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Report of the Working Group on the Universal Periodic Review*

Palau

Addendum

* The present document was not edited before being sent to the United Nations translation services.

Background summary

The Republic of Palau presented its first Universal Periodic Review Report on May 2, 2011 at the 11th session for Human Rights Council. On May 5, 2011 Palau's UPR report was adopted and of the 106 recommendations, 64 were given responses while 42 recommendations were taken back to Palau to be examined and to provide responses later. The responses are to be included in the outcome report adopted by the Human Rights Council at its 18th session in September, 2011.

The following responses to the 42 recommendations are therefore submitted:

Response for Accession/ Ratification of Treaties in General:

Palau's Position: It is the position of Palau to take note of these treaties. Palau is undergoing consultation and working towards public awareness about these instruments and determining the Republic's capacity and resources to fulfill its obligations on these treaties:

- 62.1. Consider acceding to the remaining core international human rights instruments (Algeria);
- 62.2. Sign and ratify, as soon as possible, all fundamental international human rights instruments and their protocols (Brazil);
- 62.3. Increase Palau's participation in the main international human rights instruments and accede to the international treaties to which is not yet party (Morocco);
- 62.4. Consider the ratification of the core international human instruments and ... (South Africa);
- 62.5. Ratify fundamental international human rights instruments in order to create a proper national framework of action to promote and protect human rights (Trinidad and Tobago);
- 62.6. Consider acceding to the major international instruments including the ... (China);
62. 11. Consider acceding to the main human rights instruments to which it is not a party ... (Costa Rica);
- 62.12. Ratify the remaining human rights conventions ... (Maldives);
- 62.15. ...and accede to other instruments (Republic of Moldova);
- 62.18. Gradual consideration be given, with the assistance of the OHCHR ... (Chile);
- 62.23. Consider the possibility of ratifying the main human rights international instruments ... (Argentina).

Response for Ratification of Specific Treaties:

Ratifying ICCPR – Palau's Position: It is the position of Palau to take note of these treaties. Palau is working on building public awareness on this instrument and determining the capacity and resources of the Republic to fulfill its obligations on this instrument.

- 62.7. ... making it a priority to accede to the ICCPR ... (France);

- 62.8. Ratify the ICCPR ... (Norway);
- 62.9. Consider ratifying the main human rights instruments particularly the ICCPR... (United Kingdom);
- 62.10. Consider ratifying the core international human rights treaties: ICCPR, (Poland);
- 62.23. Consider the possibility of ratifying the ... International Covenant on Civil and Political Rights and its Optional Protocols... (Argentina);
- 62.24. Sign and ratify the two International Covenants; ... (Spain).

Ratifying ICESCR – Palau’s Position: It is the position of Palau to take note of these treaties. Palau is working towards building public awareness on this instrument and on determining the capacity and resources of the Republic to fulfill the obligations of this instrument.

- 62.6. Consider acceding to ... the International Covenant on Economic, Social and Cultural Rights (China);
- 62.7. ... making it a priority to accede to the ... ICESCR (France);
- 62.8. Ratify the... ICESCR ... (Norway);
- 62.9. Consider ratifying the main human rights instruments particularly the ..., the ICESCR and ... (United Kingdom);
- 62.10. Consider ratifying the core international human rights treaties: ICESCR, (Poland);
- 62.23. Consider the possibility of ratifying the ... the International Covenant on Economic, Social and Cultural Rights; ... (Argentina);
- 62.24. Sign and ratify the two International Covenants... (Spain).

Ratifying CEDAW – Palau’s Position: It is the position of Palau to take note of these recommendations. Palau is continuously working towards the ratifications of this instrument.

- 62.8. Ratify the ... CEDAW ... (Norway);
- 62.9. Consider ratifying the main human rights instruments particularly the..., the... and the CEDAW... (United Kingdom);
- 62.10. Consider ratifying the core international human rights treaties: CEDAW ... (Poland);
- 62.12. Ratify the remaining human rights conventions, particularly CEDAW (Maldives);
- 62.13. Accede to CEDAW (Turkey);
- 62.14. Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Canada);
- 62.15. Ratify the Convention on the Elimination of All Forms of Discrimination against Women, which was given Senate’s approval in 2008, and accede to other instruments (Republic of Moldova);
- 62.16. Ratify CEDAW and ... (Hungary);
- 62.17. Finalize the process for the ratification of CEDAW and ... (France);

62.18 Gradual consideration be given, with the assistance of the OHCHR, to the ratification of ... the International Convention on the Elimination of All Forms of Discrimination against Women and ... (Chile);

62.20. Continue to pursue the ratification of International Convention on the Elimination of All Forms of Discrimination against Women and the ... (Philippines);

62.23. Consider the possibility of ratifying the main human rights international instruments, particularly ..., the International Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocols; ... (Argentina);

62.24 In particular, sign and ratify the International Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, whose ratification was approved by the Senate in early 2008 and is still waiting for the approval of the House of Representatives (Spain).

Ratifying CAT – Palau’s Position: It is the position of Palau to take note of these treaties. Under Palau’s Constitution “Torture, cruel or inhumane or degrading treatment or punishments are prohibited”. Palau is working on building public awareness and determining the capacity and resources of the Republic to fulfill the obligations of this instrument.

62.10. Consider ratifying the core International human rights Treaties: CAT. (Poland);

62.11. Consider acceding to ..., in particular the Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment; ... (Costa Rica);

62.23. Consider the possibility of ratifying the ... Convention on the Elimination of All Forms of Racial Discrimination ... (Argentina);

62.24. Sign and ratify ... and the International Convention on the Elimination of All Forms of Racial Discrimination ... (Spain).

Ratifying CRC – Palau’s Position: Palau accepts this recommendation as it ratified CRC in 1994 and is working on its next report while following up on its obligations to this instrument.

62.18 Gradual consideration be given, with the assistance of the OHCHR, to the ratification of ... the Optional Protocols on the Convention on the Rights of the Child within the framework of the National Plan of Action for Children referred in the national report (Chile);

62.24. Ratify the two Optional Protocols on the Convention on the Rights of the Child ... (Spain).

Ratifying Conventions on the Rights of Persons with Disabilities – Palau’s Position: It is the position of Palau to accept these recommendations as it is working on building awareness on this instrument and determining the capacity and resources the Republic will need to fulfill its obligations to this instrument.

62.20. Continue to pursue the ratification of ... the Convention on the Rights of Persons with Disabilities ... (Philippines);

62.21. Ratify the Convention on the Rights of Persons with Disabilities and work to implement the Pacific Regional Strategy on Disability (Australia);

62.22. Become a party to and implement the Convention on the Rights with Disabilities as a matter of priority and further include persons with disabilities throughout this process (New Zealand);

62.24 Sign and ratify the ... Convention on the Rights of Persons with Disabilities and its Optional Protocols ... (Spain).

Ratifying Migrant Workers – Palau’s Position: It is the position of Palau to take note of these recommendations as it is working to develop awareness and determine the capacity and resources of the Republic to fulfill its obligations under this instrument.

62.20. Continue to pursue the ratification of... the UN Convention on Migrant Workers (Philippines).

Ratifying International Convention for the Protection of Persons from Enforced Disappearance – Palau’s Position: It is the position of Palau to take note of these recommendations as it is working to develop awareness and determine the capacity and resources of the Republic to fulfill its obligations under this instrument.

62.23. Consider the possibility of ratifying the ... International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

62.24. Sign and ratify the...International Convention for the Protection of All Persons from Enforced Disappearance ... (Spain).

Ratifying on Convention relating to the Status of Refugees and Stateless Person – Palau’s Position: It is the position of Palau to take note of these recommendations as it is working to develop awareness and determine the capacity and resources of the Republic to fulfill its obligations under this instrument.

62.25. Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness (Republic of Moldova);

62.26. Become a party to the 1951 Refugee Convention and 1967 Refugee Protocol (United States of America);

62.27. Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia);

Ratifying on Convention relating to Transnational Organized Crime and Human Trafficking – Palau’s Position: Palau takes note of these recommendations as it is working to develop awareness and determine the capacity and resources of the Republic to fulfill its obligations under this instrument. Palau has existing legislation and enforcement mechanism addressing human trafficking.

62.28. Consider ratification of the UN Convention against Transnational Organized Crime and its Palermo Protocol (Philippines);

62.33. Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and children, a protocol to the Convention against Transnational Organized Crime (United States of America).

Withdrawal of Reservations to CEDAW – Palau’s Position: It is the position of Palau to take note of these recommendations as it is working to develop awareness and determine the capacity and resources of the Republic to fulfill its obligations under this instrument.

62.19. Continue working with national and state governments and women’s group to remove the reservations to the Convention on the Elimination of All Forms of Discrimination against Women (Australia);

Response On Harmonization of Legislation/Implementation:

Legislation on CEDAW – Palau’s Position: It is the position of Palau to take note of these recommendations. Appropriate Ministries of Palau continue to work closely to ensure that relevant polices are in line with CEDAW.

62.4. Consider bringing national legislation in line with the provision of these instruments (core international human rights instruments) (South Africa);

62.16. ... revise relevant legislation in accordance with international standards (CEDAW) to provide an efficient legislation for the best interest of women (Hungary);

62.17. ... and take all the necessary steps to implement the provisions of the Convention (CEDAW) (France).

On the Establishment of a National Human Rights Institution – Palau’s Position: It is the position of Palau to accept this recommendation. Palau continues to work with the Pacific Islands Forum Secretariat and Asia Pacific Forum through consultations in developing awareness and to determine the capacity and resources of the Republic to fulfill its obligations under this institution. On 1 – 5 August 2011, Palau will conduct a National Human Rights Institution consultation with the assistance of the Pacific Islands Forum Secretariat, Asia Pacific Forum and the Office of the High Commissioner for Human Rights. The in country consultation will consist of key government officials particularly members of the National Congress as well as relevant government Ministries and Agencies. The outcome of the consultation will determine the move forwards establishing a NHRI.

62.1. Consider step up the efforts aiming at establishing a National Human Rights Institution (Algeria).

On the Status of Children Born of Foreign Parents – Palau’s Position: It is the position of Palau to take note of this recommendation. In line with Palau’s Constitution, the legislative body may address the status of children born of foreign parents.

62.29. Revise the status of children born of foreign parents in accordance with relevant international standards (Hungary).

The Minimum Age of Criminal Responsibility – Palau’s Position: It is the position of Palau to accept this recommendation. Palau is a party to CRC and will make changes according to these recommendations according to the standards of CRC.

62.30. Review the legislation on minimum age for criminal responsibility (Brazil);

62.31. Raise the minimum age of criminal responsibility in compliance with International standards (Slovakia).

Treatment of Female Prisoners - Palau’s Position: It is the position of Palau to take note of this recommendation. Palau prison system has existing compliance standards that protect women prisoners in line with Bangkok Rules.

62.32 Circulate and implement the recently adopted rules on the treatment of women prisoners and non-custodial measures for women offenders, otherwise known as the Bangkok Rules and seek necessary support from such relevant agencies as UNODC and the OHCHR (Thailand).

Sexual Exploitation of Children – Palau’s Position: It is the position of Palau to accept these recommendations. Palau is a party to CRC and will apply these recommendations under its obligations on this instrument.

62.34 Urgently implement legislation that specifically addresses child sexual exploitation through electronic images and take appropriate measures to ensure

adequate legal protection of children, including boys, against commercial sexual exploitation (United Kingdom);

62.36. Enact Legislation that addresses exploitation of children via sexually explicit videos, movies, photos and electronic images (New Zealand);

62.36 ... protect children from commercial sexual exploitation (Trinidad and Tobago).

Child Labour – Palau’s Position: It is the position of Palau to accept these recommendations as it is a party to CRC and will apply its obligations under this instrument.

62.36. Enact legislation to prevent child labour and protect children from commercial sexual exploitation (Trinidad and Tobago),

62.37. Seek the assistance of ILO to combat child labor (Brazil).

Criminalization of Sexual Relations of Consenting Adults of the Same Sex – Palau’s Position: It is the position of Palau to accept these recommendations. Palau will take appropriate measures to modify or amend current legislation in line with international standard.

62.38. Confirm its commitment to non-discrimination by de-criminalizing sexual relations between consenting adults of the same sex and by repealing the discriminatory provisions against LGBT persons (France);

62.39. Bring its national legislation into conformity with its commitment to equality and non discrimination, by repealing the provisions of Palau’s Penal Code which continues to criminalize sexual relations between consenting adults of the same sex (Norway);

62.40. Repeal all provisions in domestic legislation criminalizing consensual sexual activity between same sex adults and combat discrimination against LGBT through political, legislative and administrative measures (Spain).

Age of Marriage – Palau’s Position: It is the position of Palau to accept these recommendations. Palau will take appropriate measures to modify or amend appropriate legislation in line with international standards.

62.41. Equalize the legal minimum age of marriage for girls and boys (Norway).

Refugees and Asylum Seekers – Palau’s Position It is the position of Palau to accept these recommendations. Palau will take appropriate measures to enact appropriate legislation in line with international standards.

62.42. Establish a more formal system to provide protection for refugees and asylum seekers (United States of America).

Conclusion:

His Excellency Johnson Toribiong, President of the Republic of Palau, is scheduled to attend the 66th United Nations General Assembly. During his visit in New York, he plans to sign the remaining 7 core human rights Treaties /Conventions/Covenants. These are as follows: *1) UN Human Rights Treaty 2) Universal Declaration of Human Rights 3) International Covenant on Civil & Political Rights 4) International Covenant of Economic, Social & Cultural Rights 5) Convention on the Elimination of All Forms of Discrimination against Women 6) Convention of Elimination of all Forms of Racial Discrimination 7) Convention against torture and other cruel inhuman or degrading*

treatment of punishment. Palau is already a party to the Convention on the Rights of a Child.

Finally, Palau is committed to its human rights obligations and responsibilities and reiterates its appeal to the international community to assist the country in its efforts to carry out its human rights responsibilities in the implementation of these instruments.
