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Palau*

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List of Abbreviations/Acronyms

1. UPR Universal Periodic Review
2. HRC Human Rights Council
3. PIFS Pacific Islands Forum Secretariat
4. SPC Secretariat of the Pacific Community
5. RRRT Regional Rights Resource Team
6. NGO None Government Organization
7. WG Working Group
8. CRC Convention on the Rights of the Child
9. MDG Millennium Development Goals
10. USD United States Dollar
11. PNC Palau National Code
12. VOCA Victims of Crime Assistance
13. CRPD Convention on the Rights of People with Disabilities
14. UN ESCAP United Nations Economic and Social Commission for Asia and Pacific
15. MOH Ministry of Health
16. HIV/AIDS Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
17. STI Sexually Transmitted Infections
18. PMTCT Preventing Mother to Child Transmission
19. CEDAW Convention on the Elimination of All Forms of Discrimination Against Women
20. FOI Freedom of Expression
21. PAN Protected Area Network
22. UNCCD United Nations Convention to Combat Desertification
23. SLM/MSP Sustainable Land Management Sized Project
24. MTDS Medium Term Development Strategy
25. GEF Global Environment Facility
26. NAP National Action Plan
27. OERC Office of the Environmental Response and Coordination
28. UNFCCC United Nations Framework Convention on Climate Change
29. GEM Green Energy Micronesia

I. Methodology and consultation

1. In 2006, the Universal Periodic Review (UPR) was created as a new UN mechanism designed to monitor and review human rights records in each Member State. The Republic of Palau was selected by the Human Rights Council (HRC) of the United Nations to submit its report on 01 February 2011 and will be reviewed in Geneva on 03 May 2011.
2. A three-member technical advisory team from the Pacific Islands Forum Secretariat (PIFS), Secretariat of the Pacific Community's Regional Rights Resource Team (SPC-RRRT) and the Office of the High Commissioner for Human Rights (OHCHR) conducted an in-country training consultation on the UPR process on 16 - 20 August 2010. Workshop participants included Government Directors, Division Chiefs and representatives of Non-Government Organizations (NGOs) and civil society.
3. As a result of the training consultations, it was recommended that a Government Task Force be established to take charge of the State Report. The NGO report would be the responsibility of the NGO Task Force.
4. Pursuant to *Executive Order No. 285*, H.E. President Johnson Toribiong established a Universal Periodic Review Task Force comprised of Government Directors, Division Chiefs, Program Managers and Agency Heads. The Executive Order authorized the Task Force to prepare, coordinate, consult and submit the Report. The Minister of State chaired the UPR Task Force with the assistance of the Chief of Staff of the Office of the President as the Vice Chair.
5. The Working Group (WG) was established at the first UPR Task Force meeting with the aim of overseeing specific Human Rights issues relevant to their Ministries/Agencies.
6. The Ministry of State was charged with the responsibility of initiating and coordinating consultation as well as making available staffing and other resources as requested by the Task Force. Briefings and preparatory work were undertaken with Government Ministries and Agencies.
7. A public forum on Cultural Policy and Human Rights, spearheaded by the Ministry of Community and Cultural Affairs, in collaboration with the UPR Task Force and assistance from the Pacific Islands Forum Secretariat, was held at the Cultural Center for all stakeholders from Government, NGOs and Civil Society.

II. Background

A. Overview

8. The Republic of Palau is the westernmost group of the Caroline Islands in Micronesia, lying almost equidistant from the Philippines to the west, Papua New Guinea to the south, and Guam to the northeast. Comprised of over 340 islands, Palau has a total land mass of 188 square miles and a maritime exclusive economic zone of 237,830 square miles.
9. There are three indigenous languages in Palau: Palauan, spoken on the main islands, Sonsorolese and Tobian, spoken in the Southwest Islands. The Palauan language is spoken by most people with both English and Palauan being the official languages of government.
10. Christianity was introduced by Spanish missionaries in the early years of European contact. Today, 99 per cent of residents are affiliated with an organized religion, including: the Roman Catholic (49 per cent); the Protestant (23 per cent); the Modekngei religion (9 per cent); the Seventh Day Adventist (5 per cent); and several smaller denominations.

11. Palau approved its constitution in 1981. After eight referenda and an amendment to the Palau Constitution, the Compact of Free Association with the United States went into effect on October 1, 1994, marking Palau's emergence from trusteeship to independence.

B. System of Government

12. Palau is a democratic republic with directly-elected executive and bicameral-legislative branches. General elections take place every four years, to elect the president, vice president and members of Congress.

13. The Palau National Congress (*Olbiil Era Kelulau*) has two houses (The Senate and the House of Delegates). The Senate has 13 members elected nationwide. The House of Delegates has 16 members one from each of Palau's 16 states. Each state also elects its own governor and legislators.

14. The President of Palau is both head of state and head of government.

15. Executive power is duly established under *Art VIII, §1-14* of the Palau Constitution. The legislative power is vested in the Palau National Congress and duly established under *Art IX, §1-17* of the Palau Constitution.

16. The establishment and functions of the judiciary are provided for under *Art X, §1-14*. The judiciary is comprised of the Supreme Court and its Appellate Division, the National Court, the Court of Common Pleas and the Land Court. The judiciary is independent of the executive and the legislative branches.

17. In November 2008, Palauans elected a new President, Johnson Toribiong, and Vice President, Kerai Mariur. They took office on 15 January 2009. The same election brought sweeping changes to the legislature and approved more than 20 amendments to the Constitution.

18. The Council of Chiefs, which is comprised of the highest traditional chief from each of the 16 states, acts as advisory body to the President. The Council is consulted on matters concerning traditional laws and customs. The recognition of the Council of Chiefs as an advisory body to the President is provided for under *Art VIII, §6* of the Palau Constitution.

C. Constitution

19. The Constitution of the Republic of Palau 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, that government power 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 this Constitution and shall be invalid to the extent of such conflict.

D. Language

20. *Art XIII, §1* of the Palau Constitution states that the Palauan traditional language is the national language, and both Palauan and English are the official languages. According to recent amendments to this Article of the Palau Constitution, if there is a conflict between Palauan and English interpretations of the Constitution, the Palauan version shall prevail and the *Olbiil Era Kelulau* (Palau National Congress) determines the appropriate use of each language.

E. Population

21. The population in 2005 was 19,907 persons, of whom 14,685 (74 per cent) were ethnic Palauan and 5,272 (26 per cent) were non-Palauan (Census 2005). Most non-Palauan residents are foreign workers from the Philippines and other Asian countries (81 per cent).

F. Basic Needs Poverty Line (BNPL)

22. According to the ADB-Country Partnership Strategy PALAU 2009-2013, 25 per cent of the population is below the national basic needs poverty line. The depth of poverty is similar to the regional average. Income distribution across Palau is fairly even. A recent survey conducted by the Ministry of Finance (2009) found that, out of the 4,000 households surveyed, the average household income was USD 6,000.

G. International Human Rights Obligations

23. *Art IX, §5(7)* of the Palau Constitution gives the power to the *Olbiil Era Kelulau* (the Palau National Congress) to ratify treaties by a vote of a majority of the members of each house.

24. On 04 August 1995, Palau acceded to the Convention on the Rights of the Child (CRC). This is the only Human Rights Convention to which Palau has acceded. Subsequently, Palau has taken an active role in regional and global forums on children and social development. Palau has endorsed the Beijing Declaration, the Millennium Development Goals (MDG) and the World Fit for Children goals at the highest policy levels and uses these documents to guide national development.

25. Palau continues to review and consider the other eight human rights treaties.

H. National Human Rights Institution

26. Palau is currently undergoing further consultation on the establishment of its human rights institution.

I. Human Rights

27. Palau has a good human rights record as evidenced by mainly free and fair democratic elections, respect for the rule of law and an independent and functioning judiciary system. As with many other countries, Palau's challenges continue in the areas of climate change, environment degradation, disparity of social and economic well-being, alcohol and substance abuse, high mortality rate affected by non-communicable diseases, limited access and opportunities of vulnerable groups and persons with disabilities, employment protection for local Palauan workers, domestic violence and human trafficking, with reports of incidents of abuse and discrimination against some foreign workers.

28. *Art IV, §2* of the Constitution of the Republic of Palau guarantees Freedom of Expression or Press.

29. The Constitution of the Republic of Palau and the Universal Declaration of Human Rights are used as the guiding tools for the development of human rights laws in Palau.

III. Promotion and protection of human rights

A. The Constitution

30. The Constitution of Palau guarantees its citizens:

- freedom of conscience or of philosophical or religious belief
- the freedom of expression or press
- the right to peaceful assembly
- 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 to enter and leave Palau
- the right to be free from torture, cruel, inhumane or degrading treatment or punishment
- the right to be free from 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.

31. Furthermore, the Constitution of Palau stipulates that no *bona fide* reporter may be required by the government to divulge, or be jailed for refusal to divulge information obtained in the course of a professional investigation.

B. Human trafficking/people smuggling

32. The United States Department of State has identified the Republic of Palau as a transit ground and/or destination for trafficking in persons, forced prostitution and forced labor. These workers willingly come to Palau for jobs in domestic services, agriculture or constructions, but are subsequently coerced to work in situations significantly different than

what their contracts stipulate. Excessive hours without pay, threats of physical or financial harm, confiscation of their travel documents, and the withholding of salary payments are used as tools of coercion to obtain and maintain their compelled service. Some come to Palau expecting to work as waitresses or clerks, but are forced into prostitution in karaoke bars and massage parlors.

33. The Palau Bureau of Immigration and Bureau of Labor and Human Resources are formulating a plan to deal with labor applications and requirements for foreign labor contracts. One of the main concerns Palau has in dealing with foreign employment is the lack of any recognized recruiting agencies. The Palau Government is currently working with relevant embassies in Palau to address the problems of human trafficking.

34. Palau currently has in place a legislation that specifically deals with issues relating to human trafficking. The Anti-People Smuggling and Trafficking Act (*Title 17 Chapter 39 of the Palau National Code*) prohibits such practices, with penalties of up to 10 years imprisonment and a fine of up to USD 50,000 for exploiting or otherwise profiting from a trafficked person; up to 25 years imprisonment and a fine of up to USD 250,000 for trafficking involving force, fraud, or deception; and up to 50 years imprisonment and a fine of up to USD 500,000 for trafficking involving a child "by any means for the purpose of exploitation." There are also laws against slavery, fraud, and prostitution.

C. Statelessness

35. Children born of foreign parents adopted by Palauans cannot hold Palauan citizenship and are not accorded the same privileges as Palauans. An initiative to amend the Constitution to give eligibility of citizenship was rejected by popular votes in November 2008 general election. As a signatory to CRC, this issue is addressed in the Palau National Youth Policy.

D. Domestic violence

36. Palau has several statutes prohibiting and punishing violent behavior, but has no statute that specifically addresses domestic violence. This proposed legal reform has been repeatedly identified for nearly two decades. No action has been taken to enact such a law.

37. Currently, a Palau Family Protection Bill is pending in the Palau National Congress. The Bill aims to offer protection and create effective remedies to deter further acts of family maltreatment, including violence, abuse and neglect. The Bill also seeks to expand and strengthen the ability of police officers to assist victims and enforce the law effectively.

38. The Ministry of Health, Ministry of Education, Ministry of Justice and community stakeholders are collaborating efforts to address all issues on violence, alcohol and drugs at all levels of the community. Alcohol and drug abuse increasingly contribute to domestic violence. Domestic violence constitutes criminal assault, and while police may investigate and the Office of the Attorney General may prosecute, victims are often reluctant to testify in court due to dependency issues and family pressures.

39. The Victims of Crimes Assistance (VOCA) under the Ministry of Health is the only office dealing with the psychological trauma of domestic violence and crimes against children. For the last 10 years, the office has had only one staff who provides limited services to victims of crimes (child abuse, sex crimes, child neglect and domestic violence). Moreover, there is no facility to temporarily shelter and protect victims of violence (children, runaways, youth, women, elderly, neglected, disabled, etc.). Institutional capacity developments required for the VOCA office include improvement in its ability to collect

data on domestic violence and crime statistics and preparation of medical reports compatible with international indicators to improve transparency and good governance in the public sector.

E. Disabilities

40. Palau has yet to ratify the Convention on the Rights of People with Disabilities (ICRPD).

41. A National Consultation was held with the UN ESCAP, PIFS and Pacific Disability Forum to work on the National Policy for Disabled People. Palau has presented its Draft Policy, which is under review by the Palau National Congress for its endorsement. The National Policy will assist in the development of the Palau Disability Framework for Action.

42. Currently, there is no database on vulnerable groups (disabled and elderly). Such a database would prove useful in tracking the whereabouts of individuals with disabilities. The National Emergency Management Plan, for instance, would need to include provisions to assist vulnerable groups in times of emergency.

43. The following legislations protect the needs of individuals with disabilities:

- *RPPL No. 3–9* is an Act that provides for education, programs and services to children ages 0–21.
- *RPPL No. 3–39* is an Act which prohibits discrimination against challenged persons of all ages.
- *RPPL No. 5–13* is an Act which provides physically impaired individuals or individuals with disabilities better access to government facilities.
- *RPPL No. 6–26* is an Act which provides people with severe disabilities with monthly allowances.

44. The Republic of Palau is mandated to provide educational and vocational services for individuals with disabilities and to ensure that they are not discriminated against in employment either in the private or public sector. Although these national laws assist individuals with disabilities in some regards, many are still faced with limited opportunities and challenges in their communities. Individuals with disabilities still find it hard to find jobs or to obtain support for their special needs. The government is considering if the problem can be remedied by creating work programs and related public services to assist families and households of individuals with disabilities.

45. The National Government, through the Ministry of Health, has implemented various health initiatives¹; however, intervention services for drug, alcohol and other substance abuse need to be improved. Enhancement of disability awareness also should become a priority for the National Government and improvements might require reforms on policies and legislation. Capacity building should be more inclusive of vulnerable groups. Better coordination of services and programs needs to be implemented.

46. Concerns have been raised regarding the vulnerable groups in emergency management plans. Building and zoning laws, even for public buildings, are not being enforced effectively. Some buildings do not have fire exits, and some do not have ramps or lifts for easy access of individuals with disabilities. The Government should come up with uniform building and zoning laws for all buildings to address these issues. However, lack of resources is a major challenge.

47. The Government is aware of the need to improve and establish an inclusive educational system that involves all students, including individuals with disabilities, in regular school activities and the curriculum. The Ministry of Education needs to improve services to be more inclusive of individuals with disabilities.

F. Children

48. Palau has ratified the Convention on the Rights of the Child.²

49. There are also national laws established to ensure the protection of children:

- *Title 22* of the Palau National Code provides for free, compulsory public education for all children ages 6–17, or until graduation from high school.
- *RPPL No. 7–55* is an Act which provides for the elimination of spouse exemptions relating to child sexual abuse cases and amends the reporting requirements and penalties, to create a child hearsay exception, to allow close circuit television and to extend the statute of limitation.
- *Title 21 Chapter 6* of the Palau National Code states that “*it is the policy of the National Government to provide for the protection of children who are subject to abuse, sexual abuse or neglect and who, in the absence of appropriate reports concerning their conditions and circumstances, may be further abused, sexual abused, or neglected by the conduct of those responsible for their care and protection.*”

50. Palau’s Child Abuse Law (*21 PNC Chapter 6* as amended by *RPPL 7-55*) defines abuse, neglect and sexual abuse; requires responsible officials to report suspected cases to the Office of the Attorney General within 48 hours; suspends the normal privileges of communications between spouses and doctors’ clients in matters related to abuse; and provides for criminal penalties upon conviction ranging from a fine of not less than USD 1,000 to not more than USD 50,000 or imprisonment of not less than 6 months to 25 years or both.

51. The three National Government agencies responsible for intervening in suspected cases of abuse, neglect and sexual abuse are the Bureau of Public Safety, the Office of the Attorney General and VOCA (Victims of Crime and Assistance) within the Ministry of Health.

52. There is no legislation that specifically addresses exploitation of children via sexually explicit videos, movies, photos, and electronic images. There are anecdotal reports of children being exploited through payment for posing for sexually explicit photographs, but these reports could not be substantiated for this analysis.

53. 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.

54. 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 Network. The purpose of the Task Force is to provide seamless child center services extending from birth to childhood.

55. Under the Palau Constitution (*Art V*), persons with disabilities are designated as a vulnerable group entitled to special consideration by 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."

56. The Act also designates mainstreaming as the strategy of choice 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 will appropriate replacement funds from local revenues.

G. Education

57. Art VI of the Palau Constitution states that public education for citizens shall be free and compulsory. This is in line with the Convention on the Rights of the Child to which Palau is a party. Furthermore, the Palau National Code, Title 22, §101 states that the National Government shall "*provide for an educational system which shall enable the citizens of Palau to participate fully in the progressive development of the Republic as well as to gain knowledge in all areas*" ... and that "*the purposes of education in the Republic are to increase citizen participation in economic and social development., These skills include professional and vocational, as well as social and political abilities.*"

58. Addenda to the laws are the Education Master Plan, Health Master Plan, and Palau National Youth Policy.

H. Youth

59. The evolving progression from childhood to full maturity is recognized in the Palau National Youth Policy that defines youth as persons aged between 13 and 34 years. The law also recognizes the gradually evolving capacity of the youth. The law (21 *PNC§105*) states that an individual reaches the age of maturity on his or her 18th birthday. Eighteen is also used as the demarcation between childhood and adulthood in three other sections of the legal code:

- National Child Abuse and Neglect Act (21 *PNC §6*)
- Delinquent Child Act (34 *PNC §6105*) and
- Voting Rights (*PNC, Title 23*).

60. The National Youth Congress is the umbrella organization for youth groups in each of the 16 states of Palau.

61. Youth problems are mainly centered on unemployment, substance and alcohol abuse, and external influences. Youth in Palau need to be more involved in the development of the country. A National Youth Policy has been developed to assist the youth in addressing these challenges.

62. Palau National Youth Policy Mandate #2 states that "*the nation shall ensure safe, healthy and enjoyable passage through the youth period by developing strategies to maximize physical, spiritual and mental health, paying special attention to addressing the*

issues of substance abuse, depression and suicide.” The Convention on the Rights of a Child, Art. 36, states that a child has the right to protection from; “all form of exploitation prejudicial to any aspects of the child’s welfare.” The Palau Master Plan, Medium Term Development Strategies, Health Master Plan, and Education Master Plan are all in line with the Pacific Youth Strategies and the Millennium Development Goals.

I. Poverty

63. The Republic of Palau Constitution protects and guarantees the rights of its citizens to sustainable security and livelihood.

- *Under Art IX, §5(20)* of the Palau Constitution, the *Olbiil Era Kelulau* (the Palau National Congress) is mandated to provide for the general welfare, peace and security for the people of Palau.
- *Art VI* of the Palau Constitution states that the Government shall take positive action to promote the health and the social welfare of the citizens through the provisions of free and subsidized healthcare.

64. According to the ADB-Country Partnership Strategy Palau 2009-2013, 25 per cent of the population is below the national basic needs poverty line. The depth of poverty is similar to the regional average. Income distribution across Palau is fairly even with regards to household income.

J. HIV/AIDS

65. Since testing and surveillance were implemented in 1989, only eight persons have been identified as HIV-positive in the Republic of Palau. Confidential testing and referral are conducted at the Belau National Hospital in the Family Health Unit (Family Planning; Antenatal Clinic) and at the Communicable Diseases Unit. A clinic was set up in 2007 at Palau Community College campus to provide free counseling, testing and referral. A resource center at the same college campus location was also set up in 2007 for education, information, referral and distribution of condoms. Rapid test kits are used for initial testing with preliminary confirmatory tests conducted in Palau using repeated rapid tests and ELISA tests. All such testing is voluntary and services are free. HIV and STI cases are reported to the Reportable Diseases Surveillance System at the Ministry of Health (MOH).

66. There has been some notable success in the work on HIV/AIDS. More than 3,000 condoms were distributed from March to December 2007 and 353 people visited the Resource Center from September to December 2007 for HIV/STI counseling, testing, referral, and care services.

67. A youth peer mentor program was established in 2007 to educate and to recruit youth for testing and condom distribution. There is universal screening known as “Preventing Mother to Child Transmission” (PMTCT) that has been implemented for pregnant women. There is also screening of all donated blood. Privacy, confidentiality and consent are key elements in testing, counseling and referrals.

68. Key challenges include high mobility of the population which makes it difficult to engage in sustainable prevention activities, community attitude towards high risk behavior (multiple partners), low prevalence of condom use and HIV/STI being perceived as a foreign problem.

K. Women

69. The Palau Constitution and *Title 1* of the Palau National Code guarantee women equality.

- “Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person 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.” (Palau Constitution, Art IV, §5, emphasis added)
- “No laws shall be enacted... which discriminate against any person on account of race, sex, language or religion, nor shall the equal protection of the law be denied.” (1 PNC §407).

70. Despite the constitutional protections, two laws have been identified that discriminate against married women – one with respect to rape and the other with respect to inheritance.

- “Every person who shall unlawfully have sexual intercourse with a female, *NOT HIS WIFE*, by force or against her will, shall be guilty of rape, and upon conviction thereof shall be imprisoned for a period of not more than 25 years.” (17 PNC §2802, emphasis added).
- “In the absence (of a will)... lands held in fee simple... shall, upon the death of the owner, be inherited by the owner’s oldest legitimate living male child of sound mind, natural or adopted, or if male heirs are lacking, the oldest legitimate female child...” (25 PNC §301).

71. 17 PNC §2802 does not extend to the wife of the perpetrator the same level of protection against coerced sex as it extends to another woman.

72. 25 PNC §301 discriminates against a wife whose rights to inherit property acquired during marriage are not recognized. It also discriminates against female children whose rights to inherit are recognized only in the absence of male children.

73. Despite having high traditional status for women, Palau has not yet ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). After many years of protracted debate, a resolution to ratify CEDAW was approved by the Senate in 2008 but has not been approved by the House of Delegates. While there are several reasons for lack of action on CEDAW, the underlying issue is that Palauan women have not spoken with a unified voice in favor of ratification. Discussions and consultations are ongoing in this area. Although women have not been successful in achieving elected positions in the past, they are increasingly being appointed to senior government positions and winning elected positions.

74. Palauan women maintain significant traditional roles in this matrilineal society. Palauan women have progressed in the area of education, in both public and private sector employment and in other areas of public participation. Women make decisions on the selection of traditional chiefs and allocation of resources.

75. Modern changes have affected the traditional lifestyles, which include the increasing use of foreign workers. Though the traditional structures enhance women’s position in society and their participation in the public and private sectors, there remain areas where special affirmative action for women is needed.

76. Issues that need to be addressed relate to domestic violence, lack of specific legislation relating to women’s working conditions, sexual discrimination in the workplace, and land and property ownership.

L. Labor/foreign and local workers

77. The unemployment rate in Palau, based on the 2005 census, was at 4.2 percent. Most available employment is in the private sector, but because of low salary and minimal benefits, most Palauans look for work in the National Government or abroad. These factors discourage many well educated and highly skilled Palauans living abroad from returning home. Minimum wage is currently set at USD 2.50 an hour for locals while foreign workers are on a contractual basis enforced by the National Government. Foreign laborers are often provided housing, medical, food, transportation benefits.

78. Available jobs are often given to foreign laborers as they are skilled and cheaper to employ, especially those from the Philippines, China and Bangladesh. Even though employers are required by *RPPL 3-34* and Palau National Code (PNC) *Title 28* to hire a certain percentage of Palauans, enforcement needs to be improved to ensure the employers hire Palauans. Comprehensive laws need to be developed and implemented to protect the local workers.

79. Wages in all employment sectors need to be adjusted to reflect the high cost of living. If the wages are not adjusted, some measures need to be taken to ensure workers can afford the high cost of living.

M. Food security

80. Food security has become a big concern in Palau due to several factors including climate change. The Bureau of Agriculture neither has information on food stocks in Palau nor comprehensive studies on agriculture. The Bureau of Agriculture needs to build its capacity to collect data on food stock on a continual basis, as well as identifying vulnerable areas in case of extreme sea level rise or heat waves. The Government also needs to look into the promotion of subsistence activities like farming, albeit with better studies on agricultural produce based on soil quality for different produce and other alternative plants.

81. The National Government has endeavored to have studies and plans formulated to address all these issues stated above. These plans and studies are complete and are in various stages of implementation. Implementation of these plans will improve Palau's economic, social, education, health, and agricultural well-being.

Existing studies and plans include the following:

- National Master Development Plan 2020
- Economic Development Plan
- Public Sector Improvement Plan
- Millennium Development Goals Initial Status Report 2008
- Situation Analysis of Children, Youth and Women 2008
- Poverty Analysis of the 2006 Household Income and Expenditures Survey Final Report, etc.
- Protected Area Network
- Green Revolution
- Pacific Plan.

82. Agriculture (crops and livestock) in Palau is mainly practiced on a subsistence level. Agriculture production also plays a significant role in social obligations of the Palauan

culture with respect to food exchanges. However, although the characteristics of Palau offer considerable potential for local agricultural production, the commercial potential of the sector has historically been given little meaningful attention and agriculture was previously neglected as a government policy priority. As a result, the country is highly reliant on imported food.

83. Palauans face threats to both food security and financial security. These are exacerbated by increasing reliance on imported foods to meet everyday needs and social obligations. Commercial food production of fruits and vegetables, including traditional crops, is constrained by a number of factors - most notably the cost of operations and lack of market access. The lack of outlets for agricultural products has led to the need for capacity strengthening in the market chain.

84. Absence of land use plans and legislation has had a range of consequences that have contributed to land degradation. These consequences include inadequate planning for population growth and subsequently poor land use planning, the construction of the Compact Road, drought, invasive species, rising sea level, loss of soil fertility, watershed degradation, wild fires, and unsustainable development activities.³

N. Culture

85. The Constitution of the Republic of Palau recognizes and protects the role of Palau's culture and traditions.

- *Article V, § 1* of the Palau Constitution under "Traditional Rights" states that government shall take no action to prohibit or revoke the role or function of a traditional leader, as recognized by custom and tradition, nor shall it prevent a traditional leader from being recognized, honored, or given formal or functional roles of any level of government.
- *Article VIII, § 6* of the Constitution of Palau states the Council of Chiefs composed of traditional chiefs of each of the States shall advise the President on matters concerning traditional laws, customs and their relationship to this constitution and the laws of Palau.
- *Article XIII, §1* of the Constitution of Palau states that the Palauan traditional languages shall be the national languages. Palauan and English shall be the official languages.
- *Constitutional Amendment 25*: The Palauan language prevails over English language in case of conflicts in interpreting the Constitution.

86. The Palauan culture plays a strong and intricate part of the identity and place of every Palauan and community. The Bureau of Arts and Culture under the Ministry of Community and Cultural Affairs is responsible for the preservation of language, culture and traditions of Palau. In recent years, it has embarked on projects aimed at retaining cultural practices, handicraft making and traditions. Policies and strategies are being developed to strengthen and support this work.

87. The changes in the economic, social and governance structures in Palau have led to occasional conflicts over the roles and decision-making between elected and traditional leaders. However, in many instances, the traditional and modern systems work together to preserve and promote cultural and national heritage.

IV. Identification of achievements, challenges and constraints

A. Convention on the rights of the child

88. The Republic of Palau ratified the Convention on the Rights of the Child on 04 August 1995. The Convention, with its holistic progressive improvements for the survival, development, protection, and participation rights, has proven a most useful “road map” for Palau’s child advocacy. When the concept of rights of children was first introduced in the 1990s, it was somewhat contentious; over time, most Palauans have come to accept it. The Palauan term used to convey rights is actually a phrase “*ulekerreuil a llemtel a klechad er a ngalek*” (literal translation “nurturing the rights of humanity in the child”).

89. A Health Plan and an Education Master Plan have been developed and are aligned with the articles of the Convention.

90. Although progress has been made towards our obligations to the Convention, Palau still lacks resources to oversee the development and progress of the Convention at the national, regional and international levels.

B. Freedom of Information (FOI), expression or press

91. The Constitution of the Republic of Palau under *Art IV, §12* guarantees citizens the right to examine any government document and to observe the official deliberations of any agency of government. Furthermore, *Art IV, §2* of the Palau Constitution states that “*the government shall take no action to deny or impair the freedom of expression or press. No bona fide reporter may be required by the government to divulge or be jailed for refusal to divulge information obtained in the course of a professional investigation.*”

92. However, the challenge and constraint lie in the enforcement of this Constitutional right. Public awareness and education on *Art IV, §12* of the Constitution of Palau will require the full partnership of both civil society and government.

93. The Republic of Palau needs financial and technical assistance from the International Community in relation to promoting public awareness on FOI and implementation and enforcement of this Constitutional right.

C. Legislation on human trafficking

94. The Republic of Palau has a specific, modern and updated legislation on human trafficking in line with the Constitution of the Republic of Palau under *Art IV, §10*, which forbids torture, cruel, inhumane or degrading treatment or punishment and also §11, which further forbids slavery or involuntary servitude.

95. The Bureaus of Immigration, Labor and Human Resources and Public Safety, and the Office of the Attorney General are responsible for combating human trafficking. The Republic needs to provide sufficient resources for these Agencies to combat these sophisticated cases.

96. The Republic of Palau needs assistance from the International Community in combating multi-jurisdictional human trafficking cases.

D. Environmental conservation and protection

97. *RPPL No. 6-39* established a Protected Area Network (PAN). This national law is a response to the need to protect and conserve the bio-diversity of Palau's environment. The law enables the National Government to assist states that seek to designate areas of significant bio-diversity and unique habitats for protection. It facilitates access to funding and programs for the states. The National Government acts as the conduit for funding to the states. The National Government also facilitates cooperation among the states where areas of high bio-diversity and unique habitat cross state boundaries. The Protected Area Network incorporates the following considerations: bio-geographic importance, ecological considerations, naturalness, economic importance, social importance, scientific importance, international or national significance, feasibility of management and protection and duality or replication.

98. Since ratification of the UNCCD, the Republic of Palau has completed its National Action Program (NAP) to combat land degradation in 2004. The following are priority program activities for sustainable land management practices: providing enabling conditions, establishing land degradation inventory and monitoring, promoting agro forestry, rehabilitating degraded lands, improving water delivery system and increasing water conservation activities, monitoring and evaluating climatic variations, empowering local communities and institutions, and establishing sustainable land management plans.

99. Sustainable Land Management Medium Sized Project (SLM MSP) is a United Nations Development Programme / Global Environment Facility (GEF) funded endeavor through Palau's membership to the UNCCD. The aims of this program are to develop partnerships with local institutions, community and non-governmental organizations, including gender and youth groups, the private sector, and all government sectors, in order to effectively implement sustainable land practices and measures and to address national and state policy gaps in natural resources use and management by developing sustainable land use management plans, as well as regulatory and policy plans that equitably engage stakeholders at all levels.

100. The overall objective is to help build capacity at the national, state, and community levels across sectors to effectively address sustainable land management and land use planning that will assist Palau in the achievement of sustainable development as outlined in the Medium Term Development Strategy (MTDS).

E. Millennium Development Goals (MDG) report

101. Based on the Palau MDG Report 2008, Palau is expected to accomplish its targets by 2015. Initial progress by Palau on its MDG goals include:

- halving of the proportion of people suffering from hunger (MDG1 Eradicate Extreme Poverty and Hunger)
- elimination of gender disparity in education (MDG3 Promote Gender Equality and Empowerment)
- reduction of infant (<5 years-old) mortality by 2/3 (MDG4 Reduce Child Mortality)
- reduction of maternal mortality by 75 per cent and achieved universal access to reproductive health services (MDG5 Improve Maternal Health)
- making antiretroviral therapy widely available to persons with advanced HIV infection; halting and beginning to reverse the incidence of tuberculosis (MDG6 Combat HIV/AIDS, Malaria and other diseases)

- integrating principles of sustainable development into policies and programs; preserving bio-diversity; halving the proportion of the population without sustainable access to improve drinking water and sanitation; achieving by 2020 significant improvements in the lives of urban slum dwellers (MDG7 Ensure Environmental Sustainability)
- making benefits of technology widely available (MDG8 Develop a Global Partnership for Development)

102. With the above initial progress, Palau has yet to accomplish its targets with the following:

- MDG1 Eradicate Extreme Poverty and Hunger - halve the proportion of people living below the national poverty line; achieve full and productive employment for all including women and young people.
- MDG2 Achieve Universal Primary Education – All children will complete a full course of primary education. (Palau has added another target, which is that all children will complete a full course of secondary education.)
- MDG3 Promote Gender Equality and Empowerment – Promote gender equality and empower women.
- MDG6 Combat HIV/AIDS, Malaria and other diseases- Halt and begin to reverse the spread of HIV and AIDS. Halt and begin to reverse the prevalence of non communicable disease.
- MDG8 Develop a Global Partnership for Development- Develop open, rural based predictable, non discriminatory trading and financial system, provide access to affordable essential drugs.

103. Though Palau has achieved significant progress in implementing some of the MDGs, it faces challenges and constraints to fully accomplish the MDG targets. This is due to lack of a central monitoring body, technical capacity and collaboration among relevant agencies working to ensure the MDG targets are achieved. Furthermore, due to budget constraints, limited resources and human capacity, Palau is unable to move expeditiously to fully accomplish MDG targets. Government Ministries and other relevant agencies often work only on their focused priorities due to constraints faced on pressing issues such as climate change and on developing national goals for economic growth and development as a young nation. These constraints set limits on achieving the MDG targets by 2015. Additionally, needed legislation and policies relating to these areas have yet to be initiated and implemented.

F. Climate change

104. Climate change is a threat to the livelihood and human rights of the Palauans. As a small island nation surrounded by a vast ocean, climate change is not just a human rights issue but one of security and continued existence. Through Executive Orders, Palau has put in place mechanisms to deal with issues relating specifically to climate change.

- The Office of Environmental Response and Coordination (OERC) was established by Presidential *Executive Order 189* to oversee environmental issues, response and coordination and is the focal point to the three conventions: United Nations Framework Convention on Climate Change (UNFCCC), United Nations Convention on Bio-diversity (CBD) and United Nations Convention to Combat Desertification (UNCCD).

- *Executive Order 205* established the National Environmental Protection Council, which is the coordinating body consisting of government and non-government members collaborating, implementing and monitoring environmental goals and programs.

105. Although our contributions to the global effects of climate change are minimal, there is a need for the Human Rights Council to recognize the severity of the effects of climate change on the people of Palau. Palau faces impacts of climate change including, but not limited to, sea level rise, coral bleaching, soil erosion, farm land degradation, landslides, severe droughts, changing weather patterns and impact on food sources.

106. There is a need for the International Community to assist Palau in building its capacity to address the effects of climate change.

V. Key national priorities, commitments and initiatives

A. National priorities

- National Master Development Plan
- Implementation of Renewable Energy Plan (GEM), protection and conservation
- Promotion of foreign investment and economic prosperity
- Domestic Violence Bill in Congress
- Ombudsmen Bill
- National Action Plan on the Advancement of Women in Decision Making Processes
- Supporting of the Regional Action Plan on the Advancement of Women in Decision Making Processes
- Ratification of CRPD (Convention on the Rights of People living with Disability)
- Energy Policy
- Green Revolution

B. Commitments

- Implementation of MDG Targets by 2015
- Medium Term Development Strategy (MTDS)
- The Pacific Plan
- Universal Declaration of Human Rights
- Convention on the Rights of the Child

VI. Expectation of Palau in terms of capacity building and request for technical assistance

107. The Palau Government requests the international community to kindly consider providing the following:

- technical assistance on the promotion and education of human rights treaties

- capacity building in handling human rights issues
- financial assistance with its reporting and monitoring obligations
- assistance on the ratification and implementation of human rights treaties
- assistance on the establishment of a human rights institution
- assistance with the establishment of a data base program for vulnerable groups
- financial assistance on the promotion and public awareness on FOI
- financial and technical assistance on combating multi-jurisdictional human trafficking cases
- financial and technical assistance in capacity building to address the effects of climate change.

VII. Acknowledgements

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- Office of the Vice President
- Ministry of State
- Ministry of Community and Cultural Affairs
- Ministry of Justice
- Ministry of Finance
- Ministry of Public Infrastructure, Industries and Commerce
- Ministry of Health
- Ministry of Education
- Ministry of Natural Resources, Environment and Tourism
- Office of the Attorney General
- UPR Task Force Members
- Pacific Islands Forum Secretariat
- Secretariat of the Pacific Community, RRRT
- Office of the High Commissioner for Human Rights
- European Union

Notes

¹ Health initiatives have included the establishment of a Disability Fund and the recently implemented Healthcare Insurance Plan with assistance from the World Health Organization.

² Palau ratified the CRC 4th August 1995.

³ SPC Palau joint strategy.