by any person or authority.

The Office of the Registrar of Political Parties is established in relation to Division

III.2 (Leadership Code) under the Constitution, which states:

1. *There shall be a Registrar of Political Parties who shall hold office in accordance with the determination of the Parliament; and*
2. *The Registrar shall be appointed for a term of six years and be eligible for appointment.*

Electoral Advisory Committee

The OLNLLGE (s.96C) provides for an Electoral Advisory Committee (EAC), with provision to make recommendations and advice *only* to the Electoral Commission on any election-related matters referred to it by the Electoral Commission. The EAC comprises nominees from the Chief Ombudsman, Transparency International (PNG) Inc., and an independent legal expert, appointed by the Governor-General acting on the advice of the PNGEC. The law does not require the Electoral Commission to provide the EAC with the necessary access, information and resources to undertake its duties.

In early August 2022, the Electoral Commissioner announced the appointment of the members of the EAC. The committee would investigate issues arising from the election, including reports of irregularities.

The Observer Group notes the potential conflict of interest in the PNGEC nominating members of a committee to investigate issues arising from an election that the PNGEC delivers, as well as the fact that the committee can only provide advice on matters referred to it by the PNGEC. The Group is of the view that legislative reform is required to strengthen the effectiveness and independence of the EAC.

Characteristics of political parties in Papua New Guinea political culture

While noting the strength of older, more established political parties in Papua New Guinea, in general the country has a relatively weak political party culture, with most candidates in the last two general elections standing as independents. The Group was advised that political parties lack strong ideological identities, lack strong internal structures, lack policies, have weak membership and are often inactive in between elections. Political parties tend to be personality based, lack brand recognition,

and are not well known to people beyond their flagbearers. There is also a lack of loyalty to political parties among some politicians, and a tendency for politicians to cross the floor from one party to another both in advance of and following elections. No confidence motions in governments have also been a common feature of the country's political landscape.

Following the 2002 election, Papua New Guinea passed the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC), a key feature of which was to regulate the movement of MPs between parties and inculcate a stronger political party culture. This law saw some immediate benefits, with Sir Michael Somare's Government becoming the first in the country's history to last a full term. The Group was also informed that this period of political stability also gave rise to a period of economic growth. In 2010, the Supreme Court ruled that the provisions of OLIPPAC regulating the movement of MPs were unconstitutional and infringed on the rights of MPs to fulfil their roles. Since then, the Group was informed that there had been a return to floor-crossing and a weakening of the political party culture. In 2014 and 2020, efforts were made to revise OLIPPAC in ways that would encourage the strengthening of political parties. The focus was on professionalising political party executives, inculcating party ideologies and identities, increasing party discipline, ensuring support for party candidates, providing fairer representative opportunities for women, and encouraging the development of policies aligned with party ideologies. These efforts were unsuccessful.

The Group strongly believes that political parties confer several significant benefits for the health and stability of parliamentary democracies. These include that: they create a system of checks and balances; they help disseminate information throughout society; they allow for public participation in the development of manifestos, policies and laws, and create ownership and buy-in that heightens the likelihood of success; they produce strong governments that are able to pass legislation; and they can water down special interest investments.

In appreciation of the above benefits, the IPPCC has made various efforts in recent years to spread awareness of the value of a strong political party culture. Such efforts have included a 2018–2021 mentoring programme for political parties and

women leaders (the latter conducted one-to-one), district awareness programmes on political parties, and the development of the Code of Conduct (see later in this chapter).

The Group strongly recommends a redoubling of efforts to strengthen the political party culture by renewing efforts to pass the revised OLIPPAC and ensuring the IPPCC is given sufficient Government funding to continue its outreach, awareness and mentoring programmes.

Funding for the 2022 election

The Observer Group was advised that the Government had projected that the 2022 election would cost PGK600 million (the bulk of which would be for the deployment of security personnel). Support toward the conduct of the election was received from development partners, including Australia, which provided approximately PGK150 million worth of support.

In October 2021, the Government released PGK40 million for work to update the common roll in the 22 provinces; however the actual work did not commence until January 2022. The Electoral Commissioner said the PNGEC had been ready to update the roll from 2021 but attributed the late start to the fact that although funding had been released in October 2021, public accounts closed shortly thereafter until early in the new year. Delays were further compounded by the crashing of the Government's Financial Management Information Systems (FMIS) due to a cyberattack on the Treasury.

The Group noted that the delayed disbursement of funding to the PNGEC severely disrupted electoral preparations, as in previous elections. In 2017, the Commonwealth Observer Group had highlighted the late disbursement of funds as a major challenge. The 2017 Commonwealth Observer Group had emphasised the importance of the PNGEC being provided with timely and adequate funding and recommended that the Government consider introducing arrangements for the direct appropriation of funds to the PNGEC to ensure its independence. The 2017 Observer Group also recommended that the PNGEC ensure adequate and timely release of funds to provincial election authorities and service providers, to minimise avoidable disruption to the election timetable.

The Observer Group reiterates these concerns and recommendations.

For the 2022 election, the Group was advised by numerous stakeholders and service providers across the country that there were unpaid bills and overdue allowances from previous elections. This meant some were reluctant to work with the Electoral Commission in the 2022 election, contributing to the delay and disruption of the electoral process in many areas throughout the country. The Group was pleased to note, however, that many polling officials remained committed to ensuring as many people as possible could vote.

The Group noted advice from some stakeholders that the late payment of allowances in some cases was also due to not all temporary polling officials having bank accounts. The PNGEC should review the current payment system as part of its post-election review to ensure all polling workers are paid on time. Such a review could consider alternative means of transferring money.

Electoral boundary review

Article 125 of the Constitution establishes provision for the determination by Parliament of open electorates 'in accordance with recommendations from a Boundaries Commission'. Boundary delimitation reviews are to be conducted every ten years. Under the OLNLLGE (s.26), boundaries are to be determined based on ensuring each open electorate contains an equal population, with a variance of 20 per cent to take into account such factors as traditional and local government boundaries (s.36). Parliament may accept or reject, but not amend, the commission's recommendations (s.40–41).

Until March 2022, the House comprised 111 seats, 89 of which were elected from single seat 'open' electorates, and 22 from the provinces (that is, the 20 provinces plus Bougainville and NCD). However, on 22 March 2022, Parliament approved the redistribution of various open electorates to establish seven new electorates. This was in response to the 2021 Election Boundaries Commission (EBC) Report and Recommendations, recommending the creation of 12 new electorates based on the 2011 census. In response to advice from the Electoral Commission that it was not in a state of preparedness to conduct elections in 12 new electorates, the EBC recommended

instead the creation of the seven new electorates. These were subsequently approved by Parliament. This brought the total number of seats to 118, corresponding to 96 open seats and 22 regional seats.

The seven new electorates are: Delta Fly (Middle Fly), Hiri-Koiari (Kairuku-Hiri), Popondetta (Ijivitari), Nakanai (Talasea), Wau-Waria (Bulolo), Komo-Hulia (Komo-Margarima) and Porgera-Paiela (Laigap-Porgera).

The creation of the new electorates responds to recommendations made by the 2017 COG, the Pacific Islands Forum, the Australian National University and others over the years to revise boundaries to reflect population growth. Although there is general agreement on the need to redraw electoral boundaries to reflect demographic changes, many stakeholders questioned the timing of the creation of these new electorates so close to the election.

The creation of the new electorates was unsuccessfully challenged in court by the then Leader of the Opposition, Belden Namah.

Voter eligibility and registration

The Constitution states that to be eligible to vote in Papua New Guinea, one must be a citizen and at least 18 years of age (s.126).

The Electoral Commissioner has overall responsibility for administering elections; however, since 2007, the management of elections has been decentralised to the provincial level. In 2017, responsibility for cleaning, updating and preparing the 2017 electoral roll was devolved to provinces. This was also the case for the 2022 rolls, which were also divided by gender into a roll for men and a roll for women. The PNGEC introduced a provision (tally marks) to record the number of men and women who voted.

Under OLNLLGE, an electoral roll is established for each electorate, comprising a number of ward rolls in the case of an open electorate and a number of open electoral rolls in the case of a provincial electorate (s.44). A Returning Officer is responsible for the revision and compilation of an existing electoral roll under the direction of the Electoral Commissioner and may obtain the assistance of any person she or he considers necessary to revise the roll (s.48A).

As noted above, insufficient time was allocated for the update of the rolls due to the late release of funding and the cyber-attack on the FMIS at the Treasury. In addition, plans to undertake a census in 2020 were delayed due to the pandemic and funding constraints. There was also a leadership vacancy at the PNGEC from September 2020 until the appointment of Commissioner Sinai in December 2021.

The PNGEC advised that it had enrolled more than 695,000 people during the 2022 roll update (via new enrolments, transfers-in and provisional enrolments), using the 2019 Local-Level Government Election roll as a baseline. Approximately 57 per cent of the new enrolments were between the ages of 18 and 24 years old. The total number of registered voters was 5.7 million, up 9 per cent from the 2017 election. The PNGEC had also removed more than 225,000 names (that were deceased, transfers-out, under-aged, ghost and duplicate names), while in Bougainville, the most recent electoral roll from the 2021 community government elections was used.

The Group was advised that the Electoral Commission had primarily collected its own data to generate the electoral roll. The registration exercise was done in the wards, using the ward recorders and temporary PNGEC staff. They reviewed the list to consider the status of voters: new applications, ghost voters, deaths and transfers (migration). F11 forms were used for this purpose, but there were reportedly not enough disbursed by the PNGEC to record the names of all eligible voters.

Observer Group members noted, based on their observations, reports from other observers, and conversations with voters, that the 2022 rolls were missing a large number of names. In some cases, as many as 50 per cent of eligible voters were reportedly not on the rolls. There were also reports that the 2022 rolls had names of deceased persons and persons who were no longer resident in the electoral district; of men's and women's names being recorded on the wrong rolls; and that the rolls were difficult to trace. The Group also noted reports of eligible voters who were on the 2017 roll who were not on the 2022 roll.

The Group noted with deep concern the widespread public dissatisfaction with the accuracy of the common roll and the risk all citizens faced with being potentially disenfranchised.

The Group was advised of the need to reform the law to ensure that all relevant existing national databases such as the national identification system (NID), civil registries, motor vehicle registry, tax records, etc., are used to inform the electoral roll. It was reported that for two by-elections following the 2017 election, the PNGEC had trialled biometric voting. However, it was considered impractical to implement for the 2022 election due to the high cost and timeframe constraints.

Biometric voter registration (BVR) has a number of significant benefits, and could address a whole series of issues identified in this election. BVR would ensure greater integrity of the common roll, would allow for voter verification on polling day (thus reducing instances of illegal voting), and would allow for the collection of youth and gender data, whose insights could inform policies and strategies to enhance the inclusivity of the electoral process. With an entire electoral cycle to prepare, the PNGEC would have sufficient time to plan for the rollout of BVR. The Group acknowledges that logistical challenges, particularly in more remote parts of the country, may preclude the rollout of BVR in all areas. However, the PNGEC could concentrate its efforts in urban areas for the first electoral cycle with a view to expanding BVR across the country as practicable in future cycles.

The Group was advised that in 2021, the Government had approved the implementation of BVR at an estimated cost of PGK300 million; however, due to a lack of funds, the rollout did not occur. Given the myriad benefits of BVR, the Government should prioritise funding for this exercise.

Candidate eligibility and nomination

The Constitution provides that election to Parliament is open to all Papua New Guinean citizens of at least 25 years of age (s.103). To be eligible to stand for an electorate, a candidate must have been born in that electorate or have resided there for a continuous period of two years immediately prior to nomination or for a period of five years at any time, and must pay a nomination fee of PGK1,000 (s.103). No candidate may be nominated for more than one electorate (OLNLLGE s.84).

A person is not qualified to be, or remain, a Member of Parliament, if he or she is not of sound mind,

not entitled to vote, under sentence of death or imprisonment for more than nine months, insolvent, or is otherwise disqualified under the Constitution (s.103).

Section 103(3) disqualifies a person from being, or remaining, a Member of Parliament if they have been convicted of an indictable offence. S.103(6) provides two exceptions: if they were granted a free pardon or their conviction was quashed. On 31 May 2022, the five bench Supreme Court passed a unanimous decision interpreting s.103(3)(e) to mean that persons convicted of offences and imprisoned for a minimum of nine months, after 25 June 2002, are disqualified for life from contesting the Papua New Guinea national election. The court also ruled that a nomination to be a candidate by such a person must be rejected by the Electoral Commission. Consequently, the Electoral Commissioner cancelled the nominations of three registered candidates.

For the 2022 national election, there were reportedly 3,506 candidates: 3,364 men and 142 women. The Observer Group notes, however, that different figures have been cited by different stakeholders.

Electoral offences, complaints and disputes

The OLNLLGE sets out a comprehensive series of illegal practices and offences, including treating, bribery and undue influence, false enrolment and personation, misleading or interfering with voters, including through false campaign advertising, and interfering with and destroying election materials. Each offence is punishable by a range of fines and/or prison sentences, as prescribed in the law (s.178–205).

The Observer Group heard numerous allegations of bribery and treating by candidates. In some areas, a first preference vote was reportedly worth PGK200 and a second preference vote PGK100. The Group also heard of candidates' agents distributing money and food to voters and saw several instances of money being distributed outside polling stations. The Group notes the cultural practice of reciprocity in relationships, such as in clans, is a fact of life across Papua New Guinea, and informs all aspects of life, including elections.

However, the Group also notes that Papua New Guinea has committed to Commonwealth

and international values and principles of good governance and democracy, which were violated by many of the campaign practices observed. In addition, the practice of treating and bribery is proscribed under the Criminal Code Act.

Code of Conduct for Political Parties, Candidates, and Party Scrutineers and Supporters (2022 national elections)

A 'Code of Conduct for Political Parties, Candidates, and Party Scrutineers and Supporters (2022 National Elections)', was developed by the Electoral Commission and the Integrity of Political Parties and Candidates Commission (IPCC). The code aims to: ensure the integrity of the electoral process; discourage perpetration of electoral offences; foster a peaceful campaign environment; and promote the orderly conduct of elections. The Group commends the work of the PNGEC and IPCC in developing the code, which brings together in one place electoral offences contained in various laws.

However, the Group notes that parties, candidates and scrutineers are asked, rather than required, to commit to the Code of Conduct, and that the code applied only to the 2022 national election. The Group recommends that this code become a permanent fixture of all future elections, and that political parties and candidates be required to sign the code as a prerequisite for contesting the election. The Group further recommends that the code include a provision that places a duty on political parties and candidates to ensure their scrutineers and supporters comply with relevant sections of the code and all relevant laws.

As observed in previous elections, the Group also observed that many electoral offences went unpunished, thus contributing to a culture of impunity. The Group urges appropriate authorities to ensure full enforcement of the law regarding electoral offences.

Electoral dispute mechanisms

The OLNLLGE provides that petitions for disputed returns are to be heard in the National Court (s.206), with all cases to be heard before a single judge (s.207).

The Group was advised that the Department of Justice and Office of the Attorney General had allocated PGK3 million to defend the PNGEC in any

election-related legal challenges. A call centre was set up in early July 2022, involving 72 lawyers, to assist the PNGEC in responding to any challenges that were raised, on a 24/7 basis. All issues raised and advice provided would be documented and published after the election. The reports would also be referenced by the Office of the Attorney General in the case of any election-related petitions, as the Attorney General would appear on behalf of the PNGEC.

Voter education

The PNGEC website hosts an 'information centre', which references the legal framework and electoral process, including information on the LPV system, candidate nominations and enrolment. An FAQ page poses and responds to questions on candidate nominations, while another page advises on how to use the Voter Lookup app, including on mobile phones. There is scope for improving the information centre, for instance, by ensuring links are provided to the Constitution, OLNLLGE, OLLIPAC and all relevant laws and regulations.

The 'fact sheets' on voter registration are a useful resource. This template could be duplicated to include other important information such as on electoral offences. This is an important issue, for which the only visible advocacy the Group encountered was via polling station posters.

It is not clear how many people accessed the website to view voter education resources; it is worth noting that internet penetration in Papua New Guinea stands at around 18 per cent in 2022.⁸ It was noted that prior to the 2022 election, there were periods of time when the website was not active. Nonetheless, the website represents an important avenue for informing the public about the electoral process.

In May 2022, the PNGEC and the IPCC also launched the Code of Conduct for Political Parties, Candidates, Scrutineers and Supporters.

From May 2022, the PNGEC also partnered with the National Broadcasting Corporation (NBC) to host an information and awareness programme at 4:00pm every Thursday on NBC radio. This was mostly used to update the public on progress toward elections.

⁸ [Datareportal.com](https://datareportal.com/reports/digital-2022-papua-new-guinea) (2022) Digital 2022: Papua New Guinea, available at: <https://datareportal.com/reports/digital-2022-papua-new-guinea>

Meanwhile, civil society stakeholders actively conducted voter awareness programmes, albeit limited in scope due to funding constraints. The Group heard from representatives of a wide range of civil society and faith-based groups, including minority and disadvantaged groups, that they undertook a range of voter awareness programmes for their respective constituents.

Election administration issues

Papua New Guinea's large and diverse demographic, together with its geographical features, present challenges for the conduct and delivery of elections. The Group was advised of the need to reform the Electoral Commission to create additional commissioners to share the responsibility for electoral preparation in the country.

This could be done by decentralising the function of the commission to the regional level and devolving the requisite authority to help these positions support the Commission. Such a structure would also ensure accountability and sustainability of leadership and would be in line with management good practice.

Cycle of engagement on democracy support

The Observer Group noted that the 2018 *Revised Commonwealth Guidelines for the Conduct of Electoral Observation in Member Countries* states that election observation would be more impactful if recommendations were addressed. It also says that, ideally, there should be some form of domestic mechanism to review the conduct of an election and take forward prospective reforms as required.

The Group noted that at the 2022 Commonwealth Heads of Government Meeting, leaders reiterated their commitment to the 2018 *Revised Guidelines*. The Observer Group wishes to add its own voice and support to the guidelines. It affirms that the recommendations made in this report have been carefully crafted, or repeated from previous reports, in the hope that a domestic mechanism will be established to take forward prospective reforms proposed by the Group and other observer groups.

Recommendations

The Observer Group notes that many of the recommendations proposed by the 2017 Commonwealth Observer Group have not been implemented and remain significant issues.

Where relevant, the Group reiterates those recommendations, and proposes new recommendations.

Reiteration of old recommendations

The Observer Group reiterates these recommendations from 2017:

- The Papua New Guinea Electoral Commission (PNGEC) should conduct an urgent review and lessons learned process immediately following this election. The review should include a specific component on the transparency of the PNGEC's operations, which needs to be improved in order to enhance the credibility of the PNGEC and the electoral process.
- It is critical that the PNGEC be provided with timely and adequate funding. The Government should consider introducing arrangements for direct appropriation of funds to the PNGEC to ensure its independence
- The PNGEC should ensure adequate and timely release of funds to provincial election authorities and service providers, to minimise avoidable disruption to the election timetable.
- The Government should ensure timely release of funding to the PNGEC to enable a thorough process of updating the electoral roll. This process should be completed earlier in advance of the election and finalised prior to the cut-off upon the issue of the writs.
- The PNGEC should consider providing for continuous voter registration, including online registration.
- Election-related offences, particularly regarding bribery, undue influence and underage voting, should be enforced to dispel the culture of impunity. Individuals who seek to prevent other potential voters, particularly women, from exercising their franchise should be liable for prosecution, in line with existing law.

New recommendations

- The PNGEC should be reformed to create authorised commissioners for each of the four regions, to ease the burden on a single commissioner of delivering an election in the hugely challenging geographic and logistical circumstances. A new role of Chief Electoral

Commissioner could provide an advisory and oversight role, including ensuring consistency in compliance with the legislative framework.

- The Government should consider constituting the Inter-Departmental Election Committee (IDEC) much earlier in advance of the election (for example, one year) to ensure it has adequate time to work with the PNGEC to address any logistical and operational challenges.
- The Inter-Departmental Electoral Committee should meet regularly after the election to discuss the roles and responsibilities of IDEC partners, and the impact of their contributions on the conduct of the 2022 election. These meetings will inform future elections in line with the legal framework.
- The Government and the Parliament should reform legislation to strengthen the effectiveness and independence of the Electoral Advisory Committee (EAC). The Organic Law on National and Local Level Government Elections (OLNLLGE) should be amended to ensure that the:
 - nomination of committee members is made independent of the PNGEC;
 - representation of civil society on the committee is expanded beyond Transparency International; and
 - the committee has full and unrestricted access, information and resources to make good faith recommendations on any electoral issues aimed at improving the electoral process.
- The Government should establish a domestic mechanism, involving all relevant stakeholders (including civil society and faith-based representatives), to review and take forward the recommendations made by election observers.
- Given the serious issues raised with the common roll due to shortcomings with the registration exercise, the government should urgently prioritise funding for the next national census.
- The Government should prioritise funding for the implementation of biometric voter registration (BVR) in light of the immense benefits of BVR, which include ensuring the integrity of the common roll.
- The PNGEC should review the current payment system as part of its post-election review in order to ensure all polling workers are paid on time. Such a review could consider alternative means of transferring money.
- The PNGEC and the Integrity of Political Parties and Candidates Commission (IPPPCC) should institutionalise the 'Code of Conduct for Political Parties, Candidates, Party Scrutineers and Supporters' so it applies to all future elections; that political parties and candidates are required to sign the code as a prerequisite for contesting an election; and that the code includes provision that places responsibility on political parties and candidates to ensure their scrutineers and supporters comply with the code and all relevant laws.
- The National Assembly should pass the revised OLIPPAC.
- The Government should ensure the IPPCC is given sufficient funding to continue its outreach, awareness and mentoring programmes.

4. Participation and Inclusion

Protecting citizens' rights to participation in the electoral process

The Charter of the Commonwealth recognises that political participation is a universal and inalienable right for all citizens. In 2008, Papua New Guinea accessioned the UN's International Covenant on Civil and Political Rights, which also upholds citizens' rights to unhindered political participation. This means that participation in the electoral process must be accessible to all eligible citizens regardless of gender, age, ethnicity and disability status. These rights may not always be respected and may require advocacy and commitment to advance their implementation. This means civil society has an important role to play to ensure elections are inclusive and participatory.

Civil society organisations

The Associations Incorporation Act 1966 is the principle legislative framework that applies to civil society organisations that work for the benefit of the community. In addition, the Autonomous Region of Bougainville's (AROB) Constitution recognises the significance of partnerships with non-governmental organisations and the role they play in assisting the Government in the provision of services to the people. This recognition is not present in the national Constitution of Papua New Guinea. There are, however, specific pieces of legislation regulating various sectors or establishing various government agencies that mention the partnership and advisory roles that civil society organisations can play.

In the context of this report, the term 'civil society' refers to groups such as faith-based organisations, service provider organisations, community-based groups and advocacy organisations.

Background

Civil society organisations (CSOs) in Papua New Guinea play an important role in the electoral cycle, raising citizens' awareness of key aspects of the electoral process. The Observer Group heard different perspectives from a range of civil society actors, meeting with representatives from women's groups, youth organisations, persons with disabilities (PWD) groups, academic research

networks, faith-based groups and indigenous leaders. Many were closely engaged with the electoral process and involved in voter education initiatives and election monitoring. However, Observers noted with concern that although much of this work had been supported by development partners in the past, most civil society groups stated that, for the 2022 election, this important support was minimal.

The contribution of civil society to improve the electoral system requires a robust legal and administrative framework that accommodates collaboration between state agencies and organisations representing particular sections of the population. The Election Advisory Committee, named in the OLNLLGE, provides a mechanism for this collaboration. The Group noted that the EAC members were not appointed until early August 2022 – after the conclusion of polling.

The Autonomous Region of Bougainville has a Community Governance Act that establishes rotational roles for women's leadership in a broader community council structure. The Group observed that women capitalised on these leadership opportunities to exercise their civic responsibilities, for example, sharing electoral information and encouraging participation in the 2022 voting period. This more de-centralised model might provide a legal administrative framework that could be usefully emulated in other parts of the country to institutionalise the role of civil society in strengthening democracy and peacebuilding.

The Observer Group noted that the Government had established several consultative bodies to partner with civil society, such as the National Youth Development Authority and the Consultative Implementation and Monitoring Council (CIMC). While commendable, the Group was advised by several stakeholders that the autonomy of civil society organisations working within these structures needs to be protected. In addition, the capacity of these organisations to engage meaningfully within these mechanisms needs to be strengthened.

The Group recalls that the 2017 COG report recommended that the PNGEC collaborate with CSOs to promote voter awareness campaigns and

to disseminate information. Observers' meetings with CSO representatives indicated only selective collaboration with some groups.

Even where formal mechanisms for civil society engagement in the electoral process are absent, civil society continues to be involved in building citizens' participation. Existing civil society networks, such as church groups, women's groups, youth groups, PWD groups, religious leaders and traditional leaders, have assumed this leadership role independently.

In a context where elections can easily trigger communal violence, observers also note the critical role that civil society actors, especially women's groups and church groups, play in conflict mediation and peacebuilding. This work can be dangerous and is usually unsupported. Civil society representatives made it clear that there is a need for peacebuilding activity to be mainstreamed throughout the electoral cycle and not simply treated as a defined project with limited funding and timeframe.

This observation feels especially urgent given the high level of election-related violence and considerable number of lives lost during the 2022 election period.

Polling

The Group was informed that civil society organisations working on voter awareness are often welcome partners in the electoral process, particularly in work related to awareness building. This being said, partnerships can be more difficult for organisations that specifically focus on the transparency and accountability of the electoral process and the challenges of managing electoral corruption.

Civil society activity is much more evident in urban areas than in rural environments, due to the lack of technical expertise and absence of funding. This absence can also be pronounced in contexts where there are security concerns due to the area's history of communal violence and intimidation. In many parts of the country, the Group observed very few identifiable civil society representatives at polling stations. This may reflect a lack of funding and resources to conduct electoral observation.

Recommendations

- The Government should ensure that formal structures for engaging with civil society organisations (CSOs), such as the

Consultative Implementation and Monitoring Council (CIMC), have the necessary protections to ensure CSOs' independence, and are sufficiently resourced to ensure CSOs can meaningfully participate in and contribute to these mechanisms.

- Given their critical role, the PNGEC should partner with civil society to establish a national network, so they are better supported to conduct activities related to voter education, participation and election monitoring. This national network should be convened as soon as possible to allow civil society participation in any post-election audit.
- The PNGEC, the Government, police and other relevant stakeholders should use appropriate mechanisms to engage CSOs on peacebuilding activities throughout the electoral cycle

Women's political participation

Legal framework

Papua New Guinea acceded the UN Convention on the Elimination of Discrimination Against Women (CEDAW) in 1995. General Recommendation No. 23 of this convention states that:

States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, [they] must be fully and equally involved in decision-making at all levels...

Papua New Guinea has only presented one national report to the UN CEDAW committee, in 2008, covering the initial, second, third and fourth reporting periods. The CEDAW committee response to the 2008 report noted with concern the absence of women's participation in the political sphere and identified the need for temporary special measures to improve women's leadership and standing.

Papua New Guinea's Constitution states that there should be 'equal participation of women citizens in all political, economic, social and religious activities'. Article 55(1) states: 'Subject to this Constitution, all citizens have the same rights, privileges, obligations and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex.' In practice, however, constitutional provisions do not reflect social, economic and political realities. It is important to note that only nine women have been

elected to Papua New Guinea's Parliament since independence, including two in the 2022 election.

Government gender policy development and programming is led by the Gender and Development Branch of the National Department of Community Development (downgraded from a division of this department in 2002). It has lacked technical and financial capacity, and the authority to give direction on gender policy to other government departments.

Women's organisations are present in various forms across the country and are also strongly evident within Papua New Guinea's various churches. Since 1976, the National Council of Women has operated as an umbrella representative body for women's groups in the country. It is a legislated government entity that has the authority to consult with Government on women's issues and also conduct its own programmes in the community.

Efforts to legislate 22 reserved seats for women (one for each of Papua New Guinea's provinces) have been underway since 2008. Yet despite some promising steps towards legislative reform in 2011, such efforts have failed to achieve the required two-thirds majority support to become law.

In 2021, the IPPCC released a training manual on *Women's Political Participation and Representation*. Additionally, the PNGEC has developed a range of promotional materials for the public, advocating the benefits of women's political leadership for PNG.

Background

Very few of Papua New Guinea's political parties have structures or policies specifically focused on women. They are also unlikely to have special measures in place to support women's participation or electoral candidacy. Women are also largely absent from political party leadership, although one of the oldest political parties, Papua and Niugini Union Party (PANGU Pati), elected its first woman as Party President in 2021.

Figures compiled for the 2022 election by the PNGEC show that, of the reported 3,506 candidates standing, 142 were women. We note that there is some discrepancy in these statistics.⁹ Of those women candidates, only 30 per cent were endorsed by political parties, with the other 70 per cent

running as independents. Women candidates told the group that even with party endorsement, they usually still paid their own nomination fees and were required to print their own campaign materials and organise campaign supporters and scrutineers independently. While this limited women candidates' campaigning activities generally, a handful of women endorsed by major political parties did receive critical support from prominent male party leaders.

Bilateral and multilateral aid providers have developed programmes to support women's candidacy in national elections over the past decade, including women's leadership programmes and women's 'Mock Parliament' exercises. Some of the women leaders who spoke to the Observer Group offered critical assessments of these programmes, stating that they should be more strongly informed by local experience rather than international actors' perceptions of training requirements.

The Observer Group learned that women leaders and candidates were concerned about 'money politics' (for example, vote buying) in Papua New Guinea's electoral process and were keen to resist this style of politics. They were hopeful that voters would recognise the importance of mounting a 'clean campaign'. Yet some women candidates reported that even after making these commitments, would-be voters still visited them prior to polling day to request monetary support in return for their vote.

While there are many factors that work against the success of women candidates, it is encouraging to see women continuing to stand as candidates in Papua New Guinea's elections, including those women who have stood for election more than once. The group met one female 2022 election candidate who was standing for the fifth time. In contrast to the 2017 national general election, where no women were returned to the Parliament, the group was pleased to observe that two women successfully contested the election in 2022. This success should not detract from the fact that women remain vastly underrepresented in the new Parliament.

Polling

Since 2012, the PNGEC has introduced gender-split voting. The 2022 *PNGEC Polling Manual* instructs that polling station set-up should include separate entrances for women, a separate women's roll

⁹ Other sources show there were 3,625 candidates, of whom 167 were women.

(a change from 2017), as well as separate roll checking desks and separate polling booths for the completion of ballots.

While the Observer Group was pleased to see these instructions were closely followed at some stations, this was not consistent across all voting sites visited. In many places, the Group observed:

- women's and men's queues were positioned closely adjacent to each other allowing for potential intimidation of women voters;
- queues were separate, but women and men attended the same poll checking desks and polling booths; and
- voting booths were positioned back-to-back enabling voters to look over to see how women were voting.

In some contexts, no efforts were made to adhere to the gender-split provisions at all. Even where the gender-split set-up adhered to the manual, the potential for voter coercion was not substantially reduced. The Group observed:

- women requiring voter assistance were aided by men;
- men writing the names of candidates on the hands of women voters; and
- women carrying small palm cards in the queue instructing them how to vote.

Special provisions such as calling forward women voters with young children, as well as pregnant women and elderly women, were rarely evident at polling booths. The selection of polling sites should also consider the availability of public amenities, the lack of which may deter women voters where they know voter queues are long.

The Group observed that party scrutineers were more likely to be men. In some instances, they were disruptive or completely halted voting. The Group spoke to some women scrutineers who informed observers that they distanced themselves from the larger group of male scrutineers to avoid feeling intimidated.

The Observer Group was pleased to observe that, in many polling places, women played an important role as electoral officials and were visible as state security agency officers. In some of these sites, women officials were observed to make a particular effort to enforce provisions for pregnant women, the elderly and PWDs.

Recommendations

- Recognising past legislative efforts to increase the political representation of women, the Government should convene a representative and consultative parliamentary process on the issue. The ultimate aim should be designing, and building support for legislation that will improve the political representation of women.
- The PNGEC should reduce the registration costs for women candidates, recognising that party-endorsed women have received little financial support for candidate registration fees and campaigning.
- The IPPCC should strengthen its proposed legislation on gender quotas for political parties to create stronger incentives for them to train, endorse and provide campaign support for women candidates. It should be required that funding returned to parties to support women political candidates is spent on future candidate recruitment and training activities for women.
- Recognising the inconsistent ways in which gender-split provisions were evident at polling stations, the PNGEC must ensure that there is timely training and sufficient resources to ensure these provisions are more consistently implemented before the next election.
- Given the important role that the Gender and Development Branch might play in promoting more gender-equitable election processes, the Observer Group recommends that the Government prioritise more funding as well as increased technical support for this government agency.

Youth political participation

Legal framework

The National Youth Development Authority Act (2014) established the National Youth Development Authority to, among other things, 'empower and provide opportunities to enable youth to participate meaningfully in international, national and local activities'. The National Youth Policy 2020–2030 also aims to 'bring youth to the centre of sustainable development, maximising benefits'. The current policy defines youth as aged between 12 and 30, who make up 36 per cent of

the population. Neither the National Parliament nor provincial assemblies include mechanisms for participation via a 'youth voice' facility or some other mode.

As with women, there are currently no deductions in candidate nomination fees for youth candidates, which may impact the ability of young citizens to stand for election.

Background

Youth leaders informed observers that they are active in establishing organisations and have an appetite for political engagement. For the 2022 election, they engaged in voter awareness activities with their peers, community consultations with electoral candidates and election observation activities. They also used social media for political awareness.

Additionally, the Observer Group noted that the International Foundation for Electoral Systems (IFES), in co-operation with the PNGEC, undertook voter awareness activities targeting youth, such as the Youth Voter Festivals it convened in Goroka and Port Moresby. These involved mock polling and allowed participants to ask questions of voting officials.

Polling

The Group observed a strong turnout of youth voters. However, voter registration problems meant many could not vote because their names were not on the common roll. Observers also noticed that youth whose names were not on the common roll were the least likely to contest this situation. This could be attributable to a number of factors, including deficiencies with voter awareness, culture, and low confidence in asserting their rights to political participation compared to other sections of the population.

In contrast, the Group observed youth to be much more assertive in the electoral process as party scrutineers and other party support workers. At many polling stations, scrutineers tended to be young men who were energetic, often assertive, and frequently disrupted voting processes as they advocated for their candidate's interests. In some places, young women were also scrutineers in equal numbers with men.

The Group recognises that some political parties have dedicated policies for youth and youth wings, but that this is not uniform. The Group noted with concern reports that electoral candidates engaged with youth in a highly transactional way at election time, but without clear pathways for meaningful engagement beyond the ballot box.

Recommendations

- The Government should work with the Integrity of Political Parties and Candidates Commission to reform the Organic Law on the Integrity of Political Parties and Candidates to encourage political parties to set up youth wings. The youth wings can help provide space for young people to meaningfully participate and develop their skills alongside the main party structure.
- National and provincial governments should consider establishing a mechanism that allows for youth representatives to be consulted and given an opportunity to comment on proposed national and provincial bills and policies.
- The PNGEC should make more effective use of social media networks to ensure the dissemination of accurate information. Highly targeted social media approaches are needed to engage the young voters in electoral processes. This is increasingly important, due to mis- and disinformation and hate speech circulating online. The scale and scope of youth engagement with social media will likely continue to grow in the foreseeable future. These platforms therefore have the potential to become valuable and practical tools to inform young people about all aspects of elections.
- The PNGEC should expand the Youth Voter Festival to take place in all provinces of Papua New Guinea twice a year. The Youth Voter Festival provides the opportunity for PNGEC to strengthen citizens' knowledge and understanding of democracy and electoral processes and motivate youth to participate in elections. PNGEC could set up exhibitions using different art forms (video, photo, music, multimedia installations, storytelling) and

create an interactive experience with games and mock polling exercises.

- The PNGEC should reduce the registration costs for youth candidates, recognising the significant youth population and the importance of youth voices in national decision-making processes.

Persons with Disabilities

Legal framework

According to World Health Organization (WHO) estimates, 15 per cent of the world population have some form of disability or impairment. In Papua New Guinea, this is approximately 975,000 people, as calculated by the National Disability Resource and Advocacy Centre of Papua New Guinea.

The Government of Papua New Guinea ratified the UN Convention on the Rights of People with Disabilities in 2013 and submitted its last periodic review report to the treaty body in 2021. It has created a National Persons with Disability Policy (2015–2025), which promotes 'responsible and coordinated action to remove barriers that hinder persons with disabilities from enjoying the same rights as all others'.¹⁰ The National Persons with Disability Policy does not contain any specific reference to political participation. This is even though achievement of improved services for PWDs relies upon their ability to exercise their political rights.

Background

Through meetings with representatives from PWD organisations, the Group learned that some representatives from the PNGEC accredited this community to work as election observers, which is a positive development. Yet, the PWD community faces many other challenges.

Observers learnt that PWDs often experience vulnerability and social exclusion, which prevents them from accessing economic opportunities and limits their participation in decision-making.

Observers were also told that persons with disabilities face discrimination in family, social,

economic and community settings. This creates barriers for their political representation and participation. In most cases, interlocutors from this community felt that election candidates only engaged with them during campaigns but not in a meaningful way. World Vision Papua New Guinea have confirmed this in their assessments of the status of PWDs, observing that they are continually excluded from electoral and development policies and strategies in the country.

While there appears to be a robust civil society presence for PWDs in Papua New Guinea's urban centres, the Observer Group noted that this was much less evident in rural and remote settings.

Polling

The Group was pleased to observe that PWDs were given priority to vote in some locations. This was not the case in other observation sites, where it was rare to see PWDs in voting queues, especially women with disabilities. Noting the National Disability Resource and Advocacy Centre estimates cited above, it is possible PWDs may have been disenfranchised from the electoral process because of the inaccessibility of polling stations.

The Group noted that special provisions for PWDs' entry to polling stations were limited. It was understood that polling officials were instructed to call forward voters with special needs if they were observed in voter queues, but in practice this occurred only rarely. For example, in one location, an individual using crutches was seen in the voter queue and was required to navigate stairs unassisted to access the polling area.

It is unclear if there are targeted voter registration efforts for this community. PWDs may also choose not to vote because of the restrictions they may face, including stigmatisation.

The Observer Group was pleased to see that in some urban locations, the PNGEC had allocated specific polling sites as disability friendly. However, at one of these locations, observers were told that it was far easier for PWDs to receive assistance if they had a visible disability that impeded mobility compared to if their disability was less apparent, such as hearing impairments. The OLNLLGE has clear guidelines about how assistance can be provided to assist PWDs to complete their ballots

¹⁰ Department For Community Development and Religion (2015), Papua New Guinea National Policy on Disability (2015–2025), available at: https://www.dfcd.gov.pg/images/pdf_files/Disability-Policy.pdf, p.8.

(section 5.12). In practice, the Group did not observe electoral officials undertaking this measure in some places.

Recommendations

- In the next iteration of the National Persons with Disability Policy, the Government should ensure that it provides for policies and mechanisms to enhance the political participation of PWDs.
- The PNGEC should use the CIMC mechanism to engage specifically with PWDs to:
 - conduct its 2022 election review, with the aim of identifying and addressing challenges impeding PWDs' electoral participation; and
 - review and strengthen its PWD policy and guidelines to ensure improved training for electoral officials on PWDs' access to the electoral process.

5. Campaign and the Media

The campaign

Regulation of campaign practices is covered under the OLNLLGE, the OLIPPAC, the Criminal Code Act and other relevant laws.

There is no defined campaign period prescribed by law. In practice, campaigning takes place from the date of issue of the writ to the eve of the commencement of polling, which should be between eight and 11 weeks from the issue of the writ.

However, printed materials (as defined in section 180 of the OLNLLGE), can be in circulation 'after the date of issue and before the return of a writ for the election of a member', as long as they are signed by the author. Additional restrictions on electoral posters, covered under Section 182(1), relate to writing, drawing or depicting electoral matters directly on a roadway, footpath, building, vehicle, vessel, hoarding or place (whether in a public place or on land, water or air). The manual for polling officials states that campaign materials must not be displayed within 200 meters of polling places.

The OLNLLGE allows candidates and parties to print, publish or distribute instructions on how to vote for a particular candidate, so long as the instructions are not intended, or likely, to mislead. However, it is an offence for a person to exhibit or leave in a polling booth a card or paper with instructions on how an elector should vote.

Other illegal practices and offences with respect to campaigning include treating, bribery, misleading or interfering with voters – for example, through false campaign advertising and interfering with and destroying election materials.

Methods of campaigning

Rallies

COVID-19 related restrictions had been considerably relaxed by the time of the election, so candidates and parties were able to hold rallies. This was particularly relevant in communities with limited access to newspapers, television and radio. Observers heard from a lot of interlocutors that rallies and in-person meetings with candidates were the preferred method of campaigning, as voters valued the personal interaction and opportunity to speak with candidates.

While the Group did not observe any campaigning, stakeholders shared the view that for the most part, campaigning was peaceful, albeit loud. There were areas, however, where violence broke out between supporters of rival candidates. The Police Commissioner was reported in the media as cautioning candidates that they would be held accountable if their supporters resorted to violence.

Observers were informed by stakeholders across several different areas of deployment that in this election, there had been a noticeable shift in the campaign culture. The overall perception was of a huge increase in the resources expended by parties and candidates in areas where this was not the practice in the past. For instance, a first-time occurrence in one province was a campaign convoy comprising 365 vehicles.

The Group noted hundreds of campaign posters and billboards across the country, including on homes, vehicles and hanging from trees in remote areas. There were also messages on hillsides, spelt out on whitewashed rocks, advertising the names and assigned numbers of candidates, contravening section 182(1) of the OLNLLGE. Observers saw posters within 200 meters, including in close proximity, of polling booths, contrary to the *Polling Manual*, while voters and scrutineers were seen wearing clothes and carrying umbrellas and paraphernalia advertising candidates and political parties. In one case, observers saw a polling official carrying an umbrella advertising a political party.

The mass media

The National Broadcasting Corporation (NBC) was appointed the official election broadcaster and given PGK10 million by the Government to cover the election. Because of this funding, the NBC was able to provide opportunities for parties and candidates wishing to air their policies on its platforms and encouraged them to utilise this resource. However, the Group was told that not all candidates took up the offer.

There were two major newspapers that also carried campaign advertisements but as this was a paid-for service, only larger parties and candidates with resources could use this avenue.

On campaign messaging and platforms, observers were told by many stakeholders that there was a need for parties and candidates to better articulate and communicate their policies. This included in vernacular and in-person meetings and rallies. Many stakeholders were of the view that this should start with messaging on good governance and integrity, and the inclusion of women and marginalised groups. Other suggestions referenced the fact that most of the population live in remote rural areas with limited infrastructure and accessibility, and that literacy rates vary across the country. Therefore, there was a need to better connect campaign messaging to lived realities.

Campaign financing

Public funding of political parties and candidates

The OLIPPAC provides for registered political parties that meet the requirements to apply for funding from a Central Fund. This is funded from the national budget, private contributions and investments, and is administered by the IPPCC. Individual citizens can contribute as much as they want to the Central Fund.

Registered parties can receive up to PGK10,000 for every MP in the party, as of 1 March of each year. The party must apply for the funds, which are released subject to the submission of financial records. The IPPCC may make additional *ad hoc* payments of 75 per cent of PGK10,000 for every unsuccessful female party candidate who won at least 10 per cent of the votes in their respective electorate, if the party spent money on her campaign.

Private donations to political parties and candidates

The law also allows for parties to directly receive funding of up to PGK500,000 per calendar year, from individual citizens. Candidates can also receive the same amount of money, but only in respect of an election.

Campaign expenditure

Part V of the OLIPPAC regulates campaign financing to some extent. However, there are no spending limits for either political parties or candidates, nor is there a definition of what

constitutes a campaign expense. A party can spend as much as it wants on campaigns, as long as it provides financial returns to the registrar at the specified times.

Recommendations

- A review of the OLIPPAC and electoral-related laws on the integrity of political parties and candidates should be undertaken after the 2022 election. This will identify urgent areas that require strengthening and to ensure compliance. This review team should include representation from the community, including women's groups and minority groups, accountability organisations, and traditional leadership.
- A survey should be undertaken regarding the compliance and understanding of the Code of Conduct for Political Parties, Independent Candidates, Scrutineers and Supporters, before, during and after an election.
- Building on the 2017 COG recommendation, Parliament should update and strengthen laws relating to the regulation and transparency of campaign financing, such as by defining legitimate campaign expenditures, introducing spending limits, and providing the IPPCC with sanctioning powers. Such amendments should be accompanied by an extensive awareness programme conducted by the IPPCC.

The media

Section 46(1) of the Constitution guarantees the media the right to freedom of expression and publication. However, the Observer Group was informed that journalists faced interference, intimidation, direct threats, defamation, censorship and lawsuits.

It was noted that there were fewer official allegations referred to authorities in the lead up to and during the 2022 general election compared to the past. One of the few allegations occurred in the Highlands, where journalists from a local media station covering polling in the region were threatened with gunshots outside their office over a news item about a candidate. The media agency's head office in Port Moresby advised the team not to risk their lives and to refrain from covering the candidate.

The 2022 World Press Freedom Index ranks Papua New Guinea at 62nd place,¹¹ down from 47th in 2021 due to management interference in the editorial freedom of commercial broadcaster EMTV. In February 2022, the entire EMTV newsroom team was fired after they walked off their jobs in support of their suspended director of news and current affairs, Sincha Dimara.¹² The forced removal of the 24 newsroom staff drew international condemnation, including from the Media Council of Papua New Guinea (MCPNG).¹³

The media in Papua New Guinea is largely self-regulating and operates under the revised Media Council of Papua New Guinea Code of Ethics,¹⁴ which was revised in 2016 by the Australian Press Council. Individual newsrooms have in-house codes of conduct to guide and regulate their daily reporting, including for the coverage of the 2022 general election.

The state-owned National Broadcasting Corporation (NBC), which was the official broadcaster for the 2022 general elections, has the widest coverage in the country. The NBC also has a well-established national radio service, including a station specifically targeting youth called Tribe FM. The NBC runs provincial radio stations, with each provincial station given specific time on national radio to broadcast, with this carried across the country. NBC broadcasts in Tok Pisin, Motu and, in some places, the local languages.

Newspapers, TV, online and other media are mainly based in urban centres, where services such as electricity and internet are accessible.

Radio

As with many Pacific countries, radio is a major part of Papua New Guinea's media sector. It is the only national medium that has the reach of 19 out of the 22 provinces in the country.

The radio industry in Papua New Guinea operates under a mixed model with commercial, public (government) and community ownership of stations. The country has two main commercial radio networks: PNGFM and FM100. Each network operates stations from studios in Port Moresby, with programming distributed via satellite and landline to FM transmitters across the country, mostly in major urban centres. FM100 is Government owned through the state telecommunications company, Telikom PNG, but operates on a commercial basis.¹⁵ Other popular private radio stations are Lalokau FM, broadcasting in the National Capital District and Central Province, and Radio Maria, owned by the Catholic Church.

Television

There are three television networks: NBC TV; EMTV, which is owned by Telikom PNG but operates commercially; and the mobile provider Digicel, which offers free-to-view channel TVWan on its subscription access platform. The Australian Broadcasting Corporation (ABC) is the only foreign news organisation to have a permanent base in the capital, Port Moresby. The NBC television station is still new, so carries a lot of foreign content but with extensive coverage of local news.

Newspapers

Papua New Guinea has two daily newspapers that are both foreign owned, and three weekend newspapers. Regarding the former, *The National* is owned by the Malaysian logging multinational company, Rimbuan Hijau, and the *Post-Courier* by News Corp. Both dailies publish Monday to Friday. The three weekend papers are *Wantok Niuspepa* (published in Tok Pisin), the *Sunday Bulletin* and *Sunday Chronicle*.

Observers were informed that the interests of the corporations that own media outlets sometimes shape news reporting. The proximity between media owners and some politicians also makes it difficult to cover certain issues.

Social media

Social media is an increasingly influential part of Papua New Guinea's media landscape.

¹¹ Reporters Without Borders, Papua New Guinea, available at: <https://rsf.org/en/country/papua-new-guinea>

¹² Post-Courier (2022), 'EMTV News Staff Walk Off', 18 February, Post Courier, available at: <https://postcourier.com.pg/emtv-news-staff-walk-off/>

¹³ Media Council (2022), 'Suspension of EMTV's Head of News – a dangerous precedent in an election year', 9 February, available at: <https://www.facebook.com/photo/?fbid=7035352919870377&set=pcb.7035388139866855>

¹⁴ Media Council of Papua New Guinea (no date), 'Ethical Reporting Guidelines', available at: <https://media-council-of-papua-new-guinea.webnode.page/code/>

¹⁵ McLeod, Shane (2021), 'Bridging PNG's Information Divide', Lowy Institute Policy Brief, July.

Data published in Meta's advertising resources indicates that Facebook had 1 million users in Papua New Guinea in early 2022, representing 11.2 per cent of the population. Internet penetration as of February 2022 stood at 18 per cent, meaning that 82 per cent of the population remained offline at the beginning of the election year.¹⁶

Observers were told that social media was preferred over mainstream media as the source of information for many voters. These voters, Observers were told, often shared this information without verification. This means that the few who have this access can influence how news stories are disseminated more broadly in the community. The Group noted that social media played a key role in mobilising citizens, which can be a positive factor. However, the Group also noted reports of social media being used to disseminate false information – which in some cases led to violence.

A survey by the Australian Broadcasting Corporation on COVID-19 found that most people believed the information disseminated through Facebook was largely true. The Group was told that among younger people, who form the bulk of social media users, there was a mistrust of mainstream media, but that many were unable to distinguish between truth and propaganda on social media.

The media and elections

One of the major issues in this election, as observed and reported by media stakeholders, was the lack of media access to the PNGEC, and an absence of updates on the PNGEC's website and social media channels. This might have contributed to a lack of clarity on certain issues and fuelled pockets of mis- and disinformation, especially on social media.

During the campaign, the Group was informed that the NBC allocated 5–10 minutes of airtime equally to political parties and candidates, including women, to promote their policies. Many women told the Group that they did not get equitable coverage in the mainstream media and turned to social media, which is cheaper and safer to promote their issues and candidacy. The NBC informed the Group that many women did not take up the offer of free slots, but that they were nonetheless covered by the NBC in daily news coverage.

The fact many women did not take up the NBC's offer might have been due to a lack of awareness of the free slots available to them, or an inability of candidates in remote areas to take advantage of these free slots.

The more established political parties with campaign funds, and candidates who could afford to do so, placed political advertisements on radio and television and in the two dailies. The Group noted that three major political parties made good use of radio, television and newspaper advertisements, paying thousands of dollars for newspaper full-colour wrap-around advertisements on the front cover and double-spreads in the centre.

While there is no specific law that regulates how the media should cover the election, the Group noted that sections 178–181 of the OLNLLGE deals with offences that relate to the printing, broadcast and distribution of election materials, advertisements, posters, etc. The Group also learned that consultation was underway on a new Broadcast Content Regulation Law of 2021, to regulate broadcast media coverage of elections. Section 29 of the proposed law includes provisions on educating audiences about the process of elections, giving an advance three-month timeline for broadcasters to promote election awareness, and requiring broadcasters to provide equitable airtime for programmes and advertising. Such provisions would be of great benefit to enhancing broadcast media coverage of the elections. The Group strongly encourages continued consultations on this draft legislation.

The Group noted that both daily newspapers gave extensive coverage to the voting process, covering all the political parties as well as individual candidates. Both newspapers dedicated at least five to six pages to the voting and the counting process every day.

The national broadcaster increased its hourly new bulletins from 6:00am to 11:00pm daily, including weekends. A special ten-minute television segment, *Make It Count*, was aired every night after the news to get the latest reports on the campaign, voting and counting from all the provinces.

The Group observed there was a lot of focus by the media, especially the print media, on the violence during polling. This was in contrast to the Group's observations on the ground, and its discussions with local stakeholders, who shared many good

¹⁶ [Datareportal.com](https://datareportal.com) (2022) Digital 2022: Papua New Guinea, available at: <https://datareportal.com/reports/digital-2022-papua-new-guinea>

news stories. These included reports on the professionalism shown by election officials, youth and security officers. Such positive stories received far less coverage in the national media, with perhaps a few minutes on the radio and TV bulletins and one or two paragraphs in the newspapers.

From the Group's findings, the sacking of the 24 EMTV journalists so close to the 2022 election greatly impacted the television network's coverage of the elections.

In some instances, the television station repeated the previous evening's bulletin, and names of candidates were frequently misspelt and incorrectly pronounced. This was due largely to the fact that most of the journalists recruited after the mass sacking were new and inexperienced, and were covering an election for the first time.

Mainstream media outlets in Papua New Guinea have social media platforms, which they updated regularly while covering the campaign, polling and counting. The most popular social platforms used by the media to communicate and inform people on the election were Facebook and WhatsApp. The Group also observed that some provincial administrations (New Ireland) made effective use of social media like WhatsApp and Facebook to communicate with their local electorates.

Politicians and political parties were also active on Facebook, WhatsApp and Twitter to engage directly with their supporters and electorates. Many have large numbers of followers with substantive and interactive engagements. The Group found that people openly, sometimes aggressively, expressed their views on the election on social media, especially on Facebook. There were also many fake accounts set up in the name of some prominent candidates during the election, which spread fake news and misinformation. However, observers noted that PNGEC did not have fact-checking capacity, nor a relationship with any of the major social media companies, especially Facebook, for the purposes of removing fake accounts and electoral mis- and disinformation.

Right to Information

Access to official data and information from public bodies plays an important role in allowing the media and civil society to scrutinise public policy and ensure greater accountability, both of which are integral to a robust democracy. A credible,

transparent and inclusive election relies on the media and civil society being able to educate citizens on electoral campaigns and all aspects of the electoral process. Access to information allows citizens to make informed decisions when voting for political office holders, and to hold them accountable for their actions while in office.

In 2019, the Department of Information and Communication Technology initiated work on drafting an Access to Information bill.¹⁷ During the implementation period, the Freedom of Information Technical Working Group approved development of the National Right to Information Policy (2020–2030), which was meant to serve as the basis for planned legislation on access to information. The Department developed the policy and circulated it for public feedback in October 2021. In 2022, efforts were underway to host a workshop on drafting this legislation.

The Group commends the efforts of the Department to produce this draft legislation, and strongly encourages continued consultation with relevant stakeholders with a view to presenting a bill to the National Assembly.

Recommendations

- The PNGEC should strengthen its media/communications department to ensure it is robust and functional, placing greater focus on enhancing accessibility to the media and being transparent in the sharing of information critical to the electoral cycle.
- The PNGEC should consider improving its social media capacity, including setting up a fact-checking platform to correct false or misleading claims or statements on both traditional and social media.
- The PNGEC should consider developing relationships with social media companies for the purposes of removing fake accounts, as well as false and misleading claims. The Commonwealth Secretariat is encouraged to support the PNGEC in this outreach.
- The PNGEC should engage relevant stakeholders, especially community and faith-based radio stations that already have

¹⁷ Open Government Partnership (2018), 'Papua New Guinea: Legislation on Access to Information (PNG0001)', available at: <https://www.opengovpartnership.org/members/papua-new-guinea/commitments/PNG0001/>

infrastructure in place, for election awareness and training programmes.

- The Group encourages the media in Papua New Guinea to strictly adhere to the Media Council of Papua New Guinea's Code of Ethics, and the Media Council could consider developing election-specific provisions within the Code of Ethics that bind all journalists covering the election.
- The Group encourages continued consultation between the Media Council and the National Information and Communications Technology Authority (NICTA) on the Broadcast Content Regulation Law, including on the issues of voter education, political advertising and equitable airtime.
- In order to support women candidates' coverage during the campaign, the official election broadcaster is encouraged to: i) make greater efforts to inform women candidates of the free slots; and ii) consider ways of assisting women in rural areas to take advantage of these slots, such as by allowing pre-recorded videos to be digitally transmitted to regional media offices.
- The Government should continue its consultations with the Media Council of Papua New Guinea and civil society to draft a Right to Information bill in line with international good practice.

6. Voting and Counting Processes

The Papua New Guinea 2022 national parliamentary election was gazetted for 4 to 22 July 2022. The Group observed the opening of the polls, polling and closing of the polls, as well as the count. The Group was advised that, in accordance with the law, multi-day polling was necessary as the PNGEC and security forces lacked the resources to conduct one-day polling.

The OLNLLGE requires that the polling schedule for each electorate is gazetted as soon as practicable after the close of nominations, that a copy of the schedule is forwarded to each candidate in the electorate, and that Returning Officers (ROs) ensure adequate publicity of the schedule. The polling schedule for the 2022 national election was published on the PNGEC website on 27 June 2022, a week from the commencement of polling on 2 July and six weeks after the close of nominations. In some provinces, the published polling dates were later changed (extended or postponed) due to logistical issues.

The Group noted that nationally, there was a challenge with the distribution of election materials. Due to the late and insufficient disbursement of funds, unpaid bills and allowances from previous elections, a lack of trust in the PNGEC by suppliers, and the geographical remoteness and inaccessibility of polling locations, there were serious logistical challenges for the 2022 election. These barriers created transportation, supply and security issues that impacted the timely and safe conduct of the election.

The Group was informed that no special arrangements had been made to allow for early voting for polling staff, police and other security personnel. This impacted on their ability to vote, particularly those who were assigned to different regions from which they were registered.

A ban was imposed on the sale of alcohol for the duration of the polling period. It was observed that this was generally respected.

Key procedures for the conduct of the poll

Each polling booth was assigned a Presiding Officer (PO), an Assistant Presiding Officer (APO), two polling clerks, two door keepers/COVID officers and a ballot box guard, totalling seven staff per polling booth. In addition, accredited scrutineers and citizen and international observers had authorised access to polling stations. Security personnel were present in most cases to guarantee security and maintain law and order. For the purpose of voting, security personnel and the police were allowed to enter polling booths.

Additionally, the Observer Group observed ward councillors inside polling stations, which was contrary to *Polling Manual* stipulations on authorised access. These individuals played an informal role in confirming voter identification and supporting polling officials with marshalling voters. In some cases, however, ward councillors were observed to be influencing voters.

In line with the *Polling Manual*, each polling station should provide separate entry points for men and women. *The Polling Manual* also provides for elderly voters, PWD voters, pregnant women and women with small children to be given priority to vote. The PO is responsible for issuing and signing ballot papers for male voters, while the APO is responsible for issuing and signing ballot papers for female voters.

On scheduled days, polling was to take place from 8:00am to 6:00pm. There were 5,972 polling stations across the country's 22 provincial electorates and 96 open electorates. Polling did not take place on weekends.

The prescribed process for voting is as follows:

- The voter's finger is checked to ensure there is no indelible ink mark
- The voter's name is checked against the common roll and confirmed

- Male voters go to the poll clerk near the PO
 - Female voters go to the poll clerk near the APO
 - The poll clerk marks the certified list of voters and the Gender Tally Sheet
 - The poll clerk applies indelible ink to the voter's left little finger
 - The voter goes to the PO or APO to receive his or her ballot paper
 - The PO and APO sign the back of the ballot papers they issue
 - the PO signs for male voters
 - the APO signs for female voters
 - Voters proceed to the relevant gender-specific voting compartment to vote
 - Voters place the completed blue ballot paper in the provincial seat ballot box and completed pink ballot paper in the open electorate ballot box provided
 - All voters leave the polling booth through one exit point.
- PNGEC posters with 'how to vote' instructions;
 - clear signage for separate male and female queues;
 - PNGEC banners identifying locations as polling booths, although there were also locations where observers did not find signage identifying polling locations, especially in electorates with one-day polling; and
 - candidate posters displayed in all voting compartments.
- The duplication of candidate numbers for open and provincial seats caused confusion for some voters.

Opening of polls

- Most polling booths opened after 10.00am, as observed by Group members and also reported by voters, scrutineers and other observers. In most cases, there was no timely communication from polling teams to communities waiting for polling stations to set up. Reasons given for late opening included:
 - the late publication of the polling schedule, which included the dates and venues for polling;
 - the late arrival of polling and security officials, resulting in the late receipt and disbursement of equipment and late set-up of polling booths;
 - last-minute changes to the location of polling sites – where nominated sites were found to be unsuitable or were disputed by candidates' supporters;
 - voters and the public in some locations having to supply their own materials for the set-up of polling stations, such as tents, tables, chairs, ropes and signage;
 - scrutineers' objections to the status and accuracy of the voter roll; and
 - inclement weather conditions.

Key observations of the Group

Poll set-up

- The layout of most polling booths conformed with the *Polling Manual*, with voting booths clearly marked.
- Most booths were set up in the open and were exposed to the weather.
- Booths were generally accessible for PWDs. However, there were cases where stations were only accessible by stairs, as well as locations where the ground was uneven.
- Gender-split voting was evident at most stations observed, but frequently did not conform to the set-up indicated in the manual. For example, women and men were often observed queueing side by side.
- The Group was pleased to see women were well represented as polling officials, including as POs. The Group also saw all-women teams, although in rural areas it was more common to see all-male polling teams.
- There was visible signage in most booths, such as:

Polling procedures

- Empty boxes were displayed to scrutineers and voters on the first day of voting, and seals affixed prior to opening the station in

accordance with the *Polling Manual*. For polling booths with multi-day voting, at the end of each day inner seals were affixed to the flaps covering the opening of the ballot boxes. On the next day of polling, the unbroken outer seals were displayed and serial numbers confirmed. The inner seal was then removed and voting commenced.

- There was a visible police presence, with the police generally assisting polling officials without intimidation. However, in certain instances, police personnel were observed to assist voters in ways that could have compromised the secrecy of the ballot.
- Scrutineers remained in cordoned areas, but observers noted that their role in the voting process often overstepped their authority in the law. In many cases observed, scrutineers interfered with the process, putting pressure on polling officials to deviate from rules – such as burning or scribbling on unused ballot papers (to prevent double voting/filling of unused ballots by unregistered voters).
 - Observers noted that if scrutineers had access to copies of the roll, they could have effectively checked for double voting.
- Observers did not see POs recording disruptions or other occurrences in the polling booth journal, although such records should have been kept.
- The Group saw campaign materials inside some polling booths, including polling officials wearing party memorabilia.
- Polling places were generally orderly, although observers did witness volatile and loud situations, often sparked by scrutineers.
- Polling officials were observed to regularly make public announcements on how to complete the ballots correctly, including in local languages.
- It was noted that where the set-up did not adhere to the manual, there was scope for intimidation of women – such as where men and women queued in proximity.
- The Group observed some women being instructed how to vote by men.
- In one province, observers witnessed polling officials distributing ballots, irrespective of the electoral roll, to representatives of different communities to fill out as the community had decided. Volunteers from communities then filled out the ballots on everyone's behalf. This practice is known as 'bloc voting'.
- The Group noted that 'assisted voting' was provided for to ensure all eligible voters exercised their democratic right in a timely manner. Observers saw inconsistencies in the application of the rules on assisted voting:
 - In some cases, voters were asked to nominate someone to assist them in the booth, in line with the law.
 - In other cases, one individual was appointed to assist all voters who needed assistance, potentially compromising the secrecy of the ballot.
 - The group observed that more women were being assisted than men, and that assistance was mostly provided by men.
 - In some instances, scrutineers were observed to object to persons providing voting assistance to more than one voter.
- There was a lack of basic facilities/amenities available to the polling officials, scrutineers, observers and voters at polling stations.
- Observers noted that notwithstanding the instructions in the *Polling Manual*, and the provision of personal protective equipment to polling officials, there was minimal adherence to COVID-19 protocols.
- The Observer Group was told that voters were enticed to make choices knowing they would be rewarded with gifts such as dry goods, white goods and cash. Observers witnessed large crowds gathering outside candidates' houses and money being distributed at polling places. Observers were also told of 'campaign houses', where candidates gave voters food, drink and money.
- The Group noted with appreciation the participation of citizen and international observers, including from Transparency International Papua New Guinea, Papua New Guinea Women in Leadership, the University of Papua New Guinea, Australian National University, the Pacific Islands Forum, Melanesian Spearhead Group, the National

Democratic Institute, the European Union and the diplomatic corps.

- The Group did not observe first-hand any extreme electoral violence. However, it noted with great concern daily incidents of violence and the tragic loss of lives reported in the mainstream media, on social media and from other observer teams. Group members also experienced isolated incidents of aggressive behaviour and intimidation.
- The Group was made aware of disruptions at some polling centres. At one such location, during polling, a land cruiser was driven at full speed into a polling station where voters were queuing. The vehicle occupants then hijacked the ballot boxes and drove away.
- The Group acknowledges and endorses the calls for peace from political, community and church leaders and other stakeholders.

The common roll

The Observer Group noted that there was no opportunity for public inspection of the rolls, as required under the law. While voters were encouraged to use the PNGEC's 'Voter Lookup' app to check their names on the relevant rolls, the Group was told that this was not always accurate.

Copies of the electoral rolls were only provided to polling teams on the day of polling (or the first day of polling in multi-day polling). Observers did not see any scrutineers with copies of the rolls and were advised by many that they could not get copies, as provided in the OLNLLGE (at a fee), due to the late release of the rolls.

The Group observed different approaches to the common roll:

- In some rural settings, voters' names were called alphabetically, while in urban settings, people queued to check their names on the separate male or female roll.
- Noting the concerns raised in Chapter 3 on the accuracy of the common roll, the Group regularly encountered disgruntled voters and officials in many polling sites. Group members were also told of instances of candidates and long-time voters finding their names missing. The Group observed a lack of uniformity in how polling officials dealt with the issue of unregistered voters. In some locations, voting

was restricted only to those on the roll. In other stations, however, those found not to be on the register were invited to make use of ballots that had been unused by registered voters. In these cases, there seemed to be a consensus that all ballots should be utilised. The decision of some POs to propose or go along with this approach may have been linked to security concerns, given the rising temperature among disgruntled unregistered voters. While noting that this decision by POs may have been taken on security grounds, allowing non-registered voters to vote violates fundamental electoral good practice. This, therefore, speaks to the importance of ensuring the common roll is as accurate as possible to ensure POs are not put in this position in the future.

Close of polling

- The Group noted widespread adherence to the provisions of the *Polling Manual* regarding the close of polls, with returns carefully recorded and scrutineers recording the numbers of ballot box seals.
- Some polling booths closed early, as is allowed in the law. However, the Group notes that this may have enabled voter impersonation to go undetected.
- The manual stipulates that at 6:00pm, a polling official stands behind the last voter in the queue and the entrance to the polling booth is closed. This was observed in some places but not consistently, with some instances where voters still in line were told to leave. In other cases, polling stations stayed open because they started late. These types of inconsistencies can deny voters the right to vote.

The Group believes there is a need to revise sections 130(2)(a–b) of OLNGLLE, which relate to the opening and closing of polls. At present, these provisions allow for a high degree of variation in the number of hours available to voters to cast their vote. The Group appreciates the value of allowing POs and ROs the legal flexibility to open polls late in the event of unforeseen logistical or operational challenges. However, it is international good practice that this time be added on to the end of the day to ensure all polling places remain open to voters for the same amount of time. This arrangement should apply to polling places in all

electorates and on all days, regardless of whether there is one or more days of voting.

International good practice also dictates that there are only two scenarios in which polling can be closed earlier than the legally stipulated time (in this case, 6:00pm). These are: i) severe security concerns; and ii) if there is a 100 per cent turnout and all registered voters have cast their vote (a rarity). Beyond these scenarios, polls should remain open until 6:00pm to ensure that no single voter is disenfranchised. In its current formulation, section 130(2)(b) does not specify under which conditions a polling place might be closed early by a PO or RO, which could unfairly impact voters and could also be open to abuse.

The Group recommends that the National Assembly revise sections 130(2)(a–b) in order to ensure greater consistency in the time available for voters to cast their vote and to bring these provisions in line with international good practice.

Last, section 131(b) allows any voter still in the queue at 6:00pm to be able to vote. This legal provision is supported by p.49 of the *Polling Manual*, which states: 'If there is still a queue at 6:00pm all voters present must be brought into the polling booth and permitted to cast a vote.'¹⁸ However, section 131(c) states: 'The doors of the polling booth shall be closed at 6.00pm and no person shall be admitted after that hour to the polling booth for the purpose of voting.'

It is international good practice that voters who are in the queue at the close of polls be allowed to vote. Yet, the Group witnessed inconsistent application of section 13(b). This was possibly owing to confusion caused by the wording of section 131(c), which appears to contradict the previous provision, or because of a lack of sufficient training of polling staff and police.¹⁹

The Group therefore recommends that sections 131(b–c) be revised to offer greater clarity on the rights of queueing voters to vote after 6:00pm, and that polling staff and the police should be better trained on these legal provisions. The law should also stipulate that such rights also pertain in instances where the close of polls is extended beyond 6:00pm due to delays in opening polls in the morning.

¹⁸ PNGEC (2022), *Polling Manual: A Guide for Polling Officials*, p.49.

¹⁹ In at least one instance, the Group witnessed police enforcing the closing of polling at 6:00pm while approximately 80 voters were still in the queue.

Transfer of ballot boxes to secure storage

The Group observed the transfer of ballot boxes to secure storage locations was done in a relatively orderly manner. Ballot boxes were transferred to storage locations by police vehicles at high speed, followed by scrutineers crowded into buses and open-back pickup trucks. The ballot boxes were stored in secure facilities – usually large shipping containers. Group members also witnessed the processing of returns and ballot box sorting prior to storage in the containers.

Recommendations

- Recognising that PWDs may require voter assistance, the PNGEC should appoint an extra polling official to check that assisted voters' choices are being respected, as per section 5.12 of the 2022 *Polling Manual*.
- The PNGEC should establish a structure in all provincial electoral offices to assist in the continuing awareness of the electoral process, including among temporary electoral workers engaged specifically to deliver elections. This would help ensure uniformity in compliance with electoral laws and PNGEC manuals and policies, and would address inconsistencies in processes and procedures during elections.
- The Government and National Assembly should amend the OLNGLE such that PNGEC can provide digital copies of the final version of the common roll to political parties and candidates free of cost. This would assist political parties and candidates in ensuring scrutineers have copies of the roll, thus enabling them to fulfil all key functions expected of scrutineers.
- The PNGEC should develop a scrutineers' manual, and political parties and candidates should ensure scrutineers adhere to this manual. This would ensure scrutineers are better trained and do not become a disruptive presence at polling booths.
- The PNGEC should conduct adequate and timely inspection of polling stations to ensure that the polling schedule can be released in good time, thus ensuring there are fewer last-minute changes to polling locations.
- While OLNGLE currently allows for postal voting, the Group recommends an

amendment to the law to allow for early voting for polling staff, the police and other security personnel so as to reduce the possibility of disenfranchisement.

- The PNGEC should ensure all polling stations are provided with requisite materials, including battery-powered lamps to facilitate voting and closing of polls.
- The National Assembly should revise sections 130(2)(a–b) pertaining to the opening and closing of polls, in order to ensure greater consistency in the time available for voters to cast their vote and to bring these provisions in line with international good practice.
- The National Assembly should revise sections 131(b–c) to offer greater clarity on the rights of queueing voters to cast their vote after 6:00pm. The law should also stipulate that such rights also pertain in instances where the close of polls is extended beyond 6:00pm due to delays in opening polls in the morning. The Group further recommends that polling staff and the police be better trained on these legal provisions.

Counting

Counting was scheduled to be conducted in three eight-hour shifts, 24 hours a day, seven days a week. However, the Group notes this was not always the case, including for some seats in the National Capital District, where counting was regularly suspended. Reasons for the suspension of counting included security issues, as well as challenges by candidates and scrutineers. There were also times when no reasons were given.

The Group notes that the training of counting officials was done after polling had finished in many locations – in some cases, only hours before the commencement of counting. This likely impacted the quality of the instruction. There were also instances where the locations of counting centres were not finalised until very late. The Group was also made aware of disruptions at some counting centres. For instance, in one area, an angry mob of candidates and their supporters stormed and set fire to a counting centre, destroying the ballot boxes. This made it impossible to carry out the count.

Counting process

- Before opening the ballot boxes, the Returning Officer must read out the ballot box details – the polling team number and the seal numbers from the inner and outer lids of the box, to enable scrutineer verification.
- Ballot boxes are then opened individually and emptied onto a sorting table. Officials check that each ballot paper has been initialled on the reverse side and is a 'formal' (valid) vote.
 - A formal vote is one where candidate numbers and/or names are listed in the boxes numbered 1, 2 and 3 on the ballot. If any of the numbers or names are missing or repeated, or a tick or cross is used, the vote is informal. A ballot not initialled on the back, or on which the voter has identified him/herself, is also informal.
- The ballot papers are then sorted into trays for the candidates who have received first preference votes.
- Following the sorting, counting officials count the first preferences in each tray, which is double-checked by a second official.
- The agreed total is confirmed on a counting slip, which is passed to a tally recorder and entered on the appropriate tally forms.
- This process is continued until all ballot boxes for an electorate have been fully sorted and counted.
- The ballots for each candidate from all boxes are then amalgamated, and the total figures rechecked. Once this is complete, the necessary quota for an absolute majority is determined by calculating 50 per cent + 1 of the total formal votes. If any candidate receives an absolute majority of first preferences, that candidate is declared elected. If no candidate receives an absolute majority, the distribution of preferences is commenced.
- The candidate with the lowest number of votes is excluded, and each ballot paper from that candidate's tray is distributed to the remaining candidates who received the next preference shown.

- After each exclusion the absolute majority is checked. If not yet reached by any candidate, this process is repeated. If during an exclusion there is no continuing candidate left on a ballot paper (that is, preferences 1, 2 and 3 have all been excluded), the ballot paper is exhausted.
- Before each exclusion of a candidate, the number of known exhausted ballot papers is subtracted from the number of formal votes and the absolute majority required to win is recalculated.
- The exclusion process continues until one candidate achieves an absolute majority. The law provides for a recount of ballot papers at the request of the candidate who comes second in any electorate, only if the margin of victory is 0.25 per cent or less.

Key observations of the Group

There were strict security protocols at counting centres, including vehicle checks (where vehicles were permitted to enter the premises), bag checks, body pat downs (by female security officials for women), restrictions on the amount of money carried in wallets (PGK90), and in some cases, restrictions on the use of phones. The Group was pleased to see many young women participating as security personnel.

- The set-up of counting centres was found to be transparent and facilitated the easy monitoring of the counting processes. The Group was pleased to see that there seemed to be equal numbers of men and women employed as counting officials, including many young men and women. In some locations, CCTV cameras were seen, although the Group understands these were not always turned on.
- The Group was pleased to observe the initiative taken by the New Ireland Provincial Administration to livestream proceedings by placing CCTV cameras inside and outside the two main counting centres in Kavieng and

Namatanai, and near the container storing ballot boxes. The homegrown initiative was designed to increase transparency and trust in the process and to capture possible election offenses by polling officials, scrutineers or security officials.

- In some locations that the Group observed, the late training of counting officials showed in mistakes made, at least in the earlier days of counting. These included ballot sorting errors; difficulties identifying informal ballots; and errors in tallying preferences. It was noted, however, that as counting progressed, officials became more familiar with the process and things progressed more smoothly, although there were still issues with tallying results that led to the suspension of counting in some centres.
- The Group was informed in a major counting centre in the NCD that a large number of informal votes identified by counting officials indicated confusion by voters over the numbers assigned to candidates for regional and open electorates. Counting officials had found many instances where numbers for regional candidates were written on ballots for open seats and vice versa.
- In one counting location, Group members observed that some ballots were folded uniquely. They were told that this was a pre-arranged signal between some candidates and voters to let candidates' scrutineers know how their supporters voted.

Recommendations

- Sufficient time should be allocated for the training of counting officials before the commencement of counting.
- The PNGEC should consider using livestreaming or other options to transmit counting information to increase transparency during the count.

Annex A. Biographies of Chairperson and Observers

Chair

His Excellency Baron Waqa, former President of Nauru

Baron Waqa was a Member of Parliament of the Republic of Nauru for 16 years. During his tenure in Parliament, he served as President for two consecutive terms, from 2013 to 2019, and had also served as a Minister for the Interior and a Minister for Education.

While serving his people in Parliament, Mr Waqa was also a strong global champion of addressing the impacts of climate change. During his presidency, he called on the UN Security Council to create a new role of UN Special Representative on Climate and Security and has used his national and global platforms to advocate on the importance of addressing the climate crisis. He has served as Chair of the Alliance of Small Island States in the United Nations, and as Chair of the Pacific Islands Forum (PIF) 2018–2019, during which time he strongly promoted regional solidarity and co-operation. The Pacific Islands Forum's Boe Declaration on Regional Security (2018) was adopted by Pacific Islands Forum leaders when he was Chair of the PIF and is named after his hometown.

Baron Waqa also loves music and is an avid musician and singer, who plays the guitar and ukele. He enjoys nothing more than spending time with his family – his wife Louisa and their children and grandchildren.

Observers

Dr Nicole George, University Lecturer and Researcher, The University of Queensland, Australia

Nicole George is an Associate Professor of Peace and Conflict Studies in the School of Political Science and International Studies at the University of Queensland. She has researched gender politics in the Pacific islands for more than 20 years with a particular focus on women's participation in formal

and informal decision-making institutions. This work has been undertaken in Bougainville (Papua New Guinea), Solomon Islands, Fiji and New Caledonia. She has published research articles in *International Affairs*, *The Australian Journal of International Affairs* and the *International Feminist Journal of Politics*. She has also contributed to policy reports on these themes and written several short pieces for outlets such as *East Asia Forum*, *The Conversation* and *Lowy Interpreter*.

Ms Makereta Komaidrue, Editor, Pacific Islands News Association, Fiji

Ms Makereta Komai is an accomplished and well-respected journalist and media trainer in the Pacific. With over three decades of reporting experience, the Fiji-based journalist has often led Pacific media coverage at major regional and international conferences. A graduate of diplomacy and international relations from the University of the South Pacific, she also holds a Master of Arts in Diplomacy and International Relations. She was contributing author to the *New Pacific Diplomacy* book published by the University of the South Pacific. She is currently the Manager and Editor in Chief of the Pacific Islands News Association (PINA).

Hon. Dame Luamanuvao Winnie Laban, DCNZM, QSO, Assistant Vice-Chancellor (Pasifika), Victoria University of Wellington, New Zealand

Associate Professor Dame Winnie Laban is assistant vice chancellor (Pasifika) at Te Herenga Waka, Victoria University of Wellington. Luamanuvao was a New Zealand Member of Parliament from 1999 to 2010, serving as Minister of Pacific Island Affairs, Minister for the Community and Voluntary Sector, and Associate Minister of Social Development, Economic Development and Trade. She is a board member and patron of a wide number of organisations. Luamanuvao is a graduate in social work and development studies. Prior to entering Parliament, she managed a number

of development programmes throughout the Pacific Region.

Ms Makereta Vaelua, Deputy Returning Officer (DRO), Electoral Commission of Samoa, Samoa

Makereta Vaelua currently serves as Deputy Returning Officer for the Electoral Commission of Samoa, where she has worked for nine years. Before this, Makereta served in various government ministries and in the Office of the Attorney General. She has a Diploma of Education, an Associate of Science Degree majoring in Business Administration and a Bachelor of Arts Degree from the University of the South Pacific, Suva, Fiji.

Mr Hendrick Gappy, Former Chairman, Seychelles Electoral Commission, Seychelles

Hendrick Gappy was the Electoral Commissioner of Seychelles from 1998 until 2018, with the additional responsibility of boundaries delimitation. He was also the registrar of political parties. In 2011, a new Electoral Commission was established with Hendrick as Chairperson plus four members. The Electoral Commission in partnership with all stakeholders undertook a massive electoral reform project on all legal instruments pertaining to elections. Prior to this, he served as the Director-General of the Management and Information Systems Division responsible for the National Statistics Office and the National IT Office.

He has been the Census Commissioner on several occasions. Internationally, Hendrick has been involved with various organisations including the Commonwealth, SADC, COI, EISA, the United Nations and others in the context of electoral observation, statistical reform and evaluation of IT for voter registration systems. He has been a member of several Commonwealth Observer Groups, including in South Africa (1994), when Mandela was elected to power, Maldives (2013), Solomon Islands (2001, 2014 and 2019), Antigua and Barbuda (2018), Nauru (2019), and The Gambia (2021).

Mr Johnson Honimae, Chief Executive Office, Solomon Islands Broadcasting Corporation (SIBC), Solomon Islands

Mr Honimae currently serves as Chief Executive Officer of the Solomon Islands Broadcasting Corporation. Mr Honimae's media career spans four decades, during which he has held various

senior roles in broadcasting and communications in the public and private sectors, at both national and regional levels. This includes in the Office of the Prime Minister, the Pacific Islands Forum Secretariat, and as Communications Commissioner for the UNESCO Solomon Islands National Commission.

Ms Emeline Siale Ilolahia, Executive Director, Pacific Islands Association of Non-Governmental Organisations (PIANGO), Tonga

Ms Ilolahia is the Executive Director of PIANGO, a regional platform of National Umbrella NGOs in the Pacific, based in Suva Fiji. Through PIANGO's national members, she represents the interests of Pacific civil society in a range of regional and international fora. She has a long and proven track record of promoting sustainable growth and social development in the Pacific region and a solid reputation for developing strong partnerships within the civil society sector.

She was formerly Executive Director of the Civil Society Forum of Tonga, where she was instrumental in bringing together and supporting coalitions on issues as diverse as ethical leadership, women's access to finance, women's leadership and political participation, and deep-sea mining. Siale was awarded an inaugural Jose Edgardo Campos Collaborative Leadership Award in Washington, DC, in 2016, in recognition of her contributions to local leadership efforts in Tonga. She holds a Master's in Business Administration from the University of the South Pacific, Graduate Diploma in Not-for-Profit Management from Unitec, New Zealand, and Graduate Diploma in Public Sector Management from Massey University, New Zealand.

Mr Wilson Toa, Country Manager, Vanuatu Balance of Power, Vanuatu

Wilson Toa is the Country Manager for 'Balance of Power' Vanuatu, an innovative approach to support Vanuatu achieve its objectives of inclusive and effective leadership in line with national policy frameworks, by contributing to a 'better balance' in women's and men's leadership roles and opportunities. Balance of Power works by building on lessons learned in the local context, by interrogating deeply entrenched social norms that define and legitimise leadership – across multiple spaces and institutions; and taking a 'thinking and working politically' approach, which seeks to

convene, and understand the interests of diverse stakeholders with a focus on influencing and incentivising power-holders and norm-changers.

Before joining Balance of Power, Wilson was the Chief Executive Officer for Transparency International Vanuatu, where he managed and supported projects and initiatives in the areas of transparency and accountability. After spending over a decade working in media and diplomatic missions, Wilson joined civil society in 2015 with the interest of encouraging partnerships between civil society and the government to promote policies that support better accountability and transparency in all sectors in Vanuatu. Wilson has worked for the national media in Vanuatu, the New Zealand High Commission, Australian High Commission, and Australian Broadcasting Corporation International (PACMAS), and has been on different boards and committees within the government and civil society. In addition to his experience, Wilson is a trained leadership trainer.

Staff Team

Linford Andrews

Adviser and Head, Electoral Support Section

Kaitu'u Funaki

Adviser and Head, Pacific Section

Angela Thomas

Political Officer, Pacific Section

Andy Baines

Programme Officer, Electoral Support Section

Temitope Kalejaiye

Media Officer, Communications Division

Zippy Ojago

Logistics and Operations Manager, Electoral Support Section

Lindsey Adjei

Logistics and Operations Officer, Electoral Support Section

Kuganathan Puvanendran

ICT Systems Specialist, ICT Section

Tiffany Chan

Programme Assistant, Governance & Peace Directorate

Annex B. Arrival Statement

Arrival Statement: Papua New Guinea National Election

His Excellency Baron Waqa, Former President of Nauru Chairperson of the Commonwealth Observer Group

The invitation by the Commonwealth Secretary-General, The Rt Hon. Patricia Scotland QC, to chair the Commonwealth Observer Group (COG) for Papua New Guinea's national election as a fellow Pacifica, is a considerable honour. The Group was constituted at the invitation of the Papua New Guinea Electoral Commission, and I am joined by eight other eminent persons drawn from the Commonwealth for the elections due to be held from 2 July to 22 July.

This COG follows a pre-election assessment mission to Papua New Guinea in March 2022. The Group brings together a wealth of experience from across the social and political spectrum including civil society, media, electoral management and political space. We are here to observe the electoral process as requested and will act impartially and independently as we assess its organisation and conduct.

We recognise the significance of these elections to the people of Papua New Guinea, the region and the global community and appreciate the challenges they present as the world continues to battle the Coronavirus pandemic. The pandemic isn't over, and we urge all stakeholders to abide by all COVID-19 protocols of Papua New Guinea.

Our mandate is to observe and evaluate the pre-election environment, the elections on various polling days and the post-election period against the backdrop of Papua New Guinea's national legislation and regulations, as well as regional and international commitments. We will then report on whether the elections have been conducted

to the standards to which Papua New Guinea has committed itself, including its own laws. We look forward to a peaceful election and urge stakeholders, including voters, to commit to a peaceful election, consistent with Commonwealth's values and principles.

Our planned briefings, which began yesterday, are wide-ranging, encompassing election officials, political parties, the media, citizen observers, women's groups, and the youth.

From Sunday 3 July, our observers will be deployed to locations across the country. They will be in small teams and will arrive to observe preparations ahead of the polling period. They will also meet with political parties, the police, election officials and other stakeholders in their respective locations.

Over the 21-day polling period, they will observe the opening, voting, closing, counting and the results management processes. We will issue an interim statement on our preliminary findings on 24 July 2022. A final report will then be prepared and submitted to the Commonwealth Secretary-General, and subsequently shared with relevant stakeholders and the public.

The Commonwealth's support to Papua New Guinea and its democratic processes is evidenced by our presence here, which serves as confirmation of our commitment, hope and solidarity with the people of Papua New Guinea.

My fellow observers and I would like to acknowledge our shared history as people of the Pacific family. We thank the people of Papua New Guinea for giving us an opportunity to work with them on this historical process. We are sending our best wishes and prayers as you cast your votes.

The Group will depart Papua New Guinea by 31 July 2022.

Annex C. Deployment Plan

Table C1. Deployment Plan

Region	City/Town	Observers
SOUTHERN and HIGHLANDS	NCD, Central, Goroka	HE Baron Waqa (Chair) Linford Andrews (Staff Team Leader) Kaitu'u Funaki (Staff) Temitope Kalejaiye (Staff) Angela Thomas (Staff)
	NCD	Zippy Ojago (Staff) Lindsey Adjei (Staff) Kuganathan Puvanendran (Staff)
ISLANDS	Bougainville	Dame Winnie Laban Emeline Siale Ilolahi Johnson Honimae
	New Britain & New Ireland	Wilson Toa Makereta Vaaelua Makereta Komaidrue
MOMASE	Lae, Wewak	Dr Nicole George Hendrick Gappy Andrew Baines (Staff)

Annex D. Interim Statement

Interim Statement: Papua New Guinea National Election

His Excellency Baron Waqa, Former President of Nauru Chairperson of the Commonwealth Observer Group

25 July 2022

Good morning and greetings to you all. I am deeply honoured to present the Interim Statement of the Commonwealth Observer Group for the 2022 Papua New Guinea General Elections.

We are saddened by the escalation in election-related violence and strongly condemn these acts of violence by a minority of the peaceful and law-abiding citizens of Papua New Guinea.

I acknowledge the electoral process is yet to be formally completed. Our full assessment of the entire process will be contained in our final report, which will be made publicly available in due course.

Our Group is here at the invitation of the Papua New Guinea Electoral Commission. It was constituted by the Commonwealth Secretary-General, the Rt Hon. Patricia Scotland QC. Our presence here is testimony to the enduring relationship between the Commonwealth and the people of Papua New Guinea. I am proud to mention that the Commonwealth's first observation of an election in the Pacific was held here, in Papua New Guinea, in 1997. I have been honoured to lead this team and to have directly engaged with so many communities in various walks of life.

I wish to start by acknowledging the Creator of this land and ocean, the wisdom of the elders, and the ancestors of Papua New Guinea who walked and worked this country for centuries. I also wish to acknowledge the rich diversity and history of this country, the work of successive governments and the generous hospitality of the people.

We have been here since 28 June, and our Group is comprised of political, electoral, media, gender and civil society experts from Commonwealth countries, mainly from the Pacific. We were briefed by a wide range of stakeholders from the Government, civil society and local communities, as well as other observers. We conducted observation

in many polling places across all four regions of the country. We met voters, polling officials, political parties, security personnel, civil society and scrutineers. This helped us build a broad understanding and appreciation of the electoral process on the ground.

We commend the voters of Papua New Guinea for their enthusiasm to exercise their democratic rights in choosing their political leaders. We also commend the Electoral Commission, polling staff, political parties, candidates, scrutineers, security personnel and all others for their respective roles during this election.

Key findings

I will now go into the key findings of the Group, and I will begin by highlighting a number of positive aspects of the election.

We commend Papua New Guinea for conducting its ninth election notwithstanding the institutional challenges created by the COVID-19 pandemic.

We also acknowledge the Electoral Commission for enhancing the participation of women in the electoral process, as polling officials, and through its ongoing commitment to its gender-split voting policy.

We also recognise the Commission's policies to facilitate assisted voting for persons with disability, and other disadvantaged groups. We commend the determination and patience of voters to exercise their right to vote, despite the widespread delays in delivering the election.

We acknowledge the professional manner in which the police managed potential security challenges at many polling locations.

We commend the media for its widespread coverage of the elections, including the Government's special budgetary allocation to the national broadcaster.

We note that the Electoral Commission faced considerable challenges in delivering this election. However, as Observers, it is our responsibility to identify challenges to the inclusiveness, credibility, and transparency of this election. We do this with

the aim of supporting and strengthening the electoral process in Papua New Guinea.

Some of the key issues of concern we observed include the following:

- The highly centralised structure of the Electoral Commission presents many overwhelming challenges in the effective delivery of the election.
- The 2022 rolls were missing a large number of names, in some cases, as much as 50 per cent of eligible voters were reportedly not on the rolls. There was also widespread public dissatisfaction with the accuracy of the common roll.
- We are concerned that this could have disenfranchised high numbers of eligible voters.
- The late and insufficient disbursement of funds, unpaid bills and allowances from previous elections, created a lack of trust in the Commission by suppliers. This impacted the timely and safe conduct of this election.
- Numerous allegations of bribery and treating involving candidates' agents. We also witnessed the distribution of money and food to voters during the polling period.
- Inadequate efforts to facilitate the inclusion and participation of women, youth, persons with disability, and other disadvantaged groups in the political and electoral process.
- Lack of media access to the Electoral Commission and an absence of updates on its website and social media channels, fuelling possible misinformation.

Recommendations

Our report will include a well-considered set of recommendations to address the challenges identified. These include:

- All relevant stakeholders to collaborate in undertaking an urgent review of the 2022 election.
- Immediate reforms to strengthen voter registration, including the introduction of continuous voter registration and capacity building at all levels.
- Reform the Electoral Commission to create a collaborative and decentralised structure that

would ensure accountability and transparency and the effective delivery of elections, in line with good international practice.

- The Electoral Commission to partner with key stakeholders, including civil society and the media, to establish a national network to support voter education and participation as well as electoral monitoring.
- The Government to release sufficient funding to the Electoral Commission, on an annual basis, to effectively carry out its duties over the electoral cycle.

I am pleased to report that the 2022 Commonwealth Heads of Government Meeting reiterated its commitment to the Commonwealth's 2018 *Revised Guidelines* for the conduct of electoral observation. These call for the establishment of domestic mechanisms to take forward prospective reforms proposed by observers.

I would therefore encourage due consideration for our recommendations, once our Final Report has been released. Before I conclude, I reiterate my grave concern and sadness at the daily incidents of violence and tragic loss of lives reported in mainstream media, social media, and from other observer teams. On behalf of my team, and the wider Commonwealth, our deepest condolences, go out to the families of those who have lost loved ones. We support and join calls for peace by church and community leaders.

As we prepare to depart the shores of this beautiful country, let me say how deeply moved we are by the aspirations of the people for a better Papua New Guinea. We stand in solidarity with you in your journey. God Bless Papua New Guinea.

The Commonwealth Observer Group members are:

- HE Baron Divavesi Waqa – Chairperson, Former President of Nauru
- Dr Nicole George, University Lecturer and Researcher, The University of Queensland, Australia
- Ms Makereta Komaidrue, Editor, Pacific Islands News Association, Fiji
- Dame Winifred Laban, Assistant Vice-Chancellor (Pasifika), Victoria University of Wellington, New Zealand

- Ms Makereta Vaelua, Deputy Returning Officer (DRO), Electoral Commission of Samoa, Samoa
- Mr Hendrick Gappy, Former Chairman, Seychelles Electoral Commission, Seychelles
- Mr Johnson Honimae, Chief Executive Office, Solomon Islands Broadcasting Corporation (SIBC), Solomon Islands
- Ms Emeline Siale Ilolahia, Executive Director, Pacific Islands Association of Non-Governmental Organisations (PIANGO), Tonga
- Mr Wilson Toa, Country Manager, Vanuatu Balance of Power, Vanuatu

Annex E. 2017 COG Recommendations – Status of Implementation

Papua New Guinea National Election 2017: Status of COG recommendations

The full 2017 Papua New Guinea COG Report is available at the link below.²⁰

Summary:

• Total recommendations	36
• Fully implemented	0
• Mostly implemented	1
• Partially implemented	15
• Not implemented	18
• Not determined or N/A	2

²⁰ Commonwealth Secretariat (2017), Papua New Guinea National Election, June–July 2017: Report of the Commonwealth Observer Group, available at: <https://library.commonwealth.int/Portal/External/en-GB/RecordView/Index/64800>

Table E1. 2021 COG Recommendations

2017 Recommendation	Status of implementation <i>Fully</i> <i>Mostly</i> <i>Partially</i> <i>Not implemented</i> <i>Not yet determined or N/A</i>	Comments
Electoral Framework & Electoral Administration		
<p>The PNG Electoral Commission (PNGEC) should conduct an urgent review and lessons learned process immediately following this election. The review should include a specific component on the transparency of the PNGEC’s operations, which needs to be improved in order to enhance the credibility of the PNGEC and the electoral process.</p>	Not determined	<p>It is unlikely that such a review was undertaken immediately after the election, as there were several legal challenges involving the PNGEC, including the investigation and prosecution of the former Commissioner and the NCD Electoral Manager for electoral fraud.</p>
<p>It is critical that the PNGEC be provided with timely and adequate funding. The Government should consider introducing arrangements for direct appropriation of funds to the PNGEC to ensure its independence.</p>	Not implemented	<p>Funds are still not provided on an annual basis, but are provided in a lump sum the year before the election. On this occasion, there were further delays owing to a cyberattack on the Treasury. The economic impact of COVID-19 (since March 2020) may have also affected the Government’s ability to provide timely and adequate funding.</p>
<p>The PNGEC should ensure adequate and timely release of funds to provincial election authorities and service providers, to minimise avoidable disruption to the election timetable.</p>	Not implemented	<p>The PNGEC was constrained in its ability to release timely funds owing to late receipt of funds from the Government. The economic impact of COVID-19 (since March 2020) may have also affected the Government’s ability to provide timely and adequate funding.</p>
<p>The continuing empowerment of provincial authorities with new responsibilities could also help reduce costs and ensure more timely and effective election operations in the field. The PNGEC should provide training to provincial officials and ensure accountability of all expenditure within a specified time period.</p>	Partially implemented	<p>Decentralisation policies introduced in 2012 continue to be implemented. However, the effectiveness of continued empowerment may have been impacted by funding constraints, particularly since the onset of COVID.</p>

(Continued)

Table E1. (Continued) 2021 COG Recommendations

2017 Recommendation	Status of implementation	Comments
<p>The Inter-Departmental Election Committee (IDEC) should be chaired by the Electoral Commissioner (or co-chaired with the chief secretary) so as to ensure the Electoral Commissioner is able to coordinate effectively across different government agencies, and to counter perceptions that the PNGEC is under the control of the Government and is not fully independent.</p>	Not implemented	IDEC is chaired by the chief secretary.
<p>The Election Advisory Committee should be appointed and convened earlier in advance of an election, and given sufficient resources and access to information to enable it to fulfil its functions.</p>	Not implemented	The Electoral Advisory Committee members were not appointed until 6 August 2022, after polling had concluded.
<p>The PNGEC should strengthen its working relationship with the Integrity of Political Parties and Candidates Commission (IPCC), to deliver regular briefings for political parties and candidates on all aspects of the election, to foster greater trust in the election process.</p>	Partially implemented	The PNGEC and the IPCC launched a Code of Conduct for Political Parties, Candidates, Scrutineers and Supporters in May 2022.
<p>PNG's relevant laws should be reviewed to facilitate the revision of boundaries in line with international best practice. The Boundaries Commission should be empowered to make final decisions over boundary delimitation following broad consultations, including with Members of Parliament.</p>	Partially implemented	In March 2022, Parliament approved the creation of seven new constituencies out of a total of 12 recommended by the Constituency Boundaries Commission. The recommendations of the commission are still subject to the approval of Parliament.

(Continued)

Table E1. (Continued) 2021 COG Recommendations

2017 Recommendation	Status of implementation	Comments
<p>The Government should ensure timely release of funding to the PNGEC to enable a thorough process of updating the electoral roll. This process should be completed earlier in advance of the election and finalised prior to the cut-off upon the issue of the writs. Security measures should be put in place to prevent further changes to the roll after the cut-off point, and political parties and candidates should receive copies of the final electoral roll in advance of the polling period.</p> <p>The PNGEC should consider providing for continuous voter registration, including online registration.</p>	<p>Not implemented</p>	<p>Funds were received late, leading to delays with the update of the common roll. Consequently, the rolls were released very late. Political parties and candidates did not receive copies in advance of the polling period. It is not known if additional security measures were added.</p> <p>Continuous voter registration has not been implemented.</p>
<p>The PNGEC should ensure greater accuracy and transparency in the voter registration process. Existing local structures should be supported to collect enrolments and provincial election authorities should be responsible for maintaining the electoral rolls. The PNGEC should ensure oversight and accountability of this process, including providing adequate training.</p>	<p>Partially implemented</p>	<p>Since 2012, the update of the roll has been decentralised to provincial level. The most recent update was in 2019 for the local-level government elections. However, the deep flaws in the 2022 roll showed there remain challenges in accurately updating rolls. Part of the problem was the late start on the update, which was due to delays in funding.</p>
<p>The PNGEC should develop a system for voter identification as a priority. The national identification (NID) system, should it be successfully completed, and with sufficient provisions for data sharing with the PNGEC, could be used for this purpose.</p>	<p>Not implemented</p>	<p>In 2021, the Government had reportedly approved the introduction of biometric voter registration for the 2022 election, but shelved the initiative due to the lack of funds.</p>
<p>The PNGEC should carry out awareness programmes over the enrolment process, including display of the rolls and initiatives such as the 'Roll Look Up' app. Voters should also be made aware of their rights to appeal decisions relating to their registration.</p>	<p>Partially implemented</p>	<p>The PNGEC website has information on enrolment and the 'Voter Roll Lookup' app. Prior to roll updates, PNGEC teams advertise widely via mass media as well as work with local communities to raise awareness.</p>

(Continued)

Table E1. (Continued) 2021 COG Recommendations

2017 Recommendation	Status of implementation <i>Fully</i> <i>Mostly</i> <i>Partially</i> <i>Not implemented</i> <i>Not yet determined or N/A</i>	Comments
Consideration should be given at future elections to providing voter registration forms at polling stations to voters turned away because their names are not on the roll, to help improve the roll's future accuracy. Such registration forms should have a number and receipt so that the voter will have his or her registration number once the form is completed. Appropriate security measures should be in place to prevent multiple registration to improve the accuracy of the roll.	Not implemented	No such forms were utilised.
A sustained programme of voter education should be undertaken in partnership with civil society, such as Transparency International PNG (TIPNG) and church groups. Areas of focus should include voter registration, how to vote and the importance of ballot secrecy.	Partially implemented	Civil society and faith-based organisations carried out their own awareness and voter education programmes, at their own cost. However, the PNGEC did not undertake a programme of awareness with CSOs or faith-based organisations.
Efforts should be made to strengthen awareness about voters' rights and responsibilities, the role governments can play in the delivery of services and the relationship with citizens.	Partially implemented	The PNGEC did not undertake a programme of awareness on voters' rights and responsibilities. Civil society and faith-based organisations continue to carry out voter awareness and education, but are hampered by the lack of funding support.
We encourage the PNGEC to collaborate with various youth organisations across PNG to develop and implement youth-friendly voter and civic education programmes, in consideration of the large youth population in PNG. The PNGEC should develop targeted civic awareness programmes for students of high schools and universities, so as to empower these young people to share this knowledge with their families and communities.	Not implemented	The PNGEC did not undertake a programme of awareness with youth organisations.

(Continued)

Table E1. (Continued) 2021 COG Recommendations

2017 Recommendation	Status of implementation <i>Fully</i> <i>Mostly</i> <i>Partially</i> <i>Not implemented</i> <i>Not yet determined or N/A</i>	Comments
<p>The system for election petitions should be reviewed to reduce the burden on the courts, and free the PNGEC from being a respondent, which would ensure speedier resolution of disputes. The PNGEC should be seen as a friend of the court, rather than a party to the proceedings. We note the Electoral Commissioner has endorsed recommendations from a Commonwealth technical expert in this area.</p>		<p>There have not been any significant changes to the system of election petitions.</p>
<p>Participation & Inclusion</p>		
<p>We urge political parties, independent candidates and stakeholders to enhance youth and women's political participation at all levels, to foster meaningful involvement and inclusion. A study looking into the participation of women as voters and as candidates should be commissioned to better understand the barriers faced by women.</p>	Partially implemented	<p>Some political parties and candidates endorsed women candidates and many scrutineers were observed to be young men and women. However, only two women were elected to parliament and women and youth remain under-represented in political party hierarchies. Women remain under-represented in cabinet positions.</p>
<p>The Government should consider strengthening its efforts to increase women's representation in Parliament. Temporary special measures (TSM) can be an effective tool in addressing this issue, as reflected in key international commitments to which PNG is a signatory. Parties should also be encouraged to introduce a minimum ten percent quota for women candidates.</p>	Not implemented	<p>In 2018 the Constitutional and Law Reform Commission reviewed introduction of 22 reserved seats for women (first introduced in 2011). Nationwide public consultations led to a fresh proposal to be considered by the government. However, a change in government in 2019 stalled that work.</p>
<p>Ways to enhance the security of the campaign environment for female candidates should be examined. In the lead-up to the next election, the PNGEC and partners should undertake public awareness on the value of women's political participation.</p>		

(Continued)

Table E1. (Continued) 2021 COG Recommendations

2017 Recommendation	Status of implementation	Comments
The PNGEC could consider additional measures to minimise coercion and intimidation of women at polling stations, particularly in the Highlands.	Not implemented	In the Highlands, the practice of bloc voting, undertaken mostly by men, was observed to still be in practice. In other areas, other forms of intimidation and coercion were still observed.
Electoral Campaign & Media		
The IPPCC should continue work to strengthen political parties and their practices, including the continuing development of the code of conduct.	Mostly implemented	The IPPCC developed a Code of Conduct, which was launched in May 2022. Although much work remains to be done, the Group acknowledges the IPPCC's considerable efforts to strengthen the accountability of political parties and candidates.
Parliament should update and strengthen laws relating to the regulation and transparency of campaign financing. This needs to be coupled with more active enforcement of such laws.	Not implemented	The Constitutional Law Reform Commission and the Office of the Attorney General have proposed 12 electoral reforms since the 2017 election. It is not clear if the proposed reforms included reforms to campaign finance law. There have been no changes to existing campaign finance provisions in OLLIPAC since 2017.
Election-related offences, particularly with regard to bribery, undue influence and underage voting, should be enforced to dispel the culture of impunity. Individuals who seek to prevent other potential voters, particularly women, from exercising their franchise should be liable for prosecution, in line with existing law.	Partially implemented	There have been some high-profile cases involving the investigation and prosecution of election-related offences; however, more can be done.
The PNGEC should engage with the media more thoroughly to enhance public understanding of the electoral process. It should also expand its use of social media.	Partially implemented	The PNGEC's engagement with the media is sporadic and could be vastly improved.

(Continued)

Table E1. (Continued) 2021 COG Recommendations

2017 Recommendation	Status of implementation <i>Fully</i> <i>Mostly</i> <i>Partially</i> <i>Not implemented</i> <i>Not yet determined or N/A</i>	Comments
Voting, Counting & Results		
Effort should be made to ensure polling stations are able to open on time. Election officials should ensure that the time for transportation of ballot boxes, materials and staff is incorporated into planning so as to minimise delays.	Not implemented	For the 2022 election, the Commonwealth Observer Group did not witness any stations open on time (at 8:00am) or hear of stations opening on time.
The PNGEC should consider measures to be put in place with the aim of reducing the overall length of the polling period.	Not implemented	The polling period was not shortened.
The PNGEC should review the placement of polling locations to ensure adequate shelter, lighting where possible, and to enable voters to easily access the polling stations. Consideration should be given to a more equal distribution of voters among polling stations.	Partially implemented	It is understood that the PNGECs choices for polling stations are influenced by factors such as availability, payment of outstanding dues, as well as familiarity with voters. However, myriad challenges relating to polling locations persist, including poor access, last-minute changes, and insufficient lighting to account for polls staying open beyond 6:00pm. These are chronic issues that have not been adequately addressed in successive elections, including 2022.
Noting that security forces and polling officials are often deployed away from their homes, special effort should be made to ensure these officials are able to vote. Such consideration could include 'advance polling' for all officials involved in the national election.	Not implemented	No such advance polling provisions for security and polling officials exist.
The PNGEC should consider using more effective indelible ink with a higher concentration of silver nitrate.	Not implemented	Indelible ink with low silver nitrate was still in use.

(Continued)

Table E1. (Continued) 2021 COG Recommendations

2017 Recommendation	Status of implementation <i>Fully</i> <i>Mostly</i> <i>Partially</i> <i>Not implemented</i> <i>Not yet determined or N/A</i>	Comments
The PNGEC should ensure sufficient distribution of ballot papers based on the numbers on the electoral roll. The colour on the back of the ballot papers should match the front.	Partially implemented	There were sufficient ballot papers for the 2022 election (likely also because rolls included names of deceased persons and persons who had moved residence). The colours on the back of the ballots did not match the front.
Training for polling officials, including on assisted voting, should be strengthened with an emphasis on ensuring ballot secrecy.	Partially implemented	Most polling officials appeared to understand the support they were required to provide, but inconsistencies were still observed in the implementation of provisions on assisted voting.
The IPPCC should coordinate with the PNGEC to train political party representatives, including scrutineers, on voting procedures so as to avoid confusion at polling stations.	Not determined	
Counting should commence in all locations following the conclusion of the polling period.	Not implemented	
Counting processes should be reviewed, with a view to making it more efficient without compromising the transparency of the process.	Partially implemented	Efforts were made at different counting centres to improve processes, but such efforts were primarily at the discretion of Returning Officers.
At all counting centres, consideration should be given for the ballot paper to be projected on a screen to ensure greater transparency during the counting period.	Not implemented	
Effort should be made to foster a better security environment during the counting period. Consideration should be explored for the police to work in close collaboration with the traditional and church leaders to maintain law and order during national elections and to promote the principle of peaceful transfer of power.	Partially implemented	Security protocols at counting centres were strengthened. However, serious security breaches did occur. It is not clear whether, or to what extent, the police worked with traditional and church leaders.

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