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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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\* The present document is being issued without formal editing.



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## I. Introduction

1. The Republic of Palau (“*ROP*”) welcomes this opportunity to respond to the recommendations made at the second 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 third 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 process

3. In line with Executive Order (“*EO*”) No. 368, the Office of the Vice President/Ministry of State sent out a letter to all Ministries reconvening and strengthening the role of the Reporting Committee on UN Convention on Human Rights (“*Committee*”), and requested all the Ministries to work in collaboration with the Committee in the effort to formulate Palau’s 3<sup>rd</sup> UPR report.
4. The Office of the Vice President/ Ministry of State (“*MOS*”), as lead agency for the Universal Periodic Review Report, together with the Ministry of Community and Cultural Affairs (“*MCCA*”), Ministry of Health and Human Services (“*MHHS*”), Ministry of Justice (“*MOJ*”), Ministry of Education (“*MOE*”), Ministry of Finance (“*MOF*”), Ministry of Public Infrastructure, Industries, and Commerce (“*MPIIC*”), Ministry of Natural Resources, Environment and Tourism (“*MNRET*”), National Emergency Management Office (“*NEMO*”), Office of the National Security Coordinator, Palau Community Action Agency (“*PCAA*”) and the Office of the Attorney General met to discuss on a way forward in terms of strategies in the successful completion of Palau’s 3<sup>rd</sup> report and to respond to the recommendations received from the 2<sup>nd</sup> round of the UPR cycle. A total of 125 recommendations were made and 82 of which were accepted and 24 were noted.
5. A consultation was held with all members of the Palau National Congress (Senate and House of Delegates) on the overview of the draft report. Comments and recommendations to the draft report were accepted and later incorporated into the draft. The report was then finalized and approved by the Cabinet with the endorsement of the President before submission to the UN.
6. The Office of the President stressed the importance of the speedy expedition of Palau’s report and made it a priority to all the Ministries to work cooperatively with the Committee in providing relevant information and data needed for the report.

### **III. Developments since the previous review in background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: Constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1**

#### **A. National laws and legislation**

- RPPL 10-9 “To Establish Minimum Equipment and Staffing Standards for Ambulances in the ROP”
- RPPL 10-13 “School Wellness and Nutrition Standards for all Schools”
- RPPL 10-35 “Palau National Marine Sanctuary Act”
- RPPL 10-50 “National Street and Home Address System”
- RPPL 10-56 /11-3 (extension) Coronavirus Relief One Stop Shop (“CROSS”) Act
- RPPL 11-2 Section 12 “Social Service and Care Center for the Aging”
- RPPL 11-2 Section 14-15 “Severely Disabled Assistance Fund (increase in monthly stipend)
- Anti-smuggling and Trafficking Act.

#### **B. National measures and policies**

- EO 405 “Establish Human Trafficking Task Force”
- EO 412 “Establish Anti-Human Trafficking Office”
- ADB Report: “Palau-Strengthening Social Protection of Vulnerable Populations Impacted by COVID19: Report on a Rapid Assessment”
- EO 295 “NCD National Coordinating Mechanism”
- EO 408 “Establishing Economic and Social Development Program”
- EO 397 “Establish National Disaster Risk Management Framework”
- NEMO Report: “National Disaster Risk Management Framework”
- NEMO “Early Warning System”
- Palau National Elderly Policy (March 2020) – amended and added a new chapter to Title 21 of the PNC – Ch. 10 – Aging Care
- Palau National Disability Policy - 2017-2020
- Palau National Gender Mainstreaming Policy (2018)
- Family Protection Act (“FPA”) (2012)
- Increased Minimum Wage
- EO 419 “Establishing a Monitoring and Evaluation Framework for the implementation of the 2030 Sustainable Development Agenda”
- House Joint Resolution No. 9-46-4 “Koror-Airai Sanitation Project” KASP.

### **C. Official authorities and government organizations concerned with human rights**

- Judiciary Branch
- Olbiil Era Kelulau (Palau National Congress)
- Office of the President
  - Office of the Vice President
  - All Government Ministries
  - Rubekul Belau (Palau Council of Chiefs)
  - Mechesil Belau (Traditional Women's Group)
  - Bureau of Aging, Disability and Gender
  - Office of the Attorney General
  - Bureau of Public Safety
  - Anti-Human Trafficking Office
- State Governments
- Office of the Ethics Commission
- Office of the Special Prosecutor
- Palau Community Action Agency ("*PCAA*")
- Palau National Youth Congress
- Palau Little League/T-Ball
- Palau National Olympic Committee ("*PNOC*").

### **IV. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review" in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms**

- Anti-Human Trafficking Office.
- The Ministry of Health through its Health Resource and Information Center conducts public educational awareness to students and the community on the services available on HIV/AIDS and other Sexually Transmitted Infections ("*STI*").
- RPPL 11-2 (National Policy on Care for the Aging) the Ministry of Health is responsible for promotion, protection, and caring for the aging, the disabled, and other vulnerable populations.
- Since 1994, through a Presidential Proclamation, a National Disabilities Awareness Week has been held every third week of April to promote disability awareness. The strong partnership of local NGOs with government line ministries has enhanced the Disability Awareness Week along with the International Day on Persons with Disabilities.

## V. Action taken regarding recommendations arising from the second UPR round

### Recommendation 104 (1, 2, 3, 4, 8, 10, 13)

7. Although Palau has yet to ratify the International Covenant on Civil and Political Rights (“*ICCPR*”), the Constitution of the Republic of Palau gives the people living in Palau the right to enjoy their civil and political rights, as well as their economic, social and cultural rights. Article IV of the Palau Constitution enumerates fundamental rights. Specifically, Article IV, § 5 of the Palau Constitution provides in relevant part: “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 ....”

8. Article IV, § 3, further states, “The government shall take no action to deny or impair the right of any person to peacefully assemble and petition the government for redress of grievances or to associate with others for any lawful purpose including the right to organize and to bargain collectively.”

9. The people of Palau continue to enjoy the freedom to exercise their civil and political rights without discrimination in any form. Palau continues to work towards ratification of the *ICCPR*, however, challenges remain the same as with the ratification of the other human rights treaties in terms of funding, capacity building, and resources.

### Convention on the Rights of the Child (“*CRC*”)

#### Recommendation 104 (29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 73)

10. The Ministry of Community and Cultural Affairs (MCCA), in partnership with UNICEF has finalized the Palau Child Online Assessment report which seeks to protect children from online activities. The purpose is to establish a coherent, system-wide online protection system that concurrently protects children online, while promoting and maximizing the opportunities that the online space presents.

11. The MCCA, in partnership with UNICEF, is currently conducting a comprehensive assessment on Child Protection to advance plans for an improved system of child protection. The study will build on and complement past work including, but not limited to, the Child Protection Baseline Assessment (2012-2013), the review of implementation of the Family Protection Act (2017), the outputs of the Child Protection System Orientation and Planning Workshop (November, 2018) and the recommendations of the Child Protection Online Baseline Research and Assessment (2019 and 2020).

12. Belau Head Start Program, under Palau Community Action Agency (“*PCAA*”), has been operating in the Republic of Palau since 1965. The program targets eligible low-income families and their children ages 3-5 regardless of sex, race, ethnicity, religion or disability to enroll in the program. The early childhood programs are fully in line with the fundamental principles of the *CRC*. The program assesses the child’s and family’s background through early intervention with different mechanisms, strengthening family engagement, and building capacities with partnered agencies to give appropriate support for children and families.

- **Community Assessment** is conducted once over the five-year grant period to assess the program and for ensuring that the appropriate services are provided to the children and families.
- **Creative Curriculum** is research-based and supports the development of the whole child. High-quality, comprehensive resources empower educators to teach and care for our children during their most critical and formative years of development.
- The **Strengthening Families Framework** is a research-informed approach to increase family strengths, enhance child development, and reduce the likelihood of child abuse and neglect.

- **Family and Community Engagement Program Services.** There are seven (7) Family Service Workers who are all certified at the local and regional level through the Pacific Behavioral Health Collaborating Council consortium/counselor (ICRC/ADC) on the Substance Abuse Treatment and Prevention.

### **Convention on the Rights of Persons with Disabilities (“CRPD”)** Recommendation 104 (44, 45, 116, 117, 118, 119, 120)

13. A Palau National Disability Policy 2017–2020 was endorsed in 2017.
14. The Policy sets the following strategic priorities:
  - Coordination, Collaboration and Engagement
  - Support and Services of Persons with Disabilities
  - Institutional Strengthening and Sustainable Finance
  - Early Detection, Intervention and Prevention
  - Opportunities to Education and Employment
  - Capacity Building, Public Awareness and Advocacy
  - Policy and Legislation Reform
  - Data Collection, Information and Research
  - Monitoring and Evaluation.
15. The Government of Palau established the Palau Severely Disabled Assistance Fund (“PSDAF”) enacted by RPPL 6-26, the purpose of this fund is:
  - To provide monthly assistance to individuals in the Republic of Palau who are homebound, wheelchair bound, and/or blind.
  - RPPL 11-2 recently amended the PSDAF legislation to increase the stipend from 100 USD/month for those requiring 24-hour care to 200 USD/month and for those who are homebound, wheelchair bound, and/or blind from 75 USD/month to 150 USD/month.
16. In line with RPPL 3-9, the MOE has adopted a policy that free, appropriate, public education (FAPE) is made available to each child residing in Palau from ages 3 through 21 who has been suspended or expelled from school, including children with disabilities.

### **United Nations Educational, Scientific and Cultural Organization Convention-(“UNESCO”)** Recommendation 104.56

17. Palau Constitution guarantees the right to free education, equality under the law; non-discrimination on the basis of sex, race, place of origin, language, religion or belief. Based on these guarantees, all children (citizens and non-citizens) in Palau are accorded the same access to free education if they enroll in public schools.
18. Palau continues to work towards ratification of the Convention Against Discrimination in Education; however, challenges remain the same as with the ratification of the other human rights treaties in terms of funding, capacity building, and resources.

### **United Nations Convention Against Corruption (“UNCAC”)** Recommendation 104.59

19. The National Public Services System Act, codified as 33 PNC, regulates the public services system of the Government of the Republic of Palau. Specifically, 33 PNC § 601, provides regulations for candidature for public office, including financial disclosures. Palau

is a *de facto* non-partisan democracy and has no political parties. Legislative provisions, therefore, address only candidate funding. The Act regulates as follows:

- Requires candidates to file their campaign statements with the Office of the Election Commission.
- Prohibits foreign nationals from directly or indirectly contributing to the funding of a candidate and prohibits contributions by any person in a name other than the name by which the person is identified for legal purposes (and thus prohibits anonymous donations) (33 PNC § 607 (a) and (c)).
- Regulates methods of payment (33 PNC § 607 (d)).
- Addresses the maintenance of campaign bank accounts, including the expenditure and solicitation of funds (33 PNC § 607 (d-h)).

20. The definition of ‘contribution’ in 33 PNC § 601 (e) is limited to payments, forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, whenever made, except to the extent that full and adequate consideration is received, unless it is clear from surrounding circumstances that it is not made for political purposes, and thus does not include non-monetary contributions such as gifts or other benefits.

21. Under the Code of Ethics, the Public Auditor must audit campaign statements filed by candidates for the Offices of the President and the Vice President, including all elected officials, government directors and chiefs, members of boards and commissions, and other appointed officials of the government. The Public Auditor also conducts random audits of other statements. Reports and statements on campaign statements filed, pursuant to the Code of Ethics Act, are public records.

22. The Code of Ethics Act and Public Services System Rules and Regulations outline the standards of conduct for candidates and public officials including:

- Transparency
- Conflict of interest measures and gifts or other items of monetary value (33 PNC § 604 and 33 PNC § 605)
- Prohibitions of nepotism and of outside employment and other activities (Parts 5.7 and 6.1) and a Code of Conduct (Part 11)
- Public officials are required to disclose conflicts of interest (33 PNC § 604).

23. The Code of Ethics Act governs financial disclosure statements to be submitted annually to the Office of the Ethics Commission. The Commission may pursue charges concerning alleged violations, initiate or make investigations, and hold hearings. The Public Auditor can conduct special audits on these financial disclosures, if requested by the Offices of the Ethics Commission, Attorney General or Special Prosecutor. Failure to make an honest disclosure is a misdemeanor. Acts of corruption can be reported by public officials to the Special Prosecutor or Public Auditor.

### **Establish a National Human Rights Institution (“NHRI”)**

Recommendation 104 (60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72)

24. Recommendations to establish a National Human Rights Office or a permanent human rights officer position in each Ministry continues to be made, however, funding remains a challenge for the establishment and the sustainability of the office. With limited resources, capacity building and identification of a proper model that will best fit the Government of Palau continue to be a challenge. 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 to determine the best model of such an Institution and in line with the Paris Principles.



## **Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”)**

### **Recommendation 104.10**

25. Palau continues to work towards ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”). However, challenges remain the same as with the ratification of the other human rights treaties in terms of funding, capacity building, and resources.

## **International Convention on the Elimination of All Forms of Racial Discrimination**

26. Palau continues to work towards ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. However, challenges remain the same as with the ratification of the other human rights treaties in terms of funding, capacity building, and resources.

27. Although Palau has not ratified the said Convention, the citizens and residents of the Republic of Palau are protected under the Palau Constitution’s Fundamental Rights found in Article IV § 5, which states, “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....” It further states, “no person shall be treated unfairly in legislative or executive investigations.”

## **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### **Recommendation 104.10**

28. These rights are enshrined in the Palau Constitution. The Government will continue to seek financial and technical assistance to help with each human rights obligation and build capacity before it ratifies these core human rights conventions.

29. Palau continues to work towards ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, challenges remain the same as with the ratification of the other human rights treaties in terms of funding, capacity building, and resources.

## **Seek technical assistance**

### **Recommendation 104.74**

30. The Government of the Republic of Palau reiterates its appeal to international and regional partners and donors to continue assisting Palau, both technically and financially, in our effort to address, manage, and tackle the possible challenges and/or violations that Palau faces with regards to human rights issues.

## **Protection of vulnerable groups**

### **Recommendation 104.75**

31. RPPL 10-51 convenes a Coordinating Committee on Aging to develop and biennially update a National Policy on Aging. The law notes call for (i) development of a cohesive and comprehensive policy on aging and (ii) a plan for a Social Service and Care Center for the Aged. RPPL 10-52 amends Title 21 of the Palau National Code and requires the development of a comprehensive national policy on care for the aging. RPPL 11-2 the Ministry of Health and Human Services shall create and recommend a plan for the construction of a Social Service and Care Center for the Aging.

32. The national government, through Asian Development Bank (ADB), developed and funded a project to “Strengthen Social Protection of Vulnerable Populations Impacted by COVID-19”. The project addresses the immediate COVID-19 related needs (health, social, and income support) for the low-income, home-bound elderly and persons with disabilities, small agriculture producers, and victims of family and gender-based violence.

33. Those individuals who are determined by the Ministry of Health and Human Services to be homebound and need 24-hour care will be eligible to receive a monthly stipend of 100 USD/month. Those individuals who are determined by the Ministry to be wheelchair-bound and/or blind, shall be eligible to receive a monthly stipend of 75 USD/month. The National Government recently increased these amounts to 200 USD and 150 USD, respectively.

34. The following National Laws and Policies address the Protection of Vulnerable Groups:

- RPPL 9-46 and Subsequent Budget Acts “Lifeline Electric, Water & Wastewater Subsidy for Low-Income Households”
- RPPL 10-51 created a Coordinating Committee on Aging to develop and biennially update a National Policy on Aging.
- RPPL 10-52 amends Title 21 of the Palau National Code and requires the development of a comprehensive national policy on care for the aging.
- RPPL 10-56 /11-3 (extension) “CROSS Act”
- RPPL 11-2 Section 12 “Social Service and Care Center for the Aging”
- RPPL 11-2 Section 14-15 “Severely Disabled Assistance Fund (increases in monthly stipend)
- EO 412 “Establish Anti-Human Trafficking Office”
- ADB Report: “Palau-Strengthening Social Protection of Vulnerable Populations Impacted by COVID19: Report on A Rapid Assessment”.

## **Gender equality and women empowerment**

35. The Palau National Gender Mainstreaming Policy 2018–2023 was endorsed in 2018. The purpose of the policy is to guide the process of developing laws, policies, procedures and practices that will address the needs, priorities and aspirations of all women and men.

36. Policy strategic objectives:

- All women and men participate in decision making in all areas of life.
- All women and men have the same opportunities to earn incomes and fulfill their needs.
- All women and men are safe and protected in their homes, at school, in workplaces, and all other private and public spaces.
- All women and men have access to resources needed to be healthy and resilient and to support their wellbeing.

37. The Palau Country Plan 2020-2022, which aims to improve the political, economic and social opportunities of women in the Republic of Palau, was developed with support from Australia to help Pacific countries meet the commitments they made in the Pacific Leaders’ Gender Equality Declaration in 2012. The Plan builds on the achievements of and lessons learned from the first phase of implementation. The goal of the Plan is:

- Women in Palau (regardless of income, location, disability, or age) participate fully, freely, and safely in political, economic, and social life.
- International Women’s Day (“*IWD*”) Forum is celebrated annually and brings together women leaders in the various sectors in Palau, and is an additional platform for women to discuss

issues relating to the role of women and challenges to family support policies such as maternity leaves and child care services.

38. Culturally, Palau is a matrilineal society in which traditional titles and authorities are inherited through the female members of the clan. Traditionally, women hold positions of power and respect.

### **FPA and domestic violence**

#### **Recommendation 104 (86, 87, 89, 90, 92, 93, 96)**

39. The Family Protection Act became law on November 13, 2012. The law is “to offer protection and create effective remedies to deter acts of family violence, expand and strengthen the ability of police officers to assist family violence victims, enforce the law effectively against family abusers, and establish family violence as a serious crime which will not be excused or tolerated, by bringing to bear strong law enforcement and appropriate legal penalties for acts of family violence and abuse.”

40. The MCCA reviewed the FPA in 2018 with support from Australia’s Department of Foreign Affairs and Trade (“DFAT”). An implementation plan for the FPA has been approved by the FPA key implementing agencies. An MOU is being drafted and finalized to reflect the FPA implementation plan and new partners – the MOE and the Palau Office of Planning and Statistics.

41. The FPA Coordinator is based in the MCCA and is tasked to coordinate the stakeholder agencies implementing the FPA and to lead the coordination of public awareness on gender-based violence. Awareness is conducted through community and school outreach programs.

42. The Asian Development Bank (ADB) grant-funded “Strengthen Social Protection of Vulnerable Populations Impacted by COVID-19” project is a three-part project designed to address the immediate COVID-19 related needs of the low-income, homebound elderly and persons with disabilities, small-scale agriculture producers, and victims of family and gender-based violence. Among the project outputs is to enable multidisciplinary responses to address gender-based violence. This output will address two priority gaps in the current response to family and gender-based violence in Palau: (i) lack of integrated case management support for victims in navigating the legal, health, and social services systems; and (ii) lack of sustained prevention-oriented communications.

43. The FPA is both a civil and a criminal process. The civil side addresses the immediate need for victim shelter and the restraining order process while the criminal side addresses the abuser’s behavior.

- Short-term, temporary accommodation is available for victims of domestic violence who are accessing court services.
- Informal support is being provided through cultural and family connections and church networks to provide shelter for the victims of domestic violence.
- There are limited formal or recognized support services provided for victims of domestic violence.
- There is no victim advocate that has the knowledge and skills to support victims of domestic violence.

### **Rape (Definition)**

#### **Recommendation 104 (91, 92)**

44. The 2012 Palau Family Protection Act removed the "marital exemption" from Palau National Code. By removal of marriage as a defense, marital rape is now a crime of sexual assault. Rape, including spousal rape, is a crime punishable by a maximum of 25 years imprisonment, a fine of 50,000 USD, or both.

## **Trafficking in Person (TIP)**

### **Recommendation 104 (94, 99, 100, 104, 101, 102, 103)**

45. The Republic of Palau was admitted as a member state of the International Organization for Migration (“IOM”) on June 29th, 2018. One of Palau’s first requests to IOM was for support in addressing human trafficking in the country. The Ministry of Justice commissioned the IOM to conduct a rapid assessment report on human trafficking in the country.

46. In 2019, the Government approved the rules and regulations of the Division of Labor to increase protections for foreign migrant workers, such as prohibiting employers engaged in illegal recruitment from hiring new workers. The Division of Labor also held a workshop with relevant employers to familiarize them with the new rules and regulations.

47. Current Human Trafficking Victim Assistance includes:

- Temporary Work Placement
- Temporary Shelter
- 24/7 Hotline
- Legal Services (via Micronesian Legal Services Corp.)
- Transportation to court, hospital, etc.

48. In 2017, EO 405 established the Special Presidential Task Force, also known as the Human Trafficking Task Force (“HTTF”), to implement a national action plan to combat human trafficking in the Republic.

49. In 2018, EO 412 created the Anti- Human Trafficking Office (“AHTO”) to be the primary body responsible for the coordination of all national efforts to combat Palau’s human trafficking issues.

50. In 2020, the United Nations Office on Drugs and Crime (“UNODC”) initiated an availability assessment to establish the accessibility of data content on human trafficking for Palau.

51. In 2021, EO 444 reorganized the Ministry of Justice. The AHTO is now under a new Division of Transnational Crime within the Bureau of Public Safety.

52. A National Victim’s Rights Act is currently being drafted and will be presented to Congress within the next month.

53. Enforcement of Anti-Trafficking law and national strategy to combat trafficking: Palau’s Penal Code includes detailed provisions regarding human and labor trafficking, including the following:

- Chapter 20 focuses on labor trafficking (which broadly includes providing or obtaining labor or services through the use of force, extortion, fraud, etc. as well as the offense of intentional non-payment of wages);
- Chapter 21 codifies the Anti-People Smuggling and Trafficking Act.

54. A two-year National Action Plan (“NAP”) to combat human trafficking was established and approved in January 2019. The development of the second NAP is ongoing and will result in a five-year NAP.

55. On April 15, 2019, Palau ratified the United Nations Convention against Transnational Organized Crime and its Protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

## **Awareness campaigns and TIP Preventions**

- The AHTO initiated outreach programs and presentations on human trafficking and the functions of AHTO.

- With the assistance of the IOM, AHTO conducted a Knowledge, Attitudes and Practices (“KAP”) survey to gauge general awareness and understanding of human trafficking issues in Palau.
- IOM conducted a workshop on the elements of TIP for pertinent law-enforcement officials as well as the HTTF.
- IOM conducted a training on the elements of human trafficking for relevant law enforcement and civil society.
- The Federal Bureau of Investigation (“FBI”) conducted a training on human trafficking investigations for relevant law enforcement.
- The Office of the Special Prosecutor held a three-day workshop for the Palau Chamber of Commerce at their invitation on Online Gambling, Front Businesses, and Human Trafficking.
- A law-enforcement curriculum on human trafficking is currently being drafted in coordination with IOM.

### **Corporal punishment**

#### **Recommendation 104 (95, 97)**

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

57. The Ministry of Education School Handbook 2019 clearly affirms that, “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.”

58. Concrete measures have been taken by the Ministry of Health, Judiciary and the Senate in raising public awareness through community outreach, schools, PTA meetings, and radio.

59. In a case before the Palau Supreme Court, a teacher was found by the Trial Court to have violated criminal law 17 PNC 503 for punishing a student by poking her in the forehead with her finger. The Appellate Court in that case stated that “[u]nless and until the legislature enacts a bar to corporal punishment, physical discipline is permissible in this jurisdiction absent a finding that the teacher acted clearly excessively in the eyes of reasonable persons, and that the factors weigh severely against the teacher.”

60. The Appellate Court reversed the conviction of the teacher and remanded the matter to the trial court for a determination of guilt based on the appropriate legal standard: whether reasonable persons would find Appellant’s (teacher) actions were clearly excessive, given the totality of circumstances and a presumption of correctness in favor of Appellant. This underscores the need to pass legislation in the Republic of Palau to prohibit all corporal punishment of children in any setting.

### **Prison environment**

#### **Recommendation 104.104**

61. The Government of Palau is currently constructing a national prison/correction facility with a maximum capacity of 100 prisoners in each building (2 two-story buildings). The new national prison is slated to open in 2022 and will address overcrowding and separation by gender, juvenile, serious and minor offenders. It will also allow for better rehabilitation and some schooling programs. Its surrounding area has a designated space for farming and recreational activities for the prisoners.

## **Freedom of information**

### **Recommendation 104.105**

62. The Palau Constitution provides for an individual's right to freedom of opinion and expression. Article IV of the Palau Constitution provides for the Fundamental Rights of citizens. Section 2 of Article IV provides as follows: "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." During the consultation with the Olbiil Era Kelulau (Palau National Congress), a member of the House of Delegates expressed concerns about inaccurate reporting in the media and proposed that ROP strengthens the established communications regulatory body.

63. The Palau Constitution also gives a citizen the right to access information in the government. Section 12 of Article IV provides that "[a] citizen has the right to examine any government document and to observe the official deliberations of any agency of government."

64. On July 23, 2014, the President of Palau signed into law the Open Government Act, a law on freedom of information designed to create a more open and transparent government.

65. Under the law, any person may submit a request to any government agency to produce public records which are generated by that agency within ten days of the request. The law also provides for any person to observe the deliberations or public meetings of any government agency.

## **Social development programs**

### **Recommendation 104.114**

66. RPPL 10-42 allocates the sum of 30,000 USD for the purpose of homecare for the elderly with no income. This program supports the ongoing programs of the Division of Aging to further supplement services carried out for Palau's elderly citizens, focusing specifically on those with no income.

67. RPPL 11-2 creates an office within the Ministry of Health and Human Services to care for populations with special needs, including the elderly and persons with disabilities. This law also creates a Social Service and Care Center to provide necessary resources and services to support and improve the quality of life for the aging.

68. RPPL 10-36 addresses Palau's housing shortage by providing a funding stream for the provision of affordable housing opportunities to Palau's citizens most in need such as displaced citizens and first-time home owners.

69. The ADB grant-funded "Strengthen Social Protection of Vulnerable Populations Impacted by COVID-19" project is a three-part project designed to address the immediate COVID-19 related needs of the low-income, homebound elderly and persons with disabilities, small-scale agriculture producers, and victims of family and gender-based violence. Among the project outputs is to address welfare support to at-risk and vulnerable groups. This output will respond to the immediate physical, mental, social, and environmental needs of low-income homebound senior citizens, and persons with disabilities who are vulnerable to COVID-19 infection. The emphasis will be on holistic support that assists targeted beneficiaries, their families, and their caregivers to address a full range of factors that undermine quality of life.

## **Human rights education and awareness**

### **Recommendation 104.115**

70. The Government of the Republic of Palau continues to promote the fundamental values of the Universal Declaration of Human Rights ("*UDHR*"). With increased public

education and awareness, the Bureau of Public Safety, as first responders, has been able to respond to reports of domestic violence, specifically against women and children.

- The Attorney General’s Office, in collaboration with the Embassy of the United States of America, recently assisted a Palauan child (female), who was abused by her grandmother, reunite with her biological parents living in the United States. During the consultation with Olbiil Era Kelulau (Palau National Congress), Speaker of the House expressed concerns that the ROP neglected to address inaccurate reports in social media regarding this incident.
- The Ministry of Education carries out outreach programs to all schools throughout Palau on the services available to the students in terms of health, safety, and their overall welfare.
- The Ministry of Health and Human Services, through its Health Information Resource Center, conducts public educational awareness to students and the community on the services available on HIV/AIDS and other sexually transmitted infections.
- Gender-based violence awareness is conducted throughout the community including school outreach programs. A focal activity remains the *16 Days of Activism Against Gender-based Violence* from 25 November to 10 December annually and involves community partners and all stakeholders implementing the Palau FPA including the Ministry of Community and Cultural Affairs, Ministry of Health and Human Services, Office of the Attorney General, Bureau of Public Safety, Ministry of Education and the Office of Planning and Statistics.

### **Ratify human rights instruments**

#### **Recommendation 104 (5, 6, 11, 12)**

71. Palau continues to work towards ratification of the Human Rights Instruments. However, challenges remain the same as with the ratification of the other human rights treaties in terms of funding, capacity building, and resources.

### **Domesticating human rights laws – Legislative measures**

#### **Recommendation 104 (57, 58)**

- RPPL 10-13 “School Wellness and Nutrition Standards”
- RPPL 10-35 “Palau National Marine Sanctuary Act”
- RPPL 10-50 “National Street and Home Address system”
- RPPL 10-56 /11-3 (extension) “CROSS Act”
- RPPL 11-2 Section 12 “Social Service and Care Center for the Aging”
- RPPL 11-2 Section 14-15 “Severely Disabled Assistance Fund” (increase in monthly stipend)
- EO 412 “Establish Anti-Human Trafficking Office”
- ADB Report: “Palau-Strengthening Social Protection of Vulnerable Populations Impacted by COVID19: Report on a Rapid Assessment”
- EO 295 “NCD National Coordinating Mechanism”
- EO 408 “Establishing Economic and Social Development Program”
- NEMO Report: “National Disaster Risk Management Framework”
- NEMO “Early Warning System”
- Palau National Elderly Policy (March 2020) – amended and added a new chapter to Title 21 of the PNC – Ch. 10 – Aging Care

- Palau National Disability Policy 2017-2020
- Palau National Gender Mainstreaming Policy (2018)
- Family Protection Act (FPA) (2012)
- Anti-smuggling and Trafficking Act
- Increased minimum wage
- EO 419 “Establishing a Monitoring and Evaluation Framework for the implementation of the 2030 Sustainable Development Agenda”
- House Joint Resolution No. 9-46-4 “Koror-Airai Sanitation Project” (“KASP”).

## **Natural disasters**

### **Recommendation 104.123**

72. Palau revised and endorsed the National Disaster Risk Management Framework (“DRM”) in 2016. Noting the UN Cluster System, Palau opted to localize this concept into current local practices which address the actual human resources availability within the country. Palau has also endorsed State DRM Plans and has gained multiple stakeholders to assist in the capacity building in the communities across Palau.

73. The following are activities being implemented:

- Installation of Very High Frequency (VHF) and High Frequency (HF) radio in key emergency operations facilities, with independent solar power.
- Installation of tsunami and multi-hazard warning sirens in key vulnerable locations.
- Installation of Automated Weather Stations related equipment in key strategic and vulnerable locations.
- Installation of 2 wave rider buoys to determine ocean conditions and surface wave monitoring.
- Rehabilitation of Early Warning AM Broadcast System.
- Installation of a more sufficient generator to replace the existing system in anticipation of the expansion of the National Emergency Operations Center (NEOC).
- Equipping key disaster responders and Search & Rescue institutions.
- Providing emergency backup power for Southernmost island schools as evacuation centers.
- Restoration and protection of high-risk cultural heritage sites in coastal communities (Palau Historical Preservation Office).
- Conducting a Protection, Gender and Social Inclusion in Disaster Risk Management Training.

74. LiDAR Survey – LiDAR or Light Detection and Ranging, is a remote sensing method that uses light in the form of a pulsed laser to measure ranges (variable distances) to the Earth. Through the “Enhancing Disaster and Climate Resilience in the Republic of Palau through Improved Disaster Preparedness and Infrastructure” (EDCR) project, which is funded by Japan and implemented by UNDP, a national LiDAR survey is being conducted.

75. The main outputs of the project include:

- High resolution topographic/bathymetric information and georeferenced aerial images; and
- Sea level/wave inundation models which would identify areas at risk.



76. Integration of Census Data into Geographical Information System (GIS): Household location and attribute information from the 2015 and 2020 censuses have been integrated into GIS. This allows for easier and rapid spatial analysis of households at risk due to natural disasters.

77. Street Naming and Home Addressing: RPPL 10-50 requires PALARIS to develop a national street naming and home addressing system. The street naming and home addressing project will assist in planning and other activities efforts at state and national levels, including disaster risk mitigation and disaster response management.

78. Acquisition of Hardware and Technical Training of Staff- PALARIS continues to upgrade hardware/equipment and expertise to support disaster risk management activities as well as other requested spatial information related activities.

## **Sustainable Development Goals (“SDG’s”)**

### **Recommendation 104.124**

79. Palau’s sustainable development lies at the intersection of four interlocking pillars people, prosperity, planet, and partnerships. In the People Pillar (SDGs 2-4), Palau envisions happy, healthy, and purposeful lives supported by the Prosperity Pillar (SDGs 1, 8, 10) and characterized by equitable, inclusive, and sustainable growth in harmony with nature – the Planet Pillar (SDGs 6, 7, 9, 11-15). The fourth pillar, Partnerships and Governance (SDGs 5, 16-17), reflects the interdependence of all pillars and the continuing need for effective governance and partnerships, both domestically and internationally.

80. In contemplating the pathway to 2030, Palau has:

- Mapped global Sustainable Development Goals (SDG) targets and indicators against domestic priorities, cross-referenced with the Medium-Term Development Strategies (MTDS), resulting in a list of selected 89 targets and 136 indicators that comprise the national “core” SDG framework;
- Established EO 419, “Establishing a Monitoring and Evaluation Framework for the Implementation of the 2030 Sustainable Development Agenda”;
- Presented its first SDG Voluntary National Review (“VNR”) at the UN High Level Political Forum (HLPF) in 2019, which reported against the selected “core” SDG targets and their respective indicators. The VNR, *Pathway to 2030: Progressing with our Past toward a Resilient Sustainable and Equitable Future*, also identified challenges in closing gaps, improving quality, and enhancing resilience – especially climate resilience;
- Initiated the effort of incorporating the national “core” targets and indicators into the National Performance Reporting template as one of the opportunities to integrate the SDGs into planning and budgeting in order to facilitate monitoring and timely implementation; and
- Incorporated the SDGs into the 2019 State of the Environment Report, prepared by the National Environmental Protection Council (NEPC).

## **Climate change**

### **Recommendation 104.125**

81. Palau developed the Palau Climate Change Policy for Climate and Disaster Resilient Low Emissions Development. The main objectives of this Policy are to:

- Enhance adaptation and resilience to the expected impacts of global climate change across all sectors;
- Improve Palau’s ability to manage unexpected disasters and minimize disaster risks; and

- Mitigate global climate change by working toward low carbon emission development, maximizing energy efficiency, protecting carbon sinks, and minimizing greenhouse gas emissions.

82. Numerous measures that are related, but not limited, to the mainstreaming of the Policy include:

- *Climate Change in Palau: Indicators & Considerations*: The latest climate assessment was completed late last year for Palau.
- Sea level rise in association with maritime zones: This work is undertaken by the Pacific region to ensure that maritime zones and national territories are preserved despite shrinkage of land coverage resulting from sea level rise.
- Complete Streets: A transportation strategy to reduce traffic congestion and Greenhouse Gas (“GHG”) emissions that aims to build and transform roads to become safe, inviting, and comfortable for all road users (pedestrians, bicyclists, and motorists) of all ages and abilities, to be more resilient to climate change.
- Nationally Determined Contribution (“NDC”): This is a commitment to reduce GHG emissions for the energy sector by 22% through integration of renewable energy and energy efficiency measures.
- *Scaling Up Pacific Adaptation*: This work is to improve water security in five states in Babeldaob through installation/refurbishing of rainwater tanks at public centers, upgrade the government-owned radio broadcasting system, and reduce vulnerability to waterborne and vector-borne diseases.

83. There are other project developments that are forthcoming and worth noting. Here is a list of them below:

- Updating of the current *Palau Climate Change Policy* is scheduled to begin this year.
- *National Adaptation Plan* grant is in the works and will be designed to support state-level planning and implementation.
- *COVID-19 Resilient Recovery Rapid Readiness* is under development. This grant will support climate-conscious policies into Palau’s economic recovery plans.

## **VI. Identification of achievements, best practices, challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situations in the State**

### **Achievements and best practices**

84. During the reporting process, some of Palau’s achievements include the ratification of the United Nations Convention against Transnational Organized Crime and its Protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the Palau National Gender Mainstreaming Policy (2018); and the Palau National Disability Policy 2017-2020.

85. Among the best practices that can be shared with other member states are the actions that Palau’s leadership has undertaken to protect its citizens and all persons living in Palau from the pandemic. During the onset of the COVID-19, the Government immediately closed Palau’s borders to the outside world to keep Palau safe and free from the virus. Palau is one of the 7 remaining countries in the world that is still COVID free, and has vaccinated over 65% of its population.

86. Residents in Palau, both citizens and non-citizens, continue to feel the impact of the COVID-19 pandemic through the loss of jobs and other disruptions of employment. It is estimated that a total of 2,600 jobs in Palau will be directly affected. The following

measures address the many different hardships faced by the Republic, its businesses, and the members of the community:

- *RPPL 10-56* the Coronavirus Relief One Stop Shop (“CROSS”) Act is a temporary relief to include unemployment benefits, utility assistance, job programs, non-citizen worker employment transfer, business loans and tax and employer contribution deferrals.
- *RPPL 11-3 Section 23* (CROSS Act extension) authorizes and appropriates the sum of 9.5 million USD for the purpose of continuing the temporary relief measures established under Section 3 of the CROSS Act, *RPPL 10-56*.

### **Challenges and constraints**

87. As a Small Island State with limited resources, Palau’s challenges and constraints remain the same as the three principle restrictive factors for the ratification and implementation of the human rights treaties that were identified during the previous UPR reporting: limited capacity; the costs of reporting and implementation; and a perceived contradiction between Palauan cultural traditions and some universal human rights principles.

88. Given the many present and emerging threats, the full implementation of human rights laws and treaties remains a difficult challenge. A stronger national will continues to be the driving force that is needed to achieve the full realization of human rights in Palau.

## **VII. Key national priorities, initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground**

89. The Republic of Palau continues to support and ensure that full recognition of human rights practices is accorded to all citizens and non-citizens living in Palau. Efforts at the national and state level help support the continuation and implementation of the existing human rights laws and obligations.

## **VIII. Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance and support received**

90. The Republic of Palau reiterates its appreciation for all the support (technical and financial) by development partners, regional and international organizations, and UN agencies with regards to the protection, promotion, and implementation of the human rights commitments and obligations. Through these supports, Palau has successfully adopted and passed policies, laws, and measures to enhance the enjoyment of human rights of people living in Palau.

## **IX. Voluntary commitments**

- Palau is committed to continue promoting gender equality and supporting children, elderly, disabled persons, and the vulnerable population;
- Palau is committed to continue promoting Climate Change mitigation and adaptation;
- Palau is committed to continue combating human trafficking.

## **X. Conclusion**

91. The Government appreciates the UPR process and is committed to ensuring that fundamental human rights are accorded to every person living in Palau based on the Universal Declaration of Human Rights. Palau continues to seek technical and financial support to ensure that human rights are not only realized but also promoted and protected.

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