**Palau Universal Periodic Review**

**General Session**

**UPR Summary Report**

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**By:**

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**Republic of Palau**

Madame President,

Excellencies,

Member Countries and observer states,

The Troika Members,

Ladies and Gentlemen,

Alii and Bonjour!

**Introduction**

Madame President, I extend my warmest greetings and that of the Republic of Palau and her people to the members of the Human Rights Council. I would also like to thank the Office of the High Commissioner for Human Rights and other regional and international organisations for their support towards this report and accompanying presentation. The Republic of Palau is grateful for this opportunity to respond to share and report on achievements, success and more importantly of the challenges to the recommendations received at the second reporting cycle of the Universal Periodic Review.

2. Madame President, the Republic of Palau 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, implementation of human rights. The national report is a product of national government collaboration including consultation, review by all government stakeholders in Palau. It is in line with Executive Order *(“EO”)* No. 368, which establishes the Human Rights Committee and specifically address the call to support human rights initiatives and reports by all government ministries and or departments.

3. Madame President, this 3rd national report responds to and addresses the recommendations received from the 2nd round of the UPR cycle. A total of 125 recommendations were made and 82 of which were accepted and 24 were noted. In addition, 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.

1. **Laws and Policies**

4. Madame President, since its last report and in reference to national laws, the Government of Palau has in place the following laws and polices namely: (a) RPPL 10-9 “To Establish Minimum Equipment and Staffing Standards for Ambulances in the ROP” ; (b) RPPL 10-13 “School Wellness and Nutrition Standards for all Schools” ; (c) RPPL 10-35 “Palau National Marine Sanctuary Act”; (d) RPPL 10-50 “National Street and Home Address System”; (e) RPPL 10-56 /11-3 (extension) Coronavirus Relief One Stop Shop (“CROSS”) Act; (f) RPPL 11-2 Section 12 “Social Service and Care Center for the Aging”; (g) RPPL 11-2 Section 14-15 “Severely Disabled Assistance Fund (increase in monthly stipend); and (h) Anti-smuggling and Trafficking Act.

5. Madame President, in addition to the above, the Government of Palau has in place the following policies: (a) EO 405 “Establish Human Trafficking Task Force” ; (b0 EO 412 “Establish Anti-Human Trafficking Office”; (c) ADB Report: “Palau-Strengthening Social Protection of Vulnerable Populations Impacted by COVID19: Report on a Rapid Assessment”; (d) EO 295 “NCD National Coordinating Mechanism”; (e) EO 408 “Establishing Economic and Social Development Program”; (f) EO 397 “Establish National Disaster Risk Management Framework”; (g) NEMO Report: “National Disaster Risk Management Framework”; (h) NEMO “Early Warning System”; (i) Palau National Elderly Policy (March 2020) – amended and added a new chapter to Title 21 of the PNC – Ch. 10 – Aging Care; (j) Palau National Disability Policy - 2017-2020; (k) Palau National Gender Mainstreaming Policy (2018); (l) Family Protection Act *(“FPA”)* (2012); (m) Increased Minimum Wage; (n) EO 419 “Establishing a Monitoring and Evaluation Framework for the implementation of the 2030 Sustainable Development Agenda” and (o) House Joint Resolution No. 9-46-4 “Koror-Airai Sanitation Project” KASP

1. **Treaties**

6. Madame President, 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. This is realized through Article IV of the Palau Constitution.  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 ….”

7. 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.

8. Madame President, the Government of Palau recognises and acknowledges the support of UNICEF Pacific through a partnership with the Ministry of Community and Cultural Affairs (MCCA), towards the finalization of the Palau Child Online Assessment report which seeks to protect children from online activities. This has enabled the development of a coherent, online protection system that protects children online. Additionally, 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).

9. Madame President, the Government of Palau is pleased to report to this august body that we now have in place and in operation the Palau National Disability Policy 2017–2020 was endorsed in 2017. The Policy aims at ensuring that nothing out people with disabilities is made without people with disabilities especially in the area of coordination, collaboration and; engagement; (b) support and services of persons with disabilities; (c) institutional strengthening and sustainable finance; (d) early detection, intervention and prevention; (e) opportunities to education and employment; (f) capacity building, public awareness and advocacy; (g) policy and legislation reform; (h) data collection, information and research; and (i) monitoring and evaluation

9. Additionally, the Government of Palau has now established the Palau Severely Disabled Assistance Fund, aimed at providing monthly assistance to individuals who are homebound, wheelchair bound, or blind and recently amended the 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. Further, the Government of Palau has in place a policy that allows for free, appropriate, public education (FAPE) for children who has been suspended or expelled from school, including children with disabilities.

1. **Commitment to human rights**

10. Madame President, the Government of Palau remains committed to ensuring that human rights remain a priority. It will ensure that it continues to work towards ratifying treaties that it has yet to ratify. It will also ensure that it work towards implementing ratified treaties through policy and legislation. The Government of Palau will continue to work with regional and international organisation on establishing a dedicated human rights commission, desk and or office. Limited resources, capacity building and identification of a proper model that will best fit the Government of Palau continue to be a challenge and in this regard I call on the international community especially the OHCR to assist us in the realisation of this key institution that is line with the Paris Principles.

11. Madame President, Palau continues to work towards ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”). The Government of Palau recognises and acknowledges that challenges remain the same as with the ratification of the other human rights treaties in terms of funding, capacity building, and resources. We call on the international community to urgently provide assistance to allow us to ratify core human rights treaties yet to be ratified namely: (a) CEDAW*- Convention on the Elimination of all forms Discrimination against Women;* (b) ICCPR – *International Covenant on Civil and Political Rights*; (c) ICESCR – *International Convention on Economic Social and Cultural Rights*; (d) CERD – *Convention on the Elimination of all forms of Racial Discrimination* and (e) CAT – *Convention Against Torture*

1. **Protection of Vulnerable Groups**

12. Madame President, 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.

13. 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. The following National Laws and Policies address the Protection of Vulnerable Groups: (a) RPPL 9-46 and Subsequent Budget Acts “Lifeline Electric, Water & Wastewater Subsidy for Low-Income Households”; (b) RPPL 10-51 created a Coordinating Committee on Aging to develop and biennially update a National Policy on Aging; (c) 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; (d) RPPL 10-56 /11-3 (extension) “CROSS Act”; (e) RPPL 11-2 Section 12 “Social Service and Care Center for the Aging”; (f) RPPL 11-2 Section 14-15 “Severely Disabled Assistance Fund (increases in monthly stipend); (g) EO 412 “Establish Anti-Human Trafficking Office” and (h) ADB Report: “Palau-Strengthening Social Protection of Vulnerable Populations Impacted by COVID19: Report on A Rapid Assessment”

1. **Gender Equality & Women Empowerment**

14. Madame President, 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. Policy strategic objectives: (a) all women and men participate in decision making in all areas of life; (b) all women and men have the same opportunities to earn income and fulfill their needs; (c) All women and men are safe and protected in their homes, at school, in workplaces, and all other private and public spaces; and (d) all women and men have access to resources needed to be healthy and resilient and to support their wellbeing.

15. 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: (a) women in Palau (regardless of income, location, disability, or age) participate fully, freely, and safely in political, economic, and social life.

1. **FPA and Domestic Violence:**

16. Madame President, 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.”

17. 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.

18. 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.

1. **Rape (Definition)**

19. Madame President, 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.

1. **Trafficking in Person (TIP)**

20. Madame President, 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**.** 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. current human trafficking victim assistance includes: (a) temporary work placement; (b) temporary shelter; (c) 24/7 hotline; (d) legal services (via Micronesian Legal Services Corp.); (3) transportation to court, hospital, etc.

21. 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. 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.

22. 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. 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.

1. **Corporal Punishment**

23. Madame President, 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. 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.” 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.

1. **Prison Environment**

24. Madame President, 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.

1. **Freedom of Information**

25. Madame President, 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.

26. 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.”

27. 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. 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.

1. **Human Rights Education and Awareness**

28. Madame President, 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.

29. 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.

30. 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.

31. 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.

1. **Natural Disasters**

32. Madame President, 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.

**N. Sustainable Development Goals *(“SDG’s”)***

33. Madame President, in contemplating the pathway to 2030, Palau has: (a) 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; (b) established EO 419, “Establishing a Monitoring and Evaluation Framework for the Implementation of the 2030 Sustainable Development Agenda”; (c) 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; (d) 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 (e) incorporated the SDGs into the 2019 State of the Environment Report, prepared by the National Environmental Protection Council (NEPC).

1. **Climate Change**

34. Madame President, Palau developed and in place the Palau Climate Change Policy for Climate and Disaster Resilient Low Emissions Development. The main objectives of this Policy are to: (a) enhance adaptation and resilience to the expected impacts of global climate change across all sectors; (b) improve Palau’s ability to manage unexpected disasters and minimize disaster risks; and (c) mitigate global climate change by working toward low carbon emission development, maximizing energy efficiency, protecting carbon sinks, and minimizing greenhouse gas emissions.

35. Additionally, numerous measures that are related, but not limited, to the mainstreaming of the Policy include: (a) *Climate Change in Palau:* *Indicators & Considerations:* The latest climate assessment was completed late last year for Palau; (b) 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; (c) 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; (d) 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; (e) *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.

1. **Achievements**

36. Madame President, some notable achievements during the reporting process include and is not limited to: (a) 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; (b) the development and implementation of the Palau National Gender Mainstreaming Policy (2018); and the (c) development and implementation of the Palau National Disability Policy 2017-2020.

37. 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.

38. 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: (a) *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; and (b) *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.

1. **Technical Support**

39. Madame President, 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. 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.

40. Madame President, 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. We reiterate our gratitude and 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. The support rendered has seen Palau successfully adopt and pass policies, laws, and measures to enhance the enjoyment of human rights of people living in Palau.

41. Madame President, 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.

Madame on behalf of the delegation from the Government of Palau we thank you.