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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\* \*\***

### **Palau**

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## **I. Introduction**

1. The Government of Palau (“*Government*”) welcomes this opportunity to respond to the recommendations made at the first reporting cycle of the Universal Periodic Review and affirms its commitment towards the advancement and protection of fundamental principles and values of universal human rights enshrined in the *Universal Declaration of Human Rights* and core human rights treaties. The Government reiterates that the cornerstone of Palau’s democratic society is underpinned by the promotion, protection and safeguarding of human rights.

2. This National Report (“*Report*”) is drafted with reference to the Universal Periodic Review (“*UPR*”) on the four and a half year second cycle of human rights progress in Palau. This Report is submitted in accordance with Paragraph 5 of the Human Rights Council resolution 16/21.

## **II. Methodology and consultation**

3. This Report was tasked by the Reporting Committee on UN Conventions on Human Rights and undertaken by the National Human Rights Working Group (“*NHRWG*”). The NHRWG, in partnership with the Pacific Islands Forum Secretariat (PIFS) and the Secretariat of the Pacific Community Regional Rights Resource Team, held a joint consultation with senior government officials from all Ministries and Non-Government Organizations. Additionally, a leadership consultation was held with members of the Cabinet and a separate consultation with members of the 9th *Olbiil Era Kelulau*, Palau National Congress.

4. The Reporting Committee on UN Conventions on Human Rights was established through Executive Order 368 by His Excellency Tommy E. Remengesau, Jr., President of the Republic of Palau. The Human Rights Reporting Committee comprises all the Government Ministers. The Committee is supported by a National Human Rights Working Group comprising key officials from each Ministry. Gender and disability issues inter alia were key considerations in the establishment and creation of the working group. The Pacific Islands Forum Secretariat acts as Adviser to the NHRWG.

## **III. Development of normative and institutional frameworks for human rights**

### **A. Normative framework**

5. The Constitution of the Republic of Palau (“*Constitution*”) is the supreme law of the nation. It establishes the fundamental rights of every citizen and the powers of government; ensures checks and balances among the three separate independent branches so that government powers will not exceed its jurisdiction; and gives recognition to traditional rights. Any law, act of government or agreement to which the Government of Palau is a party shall not conflict with the Constitution and shall be invalid to the extent of such conflict. The Constitution of Palau guarantees:

- freedom of conscience, of philosophical and of religious belief;
- the freedom of expression and press;
- the right to peaceful assembly;

- the right to vote;
- the right to be secure in his person, house, papers and effects against entry, search and seizure;
- equality under the law; non-discrimination on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations;
- the right not to be deprived of life, liberty, or property without due process of law;
- protection from *ex-post facto* prosecution;
- protection from warrantless searches;
- the presumption of innocence until proven guilty;
- the right to be informed of the nature of the accusation and to a speedy, public and impartial trial;
- the right to compensation by the government as prescribed by law or at the discretion of the court;
- the right of citizens to enter and leave Palau;
- the right to be free from torture, cruel, inhumane or degrading treatment or punishment;
- slavery or involuntary servitude is prohibited except to punish crime;
- protection of children from exploitation;
- the right to examine any government document and to observe the official deliberations of any agency of government;
- the rights to marital and related parental rights, privileges and responsibilities on the basis of equality between men and women, mutual consent and cooperation;
- the right to free education;
- the right to free or subsidized primary care;
- free preventative health care for every citizen;
- protection of the safety and security of persons and property;
- the conservation of a beautiful, healthful and resourceful natural environment.

## **B. Institutional frameworks**

### **Ombudsman Office**

6. Executive Order 203 established an Ombudsman Office. This office assists individuals with grievances regarding services, programs or activities of the Government. The Office does not have decision making authority; however, it reviews grievances and provides reports to the President. Furthermore, the office provides inquiry, mediation and arranges referrals for assistance.

### **Attorney General's Office**

7. The Attorney General is appointed by the President as the Chief Legal Officer for the Republic of Palau. The Office of the Attorney General is under the Ministry of Justice and headed by the appointed Attorney General, who is mandated and obligated by law and Executive Order to provide legal services to the Republic. The Office of the Attorney General:

- Issues written legal opinions and executes all laws and orders applicable in the Republic;
- Enforces all existing criminal laws (including human trafficking), quasi-criminal laws and administrative procedures required by the Constitution, Trust Territory Code, applicable United States Treaties, laws and orders of the Republic;
- Prosecutes all criminal cases and other related matters;
- Performs and coordinates law enforcement related functions and activities in conjunction with the Bureau of Public Safety and other law enforcement agencies;
- Renders legal service and assistance to all agencies of the Executive Branch on civil matters and civil litigation;
- Provides legal analysis on legislative proposals to the Chief Executive;
- Reviews governmental contracts to be signed by the President;
- Oversees the corporate registry and the Foreign Investment Board;
- Provides legal advice to Quasi-Governmental Agencies.

8. The Office is a member of the NHRWG and actively reviewed legislation relating to domestic violence, human trafficking and combating sexual exploitation of children.

### **Micronesian Legal Services Corporation**

9. Micronesian Legal Services Corporation (MLSC) was established in 1970 and has offices throughout Micronesia with its central headquarters in the Commonwealth of the Northern Mariana Islands. The mission of MLSC is to provide equal access to justice and high quality civil legal assistance to low income people. The office in the Republic of Palau provides legal services for: child support; marriages; divorces; probation; contracts; land matters; small claims; and wills.

### **Public Defenders**

10. The Office of the Public Defender is under the Ministry of State. The Public Defender is charged by the Constitution with representing all indigent persons charged with a crime in Palau. The Public Defender's Office also takes a limited number of civil and family law cases when resources allow.

11. Currently the Office employs three full-time attorneys, an investigator and two administrative staffers and was recently granted the budget for an additional attorney and a satellite office.

12. The Office represents approximately 95% of all criminal cases in the Republic. The Public Defender ensures that the government follows procedural and ethical rules in bringing cases to trial, and preserves the rights of defendants by providing them with high-quality legal services free of charge.

13. The Office represents Palauan citizens as well as foreign nationals who find themselves accused of crimes. The Office provides representation for labor violations, traffic citations, and more serious criminal offenses.

#### **Office of the Special Prosecutor**

14. The Office of the Special Prosecutor acts as the prosecutorial agency for the National Government in any case in which the Attorney General's Office is unable to prosecute because of an actual or potential conflict of interest or other ethical considerations.

15. The Office of the Special Prosecutor is statutorily empowered to receive complaints of, investigate, and prosecute any and all allegations of violations of the Constitution and the laws of the Republic of Palau, including, but not limited to, crimes involving human trafficking.

16. In its history, the Office of the Special Prosecutor has had one case involving human trafficking. This case is still pending under investigation.

17. The Office of the Special Prosecutor works independently from, yet cooperatively and collaboratively with, the Attorney General's Office and the Ministry of Justice in order to ensure that all individuals in Palau are held to the same standard of accountability for their conduct.

### **IV. Human rights promotion, education and public awareness**

18. A number of government Ministries conduct human rights awareness programs in specific areas such as gender equality, education, HIV and AIDS, disabilities, violence against women and children, human trafficking, non-communicable diseases, the impact of climate change on food security, health, property etc.

- The Bureau of Public Safety and the Office of the Attorney General have conducted training on domestic violence.
- The Micronesian Legal Service Corporation conducted a public awareness meeting on the rights of migrant workers.
- The Judiciary has ongoing meetings with the Family Protection Act committee to review ongoing progress and challenges in implementing the Act.
- The Ministry of Community & Cultural Affairs and Ministry of Health meet regularly through the Disability Committee on the ongoing needs of persons with disabilities.
- The Ministry of Health does ongoing awareness campaigns on the prevention of HIV/AIDS at schools and public places.
- The Government has regular forums with the public on environment and climate change issues.
- Every year on November 25, the President of the Republic of Palau issues a proclamation encouraging all residents of Palau “to make a choice, to take a stand to end all violence against women and girls.”

## **V. Follow-up and implementation of recommendations and commitments undertaken in the previous review**

### **A. Human rights treaties and procedures**

#### **Recommendations 60.1–4: Standing Invitation to all special procedures of the Human Rights Council**

19. At Palau's first UPR interactive dialogue a standing invitation was extended to all special procedures of the human rights council and Palau extends the invitation again to relevant Special Rapporteurs and special representatives to progress our human rights commitments in areas relating to children, persons with disabilities, violence against women, climate change, human trafficking and migrant workers.

#### **Recommendations 60.5: Engaging civil society in the UPR follow up process**

20. The NHRWG engaged Civil Society Organisations and the Disabled Persons Organisation on a number of processes including the treaty body reporting for the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Person with Disabilities (CRPD) ratification and the UPR consultations. However, there is an absence of a coordinating body to support civil society with their reporting which resulted in the untimely submission of stakeholder reports.

#### **Recommendations 61.1: Incorporating CRC into domestic legal system**

21. Congress ratified the (CRC) by way of a resolution and has yet to enact specific legislation to implement the Convention. However some legislative changes related to articles of the CRC have progressed; these include the prevention of sexual assault of children, higher penalties as a form of deterrence in the area of human trafficking of children<sup>1</sup>, sexual exploitation of children and domestic violence inclusive of children. Furthermore, the new Penal Code incorporates the registration of sexual offenders, 17 PNC § 1700–1709. The Constitution further guarantees the people of Palau, including children, the right to free or subsidized primary care, freedom of expression, free education and other forms of protection.

22. Efforts have been made by the Government in other areas, including the National Health Insurance Coverage targeting children and proposed legislation in Congress on child seatbelt and restraint. The Ministry of Health, in partnership with UNICEF and the Australian DFAT, commissioned a Child Protection Baseline Report.

#### **Recommendations 61.2: Ensure human rights are afforded legal protection in Palau, Bringing national laws in line with provisions of these instruments (Recommendations 61.4–5)**

23. Human Rights are protected under the Constitution of Palau. Additionally, new laws have been passed by Congress that further protect human rights. These include:

- Family Protection Act(FPA) of 2012 (Chapter 8, Domestic Relations Act);
- New Penal Code includes Labour Trafficking, Anti-Smuggling and Anti Trafficking crimes and offenses, as well as Child Exploitation crimes and offenses.

24. The Office of the Attorney General provides legal advice to the Executive Branch of government on law reform. Further Palau provides free legal assistance through the Office of the Public Defender as well as through the Micronesia Legal Services Corporation.

**Recommendations 62.1-25: Ratification of core human rights treaties**

25. Following the first UPR report, the Government of Palau implemented the recommendations of the Human Rights Council by signing the core human rights treaties at the margins of the 66<sup>th</sup> UN General Assembly in 2011.

- International Covenant on Civil & Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on Elimination of All Forms of Racial Discrimination
- Convention Against Torture and other cruel, inhuman or degrading treatment or punishment
- Convention on the Rights of Persons with Disabilities
- Convention on the Rights of Migrant Workers and Members of their Families
- International Convention for the Protection of All Persons from Enforced Disappearance

26. In 2013, the Government of Palau ratified the Convention on the Rights of Persons with Disabilities and has completed its combined 2<sup>nd</sup> and 3<sup>rd</sup> reports on the Convention on the Rights of the Child.

**Recommendations 61.14: Take measures to ensure the full implementation of the principles and provisions of the CRC. Intensify efforts to establish an Ombudsman for Children to deal with complaints of violations of the rights of the child, particularly those related to child exploitation and sexual violence**

27. The enactment of the FPA and revision of the Penal Code to increase penalties for offences against children provide protective measures for children and deterrence of targeted crimes against children. The Domestic Relations Act provides for civil and criminal enforcement of child support including reciprocal enforcement. The law also provides for adoption<sup>2</sup>, custody, inheritance<sup>3</sup> and mandated reporting of child abuse, neglect and sexual abuse. Adoption of non-national children is allowed and these children are treated the same as a natural born child for inheritance purposes, except land inheritance, which is subject to special protection under Palauan constitutional and statutory law.

28. Crimes against children are dealt with in compliance with the CRC and protection is afforded to a child witness or victim which also allows them to testify outside a courtroom. Customary reconciliation is recognized, but this is not a method of barring the criminal prosecution of the crime.

29. The Palau National Framework on Early Childhood<sup>4</sup>, under the Domestic Relations Law, established the National Framework on Early Childhood Council, which is tasked to develop a guideline on early childhood care and education which is in progress. Technical assistance is requested for the development of an implementation framework that would strengthen the on-going work as a result of the Violence Against Women (VAW) studies.

30. Areas requiring support include the Protective Service Agency, the establishment of centers for children and additional legal reforms based on the principle of best interest of the child. Proposed legislation to establish a child foster care system was introduced in the Senate in October 2015.

31. In reference to the recommendation for the establishment of an Ombudsman for children, no progress has been noted; however, multiagency collaboration ensures better access to children who are victims of crime and need legal protection. In addition, the

Victims of Crime Assistance (VOCA) provides similar services and collaborates with other agencies such as health and education to address this issue. There is also a recently chartered non-profit organization called NgaraUbeng that provides guidance and opportunities for at-risk youths and seeks to aid in the rehabilitation and social reintegration of youth offenders.

32. Palau has limited resources and utilizing inter-agency cooperation to support this work is more practical than having an Ombudsman for children. In order to implement this recommendation, additional programs, data, financial and human resources are necessary.

## **B. National human rights institution**

### **Recommendations 61.5–13: Establishment of a national human rights institution**

33. While the establishment of a National Human Rights Institution (NHRI) has not progressed, a series of consultations were held with members of the 8<sup>th</sup> *Olbiil Era Kelulau* (Palau National Congress) and traditional leaders in 2011. To strengthen coordination in this area HE President Tommy E. Remengesau, Jr. established a Reporting Committee on UN Conventions on Human Rights through Executive Order 368.

34. Additionally, during the UPR consultation with the members of cabinet comprising all Ministers, a recommendation was made to create permanent Human Rights Officer positions in all Ministries. The key role of that person would be to handle human rights issues arising in the government including public complaints. This was seen as valuable by the Ministers in the absence of a Human Rights institution.

35. Furthermore, at the UPR Consultation with the members of the 9<sup>th</sup> *Olbiil Era Kelulau* (Palau National Congress), it was acknowledged that Palau needed a more focused and permanent office in place to handle matters related to human rights. The option for an NHRI was again considered. This recommendation was taken by the Minister of State, Chairman of the Human Rights Reporting Committee and the Minister of Community and Cultural Affairs, Vice Chairwoman of the Human Rights Reporting Committee, to consider and start a dialogue with HE President of the Republic of Palau.

36. Although recommendations have been made to create a Human Rights Ministry or permanent human rights officer positions in each Ministry, funding remains to be a constraint and a challenge for sustainability of the offices as well as building technical capacity and identifying a model that will best fit the Government of Palau. In order to progress this work forward the Government will require additional support by way of funding and technical assistance including a further scoping study for an NHRI.

37. Palau supports and sees the value of a Regional Human Rights Mechanism and participated as a member of the Pacific Island Forum Regional Human Rights Mechanism working group tasked to establish a mechanism in the region. Palau acknowledges the funding from the Government of Turkey and the Government of Morocco which contributed towards a series of consultations for NHRI and specific support to refugees.

## **C. Human trafficking**

### **Recommendations 61.15, 36, 37, 38: Human trafficking, prevention and combating trafficking**

38. Palau has adopted legal measures and enforcement strategies to combat human trafficking through 17 PNC § 2001-07 (labor trafficking), and 2102–13 (human trafficking). These relatively new laws include protections in the areas of employment and the unlawful



detention of travel documents. Furthermore, 17 PNC § 2005 allows for repayment of income and repatriation benefits. There are also harsher penalties for trafficking. For example the illegal movement of children is punishable by up to 50 years imprisonment and/or \$500,000 fine; and for other persons it is punishable for up to 10 years and/or fine of \$50,000.

39. Key challenges remain in training law enforcement and identifying people who have been trafficked. International and regional cooperation in this area is critical.

40. There is existing inter-agency collaboration between the Bureau of Immigration, Bureau of Public Safety, Office of the Attorney General and the Ministry of Health to identify potential victims of human trafficking. Key agencies provide support by way of investigation, referrals, special visas and permits and medical and legal services. The Republic is strengthening its partnership with civil society and religious organisations, which can provide shelter and counselling for victims. The Bureau of Public Health currently has a program called Ladies in Entertainment Business Project, specifically assisting migrant workers.

41. In addition, the Bureau of Immigration Office works closely with the Bureau of Public Safety and the Office of the Attorney General in providing border protection in regulating movement into Palau. A National Border Control Training was conducted by the Pacific Island Forum Secretariat for the Bureau of Immigration, Bureau of Human Resources and Labor, Division of Customs and Bureau of Public Safety.

42. As mentioned in the first UPR report, Palau has ongoing contact with relevant embassies in Palau to address the problems of human trafficking.

#### **Investigate, prosecute and punish offenders of human trafficking**

43. As a result of more awareness following the first UPR and related reports on human trafficking issues, more cases have been filed and pursued for prosecution.

44. There is a measure in place providing free legal services whereby victims make claims with the Micronesian Legal Services Corporation who then file a case with the Office of the Attorney General. The Office of the Attorney General, with due diligence, investigates these alleged cases to be brought to the courts for prosecution. To date, there has been one case resulting in human trafficking conviction and eight cases reported to the Office of the Attorney General. However, there is still a need to strengthen this process through capacity building, human resource training and technical assistance.

45. MLSC has noticed a high incidence of non-compliance in labor laws. In many of these cases there are elements of human trafficking as well, for example, MLSC represented 11 individuals against 2 of their employers in their labor claims which included human trafficking elements during the one year time period from August 2014 to August 2015.

46. In these cases, MLSC has initiated the criminal charges with the Bureau of Public Safety and the AG's Office (by accompanying their clients to file the charges), and has closely cooperated with those entities to promote a full investigation of the trafficking charges. To this end, in August 2015, MLSC brought a civil law suit on behalf of 6 clients asserting both labor violations and private civil causes of action for human trafficking violations. MLSC is also engaging the foreign worker community to raise awareness of trafficking and to encourage those who believe they are victims of trafficking to seek assistance at their office.

### **Shelters for victims of trafficking**

47. The Judiciary Branch recently constructed a new court building specifically for the Court of Common Pleas which included construction of a temporary dwelling for victims of domestic violence. In addition, religious organisations offer support to the government by opening their churches for victims in need of a safe house. Furthermore, the Belau National Hospital allows for social admissions to victims in need of shelter.

48. A new law, RPPL 9-14, merges the Bureaus of Immigration and Labor and requires the Ministry of Justice to construct a detention center for violators of labor and immigration laws.

49. Some immediate measures taken by the Bureau of Immigration include legalizing the status of victims by issuing a “Special Permit” to enable them to work in just and fair conditions. The Bureau of Human Resources provides assistance in securing a safe place and facilitates future employment for the victims while the court proceedings are being held.

## **D. Children**

### **Recommendations 61.16- 17, 23, 38–46, 62.29-31, 34-37: Children’s rights, policies, programmes and services to provide children with greater protection and care**

50. Traditional Palauan culture and current statutory and constitutional protection afford a high degree of care to Palauan children. In addition to these, Palau has demonstrated its commitment to protect and promote children’s rights by ratifying both the UN CRC and the UN CRPD.

51. Palau awards its children *protection rights* to be safeguarded against abuse, neglect, exploitation, drugs and pornography and to be given special consideration by the justice system, in the workplace, and in times of war. Children with special needs have the right to receive special care (e.g., disabled, ethnic minorities, children without families, children who are adopted, and children living in poverty). As mandated by Article IV, section 11 of the Constitution, “The government shall protect children from exploitation.”

52. The enactment of the Family Protection Act and revision of the Penal Code further provide protective measures for children and deterrence of targeted crimes against children.

53. The areas requiring support include the Protective Service Agency, the establishment of centers for children and additional law reforms based on the principle of best interest of the child. There is no clear "Juvenile Act" for the treatment of delinquent children; however there is a Juvenile Delinquency and Curfew law found in 34 PNCA Chapter 61. This law needs to be expanded to be more comprehensive in addressing this issue.

54. The National Youth Policy encompasses a plan for children. It is spearheaded by the Ministry of Community and Cultural Affairs, Division of Youth Affairs, and needs to be fully resourced and implemented.

55. The Belau Head Start Program provides comprehensive services that include health (Medical, Nutrition, Dental and Mental Health), education, disability, family/community partnership and facility & transportation to children between the ages of 3–5 years old and their families regardless of their ethnicity, nationality, gender and religion. Its mission is to work in partnership with families and communities to promote the health and educational success of our children. It aims to:

- respect the cultural diversity of each child;

- empower families to become involved in their child’s health and education;
- foster a learning environment conducive for the child;
- promote healthy growth and development of the child;
- promote a sense of belonging for the child;
- provide a continuum of care, education and services for the child; and
- promote and strengthen partnerships with families and the community.

#### **Reporting obligations under the CRC (Recommendation 61.20)**

56. The NHRWG has finalised Palau’s second and third combined periodic report on the CRC, which is currently awaiting endorsement from the President of the Republic of Palau.

#### **Laws to protect children from economic and sexual exploitation (Recommendations 61.38–39), Laws to combat sexual abuse of children (Recommendation 61.40), Implement legislation that specifically addresses child sexual exploitation through electronic images and take appropriate measures to adequate legal protection of children, including boys against CSEC (Recommendations 62.34–35), Combat Sexual Exploitation of Children, Child Labour laws and commercial sexual exploitation of children (Recommendations 62.36–37)**

57. The new Penal Code, effective July 2014, defines Child Exploitation crimes in 17 PNC 1801-1808. These include Electronic Enticement of Children, 17 PNC § 1807, which criminalizes the possession and promotion of child pornography and use of the computer to engage in sexual activities and entice children under the age of 18 to meet with predators. Sexual Assault Offenses, 17 PNC Chapter 16, have been expanded to include offenses such as pornography, continued sexual assault of a minor, sexual harassment and incest.

58. The mandatory Registration of Sex Offenders, 17 PNC Chapter 17, is also in the new Penal Code. The Office of the Attorney General, in collaboration with the Bureau of Public Safety, has created a sexual offender registry list. There is ongoing work between the two agencies to implement the sex offender registration program and eventually post it publicly online.

59. The Family Protection Act Committee has been active in promoting awareness of the new law, affording people comfort and safety in reporting sexual assault and domestic violence. This has caused the increase in sexual assault cases reported since January 2015, focusing especially on victims who are children.

#### **Investigations of all alleged sexual abuse of children in a child friendly judicial procedure, with due regard to protecting the right to privacy of the child (Recommendation 61.41)**

60. The Family Court and Domestic Relations Act<sup>5</sup> provides for the protection of, and court friendly measures for, children, including child victims, witnesses, use of other witnesses.

61. Title 21, Chapter 6, section 601 of the PNC sets forth the National Government’s policy with regards to cases involving child abuse. Domestic violence and abuse cases present a sensitive issue and “[i]t is the policy of the National Government to provide for the protection of children...” 21 PNCA §601. This includes protecting the confidential nature of the identities of child witnesses and 21 PNCA § 609 addresses how to maintain a child’s anonymity with respect to filing documents with the court and keeping records in matters and proceedings involving child victims and witnesses.

62. While there is no specific provision in the Palau National Code that sets forth procedures for handling child witnesses, 34 PNCA § 6102(a), Adoption of flexible procedures by courts, allows the Palau Judiciary to “adopt a flexible procedure based on the accepted practices of juvenile courts of the United States...”

63. Applying this rule, the Palau Judiciary may follow the procedures set forth in Title 18 of the United States Code Annotated, regarding witnesses and specifically the rights of child victims and child witnesses. See 18 U.S.C.A. § 3509, Child victims’ and child witnesses’ rights.

64. The court may take a child’s testimony by means other than live, in-court testimony from the child. There are two ways the court can do this:

- Taking the child’s live testimony by two-way closed circuit television.
- Taking a videotaped deposition of the child.

65. The above measures are available if the court finds that the child is unable to testify in open court for any of the following reasons:

- The child is unable to testify because of fear.
- There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying.
- The child suffers a mental or other infirmity.
- Conduct by defendant or defense counsel causes the child to be unable to continue testifying.
- Depending on additional facts and circumstances, the Court may rule that the child may testify either live via 2 way closed circuit television (the child is not in the court, but, is testifying in real time during the proceedings), or via a videotaped deposition (the child’s testimony is taped and played during the proceedings at a later date).

66. In addition to these two methods that do not require the child’s presence in courtroom, if able, the child may also appear live in the courtroom to testify. When a child testifies live, the Court may “close the courtroom” and exclude everyone from the courtroom who does not have a direct interest in the case. The Court may order that the courtroom be closed if it determines, on the record, that requiring the child to testify in open court would cause substantial psychological harm to the child or would result in the child’s inability to effectively communicate.

67. Finally, the statute also allows the Court, on motion by any person, to issue an order protecting the child witness from public disclosure of the child’s name or any other information concerning the child, if the court determines that there is a significant possibility that such disclosure would harm the child.

68. Allowing a child witness to testify by these means all serve to protect child witnesses from further trauma and also attempt ensure that the child is able to testify capably. These measures are also in line with the National Government’s policy to protect children who have been subject to abuse or neglect.

69. Crimes committed against children are sealed records to protect their identity and prevent further re-victimization.

**Measures to combat, prevent and punish acts of child neglect and child abuse  
(Recommendation 61.42)**

70. Family Protection Act provisions address child neglect and abuse and measures within the law, such as protective orders. The law requires mandatory reporting of child abuse and neglect by the public, establishes penalties for failure to report and provides protective custody of children, 21 PNC § 601-05.

**Corporal punishment (Recommendations 61.43-45)**

71. The Penal Code, 17 PNC § 310, regulates the use of force against children and other persons under care or control of another. This provision limits physical discipline of children, prisoners and others under care or control.

72. The Ministry of Education School Handbook 2010, PRIDE project, provides policies, rules, regulations and guidelines for students, teachers and non-teaching school personnel in the public school system. The handbook states, “Corporal punishment is not allowed in the public school system. Teachers and staff are reminded that corporal punishment ... will constitute a cause for suspension or termination of employment.”

**Street children (Recommendation 61.46)**

73. This is irrelevant due to no data or evidence in this area.

**Minimum age for criminal responsibility (Recommendations 62.30-31)**

74. The new Penal Code 17 PNC § 106 enacted July 2014, states that children under the age of 10 years are conclusively presumed to be incapable of committing any crime. Children between the ages of 10 and 14 years are also conclusively presumed to be incapable of committing any crime, except the crimes of murder and rape, in which case the presumption is rebuttable. The provisions of this section, however, do not prevent proceedings against and the disciplining of any person less than 18 years of age as a delinquent child.

**Age of marriage (Recommendation 62.41): Equalize legal minimum age of marriage**

75. The legal age of marriage in Palau has remained the same since the last reporting. Males must be at least 18 and females at least 16; if the female is less than 18, she must have consent of at least one parent or guardian. 21 PNC § 201.

**E. Disabilities**

**Recommendations 61.18-19, 22, 52: People with disabilities**

76. In 2013, the Government of Palau ratified the UN Convention on the Rights of Persons with Disabilities. Following its ratification, a series of consultations were held in partnership with Pacific Disability Forum and the Pacific Islands Forum Secretariat where a National Disability Policy was drafted. Key disability stakeholders including the Disabled Person’s Organisations (DPOs) and the Palau Parents Empowered attended the consultations and engaged in the drafting of the Disability Policy.

77. The purpose of the Policy is to provide guidance and recommendations for the implementation matrix for all government, non-government organizations, disabled persons organizations, individuals, families and communities throughout Palau and to address and engage in the needs and services of persons and families with disabilities and build a more inclusive society for all persons in Palau.

78. The goal of the Policy is to ensure that all persons with disabilities in Palau live free and inclusive lives to fulfil their full potential and to live as self-sufficient and contributing members of Palau communities and to the well-being of the Republic. In addition, it provides a structure for addressing disability issues in Palau to develop a more equal and inclusive society to enhance recognition of the disability state and its requisite for a cohesive and comprehensive national development that realizes an “inclusive” society for all persons. The objectives of the Policy are:

- (a) To strengthen coordination and collaboration between government agencies, CSOs and other stakeholders;
- (b) Strengthen DPOs and NGOs to be self-reliant, sustainable.

79. Additionally, the Government of Palau established a Palau Severely Disabled Assistance Fund enacted by RPPL 6-26 Senate Bill No.6 administered by the Ministry of Community and Cultural Affairs through the Bureau of Community Services. This fund was created as a response to the issues of approximately 325 Palauan citizens with severe disabilities without full employment. The purpose of this fund is:

- (a) To provide monthly assistance to individuals in the Republic of Palau who are homebound, wheel chair bound and or blind.
- (b) Following an amendment of the regulation the stipend increased to \$75.00 per month for those requiring 24 hours care and a sum of \$50.00 for those who are wheel bound and blind.

80. Those determined to be homebound and needing 24 hour per day care were eligible for a monthly stipend of USD \$50 and those determined to be wheelchair bound and/or blind were eligible to receive USD \$30. These amounts have increase by \$25 and \$20, respectively.

81. For persons with disabilities to be eligible to receive these assistances they must be homebound, wheelchair and blind. A committee appointed by the President of the Republic of Palau screens applicants, makes home visits and provides annual reports to the National Congress and the President’s Office. For FY 2014 and 2015, the National Congress appropriated \$225,000 each year to the Palau Severely Disabled Funds Program. The program continues to receive and process applicants.

82. The Social Security Act also provides funding for individuals with disabilities, but the money is very minimal and a person must choose between the funds he or she is to receive. Furthermore, there is additional funding for very specific disabilities, but again there is a limitation of only one source per person. There is also additional funding for the FPA and Disabilities within 34 PNCA, which is a wide-encompassing statute.

83. There are ongoing efforts in strengthening the national coordinating body and partnerships with the DPOs and organisations working with children with disabilities. There are increased efforts in the area of inclusive education with the Ministry of Education on the Special Education program. Limited resources, expertise and the absence of a national disability office hinder progress in this area.

#### **Implement the Pacific Regional Strategy on Disability (Recommendation 62.21)**

84. The Ministry of Community and Cultural Affairs in partnership with the Pacific Disability Forum and the Pacific Islands Forum Secretariat held a consultation on the new regional framework on Disability, which was introduced to the Ministers at the Ministerial Disability meeting held in Pohnpei, Federated States of Micronesia in 2014.

85. The Government of Palau fully supports the new framework and continues to work closely with the DPOs, special education program within the Ministry of Education and

Palau Parents Empowered on the implementation of the new Pacific Regional Strategy on Disability.

**Include people with disabilities in this process (Recommendation 62.21)**

86. At the UPR consultation held in partnership with the Pacific Islands Forum Secretariat and the Secretariat of the Pacific Community, the disability group was engaged in the second UPR reporting process and was also a member of the UPR drafting committee. The Palau Parents Empowered played a key role in the drafting of the report and assisted the group in ensuring that disability issues and challenges were included. However, there is an absence of a coordinating body to support civil society with their reporting, which resulted in the civil society not making a timely stakeholder submission.

**Special education programs for boys and girls with disabilities (Recommendation 61.52), inclusive education at all levels of education for children with disabilities**

87. Children with disabilities have the right to free appropriate public education as stipulated in the Individuals with Disabilities Education Act (IDEA) of 2004 and RPPL 3-9, August 1989. In the Ministry of Education, a special education program oversees the education of children and youth with disabilities ages 3-21 years in both public and private schools or programs.

88. In each school's program there are different teams or committees that provide intervention and related services. Each school or program's child study team, made up of the principal, the general education teachers and the parents of persons with disabilities, provide intervention or referral to special education. There are a total of 7 children with disabilities in the Head Start Program (3-5 year olds).

89. Children with special needs are defined as persons between the ages of 0 and 21 years of age who need special assistance in education and related services beyond those required by most other children due to long-term physical, developmental, behavioral or emotional conditions. This includes children with physical, mental, learning and emotional disabilities. There are approximately 300 such children currently on the registry in the Health Department, 189 of whom also receive special education services. Of the children served by special education, 15 are severely disabled, requiring either service in their home or in a specialized education facility.

90. Services for children with disabilities are coordinated by an Interagency Task Force headed by the Ministry of Health with membership from Special Education, Head Start, Behavioral Health, Vocational Rehabilitation, Physical Therapy, Out Patient Clinic and Palau Parents Empowered. The purpose of the Task Force is to provide seamless child center services extending from birth to childhood.

91. Under Article V of the Constitution, persons with disabilities are designated as a vulnerable group who are entitled to special consideration by the government. The Handicapped Children's Act of 1989, 22 PNC § 4, requires the National Government to "provide education services to all children to enable them to live free and productive lives ... (and) to provide full education opportunities and necessary support services to each handicapped child in order that the child acquires the skills and knowledge necessary to lead a fulfilling and productive life as a citizen of the republic."

92. This Act also designates mainstreaming for delivering services to the disabled, establishes the Interagency Task Force on Children with Special Needs and guarantees that, if Federal funds for Special Education services phase out, the *Olbiil Era Kelulau (Palau National Congress)* will appropriate replacement funds from local revenues.

## F. Gender equality

### **Recommendations 61.19, 21, 23–35, 47–48; 62.33**

93. Palau is one of three Pacific Countries that has progressed MDG 3 on Achieving Gender Equality and Empowerment of Women. Steps taken towards ratification of CEDAW have focused on awareness programs and consultations with key stakeholders, including the Mechesil Belau<sup>6</sup>.

94. The issue of violence against women has been highlighted in the recent Belau Family Health and Safety Study on the prevalence of violence against women and girls. Additionally, a Gender Mainstreaming Policy is currently being drafted and would essentially mainstream gender within the National and State government policies and programs.

### **Revise existing laws that are discriminatory towards women identified in the national report and Legal Measures to address violence Against Women, Implement policies to ensure the promotion of the rights of women and children, specifically combating domestic violence**

95. Palau enacted the Family Protection Act (FPA), 21 PNC § 101 et. seq., which contains specific sections that create an obligation for reporting abuse, sexual abuse or neglect, creates immunity for mandatory reporting and imposes penalties for violations. There are procedures for testifying out of the presence of the defendant and maintaining the confidential identity of child victims and witnesses, as well as definitions that expand victims of abuse to include anyone who is a family or household member. There are also domestic abuse restraining orders and protective orders.

96. There is a Memorandum of Understanding on implementing the FPA which includes provisions for counselling, investigation, and prosecution. Regular meetings improve the coordination between the different agencies impacted by the FPA.

97. More training and hiring of a coordinator and specialised personnel such as victim's advocates and counsellors are needed. The capacity to facilitate mandatory reporting is a challenge for key Ministries such as the Ministry of Health, which requires dedicated resources and proper data management systems.

98. The Community Guidance Center and the Division of Behavioral Health provide treatment for abusers and victims through evaluation, psychosocial assessment, behavior modification, medication management, education on alcohol and drug abuse, and access to services and rights.

### **Recommendations 61.3-4: Criminalize rape within marriage and equal rights to inheritance and remove law that discriminate against a wife's and female child's right to inherit property**

99. Since the first report, marital rape is now a crime of sexual assault. By removal of marriage as a defense, sexual assaults may be committed in a marital relationship.

100. In the FPA is the chapter on Adoption. A non-citizen adopted child is not afforded equal inheritance rights to land as a citizen adopted child, due to unique constitutional and statutory limitations on land ownership. Any change would require public debate and a constitutional amendment, as the current provision was previously subject to substantial discussion.

101. There is a proposed bill in Congress to amend the current law, whereby land inheritance passes to the oldest male heirs and child, to extend inheritance rights to spouses



and children in the absence of a will, thus according equal inheritance rights for women and girls.

#### **Recommendations 62.39-40: Decriminalization of sexual conduct between consenting adults**

102. The Penal Code has been amended to decriminalize sexual relations between consenting adults of the same sex.

#### **Training mechanisms on VAW for police officers, lawyers and judges**

103. The FPA committee has conducted a series of trainings with key government agencies on the implementation of the FPA. There is funding provided by the Government and donor partners; however successful implementation of the FPA requires significant funding from government and donor agencies. The Office of the Attorney General provides training on the new Penal Code and the FPA.

104. The Bureau of Public Safety under the Ministry of Justice organizes the annual “White Ribbon” community campaign. The White Ribbon campaign is a global initiative launched in the region for the purpose of ending violence against women. It is the world’s largest movement of men and boys working to end violence against women and girls and to promote gender equity, healthy relationships and a new vision of masculinity. This has been a key component in transforming attitudes and sensitizing men and boys on this issue.

#### **Shelters for victims of domestic violence and measures for recovery and reintegration**

105. The Judiciary recently constructed a new building for the Court of the Common Pleas, which included a location for filing protection orders for victims of domestic violence and temporary dwelling quarters. An MOU was signed between the Ministry of Community & Cultural Affairs and the Bureau of Public Safety, Family Court, Ministry of Health and the Victims of Crime Assistance Unit to aid implementation of the FPA, including raising awareness and education of the new law.

#### **Raise public awareness on domestic violence**

106. Current programs implemented by the government include the annual White Ribbon Campaign, production of Information Education Communication materials and media ads, and the provision of outreach programs in schools, parent-teacher meetings and a national women’s conference. These programs are carried out in partnership with the Ministry of Community and Cultural Affairs, Family Court, Ministry of Justice, Ministry of Health, Ministry of Education and Center for Women Empowerment Belau.

#### **Complaints on Domestic Violence are properly registered and prosecuted**

107. The Bureau of Public Safe, Family Court and the Belau National Hospital each have separate data bases on domestic violence cases, which could be improved and centralized.

2014 Report

Domestic Violence Cases

Number of Cases filed in the Supreme Court:

	<i>By Female</i>	<i>By Male</i>	<i>Multiple victims (male and female)</i>	<i>Others (Household/Family)</i>
Civil Domestic Abuse Restraining Order FPA (Filed)	0	0	0	0

by the Victim)					
Domestic abuse cases but charged as other crimes (Criminal-Filed by the Republic)	0	0	0	0	0
Abuse of Family/Household FPA (Criminal-Filed by the Republic)	14	14	0	0	0
<b>Total Cases</b>	<b>14</b>				

## Number of Cases filed in Court of Common Pleas:

	<i>By Female</i>	<i>By Male</i>	<i>Multiple victims (male &amp; female)</i>	<i>Others (Household/Family)</i>
Civil Domestic Abuse Restraining Order FPA (Filed by Victim)	37	35	2	0
Domestic abuse cases but charged as other crimes (Criminal-Filed by the Republic)	43	15	4	23
Abuse of Family/Household FPA (Criminal-Filed by the Republic)	17	16	1	0
<b>Total cases</b>	<b>97</b>			

## 2015 Report (as of Sept. 21.2015)

## Domestic Violence Cases

## Number of Cases filed in the Supreme Court:

	<i>By Female</i>	<i>By Male</i>	<i>Multiple victims (male and female)</i>	<i>Others (Household/Family)</i>
Civil Domestic Abuse Restraining Order under FPA (Filed by Victim)	0	0	0	0
Domestic abuse cases but charged as other crimes (Criminal-Filed by Republic)	0	0	0	0
Abuse of Family/Household under FPA (Criminal-Filed by Republic)	2	2	0	0
<b>Total cases</b>	<b>2</b>			

## Number of Cases filed in Court of Common Pleas:

	<i>By Female</i>	<i>By male</i>	<i>Multiple victims (male and female)</i>	<i>Others (Household/Family)</i>	
Civil Domestic Abuse Restraining Order under FPA (Filed by Victim)	32	24	3	2	3
Domestic abuse cases but charged as other crimes (Criminal-Filed by Republic)	7	5	2	0	0
Abuse of Family/Houshold under FPA (Criminal-Filed by Republic)	23	18	4	0	1
<b>Total cases</b>	<b>62</b>				

108. The enactment of the FPA and subsequent increase in public awareness of the law has resulted in an increased number of cases being reported. In addition, training that has been provided to the implementing agencies has resulted in an increased number of cases being reported to the Bureau of Public Safety. This year 92 cases were reported.

#### **Women in decision making positions (Recommendation 61.47)**

109. During the last national general election in 2012, three women Senators were elected into the 9<sup>th</sup> OEK. At the state level, there is one female governor out of 16 state governors. In state government legislatures, there are 25 female legislators out of a total of 174 seats. In the past years, there has been an increase in women contesting for national and state elections. There is one female minister in the cabinet. Women's representation in the Judiciary remains the highest. In addition, women comprise the majority of senior public servants.

110. A civil society group has been formed to advocate for women's participation in leadership, decision-making bodies and processes. The Center for Women Empowerment Belau, in partnership with the Ministry of Community and Cultural Affairs and the National Congress, implemented the women's practice parliament and transformational leadership programs. The National Action Plan in advancing women decision making and leadership 2010–2015 will be reviewed. Mechesil Belau has also contributed as a key policy level advocacy group towards policy making.

#### **Ratify the protocol to Prevent, suppress and punish trafficking in persons especially women and children**

111. Palau has yet to review, consult and ratify the protocol to prevent, suppress and punish trafficking in persons especially women and children.

## G. Social and economic rights

### **Recommendations 61.49, 51: MDGs, Pursue efforts aiming to ensure food security, Recommendations 61.50: Socio- Economic development strategies and plans for the country**

112. Palau has progressed efforts towards achieving most of the MDGs, while noting the challenges of progressing MDG 1, Eradicating Extreme Poverty and Hunger. Some measures introduced by Government to help alleviate poverty and address the issue of food security include:

- The No Income Assistance Program allocates \$100 per no regular source of income household. There were 17 households at the start of the program in 2012 and there are now only 7 households.
- Household Income and Expenditure Survey and Poverty Analysis was completed and a report should be published by November 2015, to assess the level of hardships in Palau as a baseline in order to move forward.
- Urban Farmers program by the Koror State Government.
- National Marine Sanctuary, food security, Protected Areas Network (PAN) Program.
- Taiwan Technical Mission Agriculture, Livestock and Aquaculture projects.
- Climate Change Policy addresses food security.
- FY 2016 Budget allocated an electricity rate subsidy for low-income families.
- Increase of \$50 in Social Security benefits for all retirees.
- Subsidize health insurance for the elderly and disabled.
- Senior Citizen's Discount program.
- Palau continues to implement its key national priorities, commitments and plans.
- Social and cultural practices or norms also provide social support.

## H. Migrant workers

### **Recommendations 61.53, 54, 55, 56: Foreign nationals and foreign workers**

113. The Government supported community awareness programs on the provision of services for migrant workers. During the reporting cycle, the Government noted some human rights violations which were reported and prosecuted. Migrants and their families have access to legal aid and to relevant authorities such as the law and justice sector and immigration. Coverage of migrant worker issues by the media has increased; including the situations and particular issues affecting migrant workers.

### **Prevent mistreatment of foreign nationals, combat discrimination against them, follow through on pursuing and prosecuting crimes against them and enforce regulation more effectively to protect foreign workers in particular respect for occupational and safety standards (Recommendation 61.53), Protect the rights of foreign workers (Recommendation 61.55)**

114. The Government of Palau has an immigration and labor law, 13PNC, which provides protection for foreign workers and occupational health and safety standards. Presently, there are a little over 6,000 migrant workers in Palau, which is increasing

annually; however, the national capacity to monitor their status and provide services is limited. There are a total of five labor law compliance officers at the Bureau of Human Resources tasked with monitoring and implementing labor compliance. The Bureau of Human Resources is planning on hiring six additional labor compliance officers by the end of the year 2015. However, financial and human resources remain a challenge for the Bureau to provide full services to the migrant workers in Palau. In the absence of a human rights institution, the Bureau of Human Resources and the MLSC provide awareness and legal referral services for migrant workers. It is important if a national human rights institution is established that specific mandates on migrant issues be created.

115. One significant challenge is the lack of a labor law that applies to Palauan nationals; the current labor law only addresses foreign workers.

**Labor law providing more transparent regulations regarding treatment of foreign workers and establishes a minimum wage (Recommendation 61.54), Improve its enforcement of regulations to protect foreign workers and extend coverage of minimum wage regulations to include foreign workers (recommendation 61.56)**

116. The minimum wage has increased and is universally applied.

117. Labor regulations specify the age of employment as being 21 to 60, thus preventing foreign children from being subject to child labor.

118. Labor Compliance Officers deal with cases filed by foreign workers and make proper referrals to the Office of the Attorney General. In addition, the officers conduct random inspections to ensure that places of employment, living quarters and working permits are in compliance with regulations.

**Climate Change and Human Rights Recommendations 61.58, 59: Strengthen its technical cooperation with relevant agencies and stakeholders in order to prevent the adverse impact of climate change on its promotion and protection of human rights, continue its leading international efforts to tackle global warming including by reminding developed countries and other major emitting States of their obligation to help and protect human rights in Palau by reducing greenhouse gas emissions to safe levels**

119. Palau has a climate change policy, the “Palau Climate Change Policy for Disaster Resilient Low Emissions Development”, which was completed in July 2015 and is currently under review by the relevant stakeholders. The Policy covers ten sectors including society and culture, agriculture and fisheries, and health, among others.

120. To address the effects of climate change in relation to Palau’s agriculture and fisheries the Government of Palau completed its national policy in August 2015, “Achieving Resilient Agriculture and Aquaculture” aimed at strengthening food security in Palau as a priority climate change adaptation measure. The policy recognises the specific risks and vulnerabilities faced by different groups and are responsive to the needs of persons with disabilities, migrants, women, men, children and elderly.

121. The Protected Areas Network (PAN) is an enabling mechanism designed to easily incorporate into managing Palau’s national priorities and initiatives inclusive of climate change and food security. Through PAN, state governments across Palau have employed 84 site managers and conservation and enforcement officers with over \$4 million dollars disbursed to support management efforts for protected areas across the country. More than 50% of Palau’s near-shore marine are as and 20% of its terrestrial resources have been put under some level of protection.

122. Efforts continue to identify biodiversity hot spots to place under management and effectively remove some direct stressors resulting from climate change leading, to increased resilience in biodiversity and ecosystem services.

123. At present, the government is leveraging support for climate financing and technical assistance through bilateral arrangements with country partners such as the EU, Germany, Japan, Taiwan and the U.S. Additionally, Palau is working on the requirements for becoming an accredited National Implementing Entity (NIE) for the Adaptation Fund and going through the process to access the readiness support program under the Green Climate Fund.

124. By accessing these bilateral and multilateral funding mechanisms, the Government will be able to deliver community programs that address the right to safe drinking water, food security and sustainable livelihoods. A key issue related to climate change is internal displacement caused by sea-level rise and typhoons. This placed a burden on limited national resources as community members had to be relocated while rebuilding efforts were underway. A State of Emergency was declared and the government appropriated funding for recovery efforts. At the same time the Government actively sought external assistance from donor countries.

125. Challenges identified during the consultation process for the national climate change policy included the lack of resources and capacity to implement the 10 sector priorities. There is a need for more community awareness and support for vulnerable groups to strengthen their resilience level. One measure Palau has taken in addressing climate change is the establishment of the National Marine Sanctuary Act –Bul. This Act makes 80% of Palau’s 200-mile Exclusive Economic Zone a “no-take” zone, free from commercial fishing, mineral exploitation, oil drilling, etc. More significantly, this Act is based on principles of traditional knowledge and cultural practices and is aimed at addressing the impacts of climate change.

126. The Office of Environmental Response and Coordination functions as a focal point to the United Nations Framework Convention on Climate Change (UNFCCC) and is mandated to coordinate climate change efforts. Despite current efforts of restructuring and implementing policies related to climate change, the Government will require additional resources to take this forward.

127. Palau continues its efforts to tackle global warming by participating in the UNFCCC with other member countries, in particular, the major emitting parties to ensure that they meet their obligations to help and protect human rights in Palau by reducing gas emissions to safe levels of 1.5 degrees Celsius, pre-industrial levels or lower by year 2100.

**Recommendation 61.57: Natural disasters**

128. The National Emergency Management Office (NEMO) has developed a National Emergency Management Framework to address and mitigate natural disasters. Training for community and State representatives to develop their own Disaster Risk Management (DRM) plans or update their existing plans was conducted. In consultation with UN Office for the Coordination of Humanitarian Affairs, cluster arrangement may be incorporated into the new DRM Framework with consideration of the Pacific Humanitarian Team arrangements.

**Refugees**

**Recommendation 62.26: Ratify Refugee Convention and the 1967 Refugee Protocol**

129. Palau has yet to review, consult and assess the relevance of the Refugee Convention and the 1967 Refugee Protocol in its current context.

**Recommendation 61.27: Ratify the 1954 Convention relating to the status of stateless persons and the 1961 Convention on the Reduction of Statelessness**

130. Palau has yet to review, consult and assess the relevance of the 1954 Convention relating to the status of stateless persons and the 1961 Convention on the Reduction of Statelessness in its current context.

**Recommendation 61.28: Ratification of the Convention against Transnational Organized Crime and its Palermo Protocol**

131. Palau has yet to review, consult and assess the relevance of the Convention against Transnational Organized Crime and its Palermo Protocol in its current context.

**Recommendation 62.42: Refugees and Asylum Seekers establish a more formal system to provide protection for refugees and asylum-seekers**

132. Palau is not a state party to the Refugee Convention and the 1967 Refugee Protocol; however, when a person enters Palau seeking refugee status, there is a system in place. The Ministry of State works with the Bureau of Immigration in communicating with the Office of the United Nations High Commissioner on Refugees (UNHCR) based in Australia, to facilitate a process in which the assessment of refugee status of the person in question is determined. Upon validation of a person's claim, the UNHCR issues a refugee status card for permanent re-settlement. During this process, the Bureau of Immigration issues the individual a "Special Permit" which allows the person to legally stay in Palau until re-settlement has been determined. Moreover, the Bureau of Human Resources assists the individual in securing temporary employment and housing.

**VI. Emerging issues****Rural /Urban displacement**

133. On-going land tenure disputes have escalated over the years. Displacement of persons is occurring in both rural and urban areas of Palau, infringing on the right to adequate housing. However, this issue of displacement remains most acute in the urban center of Koror, where 67%<sup>7</sup> of Palau's population resides. Some causes of displacement include state government land leases with occupied residents being awarded to rightful, prior owners as a result of court decisions and escalating prices of rental rates and purchase prices of houses and apartments due to foreign investors. This limits access to affordable housing for nationals.

134. There is currently no legislative relief available for homeowners who lose their houses through the transfer of ownership of public land to the rightful, private owners.

135. Some steps that the government may undertake to address this issue will require assistance from the international community, such as the UN Habitat, and the sharing of good practice models by countries facing similar problems. Areas requiring support include security of tenure through legislation, infrastructure, establishment of regulatory bodies and creating state planning and zoning offices.

## **VII. Achievements and challenges**

### **Achievements**

136. During the reporting period, some of the most significant changes for Palau have been the ratification of one of the core human rights treaties and the completion of its report. Human rights compliant laws were enacted to address domestic violence, sexual exploitation of women and children, the creation of the sex offender registry, trafficking, establishing a minimum wage, criminalizing rape within marriage and decriminalizing sex between consenting adults.

137. One good practice that can be shared with other member states is the integration of gender, disability and human rights within national statistics.

138. Palau established the National Health Insurance in 2011, which is currently being revised to accommodate everyone, including those who did not contribute but are now retired. Additionally, budget allocations are set aside for vulnerable groups, including persons with disabilities and the elderly.

139. Furthermore, Palau ratified a number of International Maritime Organization related conventions and protocols and became a member of the International Labor Organization.

### **Challenges**

140. As a Small Island Developing State, one of the major challenges is the full realization of human rights given the limited domestic resources and competing priorities. Many of the issues preventing further progress in human rights come down to capacity and financial constraints, more specifically assistance in the prevention and detection of human trafficking cases. Before ratifying the remaining human rights treaties, Palau wishes to take steps towards progressive realization by having legislative compliance reviews which require technical and financial assistance. Amending other key legislation has also been considered; however that too comes with financial impacts not only in enforcing the new laws but also in hiring the proper experts to assist in drafting legislation fit for Palau.

141. Increased political will and ownership of human rights can accelerate the implementation of existing obligations and the passing of key legislation. Sustaining a National Human Rights Institution is a challenge which requires concerted efforts from international and regional agencies by way of technical assistance and funding.

## **VIII. International cooperation and assistance**

142. The Government of Palau continues to seek international and regional cooperation, assistance and support in our efforts to promote and ensure the ongoing implementation of its human rights obligations.

## **IX. Conclusion**

143. In the 1<sup>st</sup> round of the UPR cycle, the Government of Palau accepted 106 recommendations that were considered and implemented. The 2<sup>nd</sup> round report demonstrates tangible efforts made by the Government by way of signing, ratification, legislative reform, policy development and programs aimed at improving the lives of the



people of Palau. Palau remains committed to the full implementation of its human rights obligations.

*Notes*

<sup>1</sup> The Labor Trafficking 17 PNCA section 2001-2007.

<sup>2</sup> 21 PNCA Chapter 4 (§§ 401–409).

<sup>3</sup> 21 PNCA Chapter 4 (§ 409).

<sup>4</sup> 21 PNCA Chapter 7.

<sup>5</sup> 21 PNCA § 606.

<sup>6</sup> Palau Traditional Women’s Group, headed by Bilung of Koror and EbilReklai of Melekeok, comprised of all Palauan women.

<sup>7</sup> Palau 2012 Mini Census.

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