



Establishment of the National Judicial System by the National Constitution

The National Judicial System under the National Constitution consists of the:

- ◆ Supreme Court
- ◆ National Court
- ◆ Village Courts

Establishment of Law Offices by the National Constitution

Office of the Public Prosecutor receive complaints from the any Government institutions such as the Police or any public authority for prosecution before the National Court, and before the Supreme Court on appeal. This office represents the law abiding citizens of the independent State of PNG

Office of the Public Solicitor provides free legal aid to individuals or citizens who are unable to afford high legal costs for representation in Courts.

Basic Principles of the Justice System

- ◆ Equality
- ◆ Fairness
- ◆ Access



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CONSTITUTIONAL RIGHTS & FREEDOMS

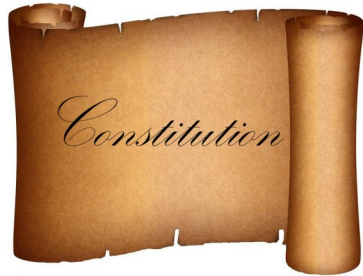


ACCESS TO LEGAL JUSTICE
SYSTEM

LAWS, BASIC LEGAL RIGHTS &
FUNDAMENTALS OF JUSTICE

What is the National Constitution of PNG?

It is the supreme law which has formed our many tribes into a single State of PNG. PNG has its own National Government system which has three arms or branches: the **Parliament** which makes laws, the **Government** which enforces the laws and the **Judiciary** which interprets the laws upon complaint or application to the superior courts.



What are Constitutional Rights and Freedoms?

These are rights and freedoms the National Constitution has declared and given to every individual in Papua New Guinea. These rights and freedoms are called Basic Rights and are classified as Fundamental Rights, Rights of All Persons and Special Rights of citizens.

What do these rights mean?

BASIC RIGHTS

Basic Rights are necessary for us to live in peace, harmony and with respect for one another in a human society. The most general of the all the 'Basic Rights' is the Right to Freedom.

FUNDAMENTAL RIGHTS

Fundamental Rights affect our very existence and quality of life. They include the Right to Life, Freedom from Inhumane Treatment and the Right to Protection of the Law.

RIGHTS OF ALL PERSONS

Every person who lives in PNG, for a long or short period of time, or is just passing through has these rights. These rights apply to all persons regardless of their nationality, race, color, creed, or gender.

SPECIAL RIGHTS OF CITIZENS

These rights only apply to citizens of Papua New Guinea.

- ◆ Right to Vote and Stand for Public Office
- ◆ Right to Freedom of Information
- ◆ Right to Freedom of Movement
- ◆ Protection from Unjust Deprivation of Property
- ◆ Special Provision in Relation to Certain Lands
- ◆ Equity of Citizens
- ◆ Other Rights and Privileges of Citizens

QUALIFIED RIGHTS

Rights of All Persons and Special Rights of Citizens are qualified rights and may be qualified in their extent and enjoyment by a law passed by Parliament. For example, the National Pandemic Act 2020 regulates or restricts certain Rights of All Persons and Special Rights of Citizens. However, if the regulation or restriction of the qualified right goes beyond the authority given by the law, a person may complain to the National Court.

What does the Constitution mean by 'least amount of restriction'?

Anything a person has a legal right to do must not injure or interfere with the rights and freedoms of others and is not forbidden by law. On the other hand, nobody is obliged to do anything that is not required by law nor may be prevented from doing anything which does not interfere with the rights and freedoms of others and is not prohibited by law.

Enforcement of Guaranteed Rights and Freedoms

All Basic Rights, that is, all Fundamental Rights and Freedoms, Rights and Freedoms of All Persons and Special Rights and Freedoms of Citizens are protected by the National Constitution. If they're broken by the Government or any public authority or any person, a victim can seek the help of the National Court and the Supreme Court or any other Court, with the power to enforce the right or freedom. If the Court finds that the victim's right or freedom was breached then it can award compensation against the Government, public authority or the person responsible.