



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Compilation on Palau

Report of the Office of the United Nations High Commissioner for Human Rights*

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The United Nations country team recommended that Palau ratify Convention on the Elimination of All Forms of Discrimination against Women without further delay, and the remaining seven core international human rights treaties and their optional protocols.³

3. The Committee on the Rights of the Child recommended that Palau ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and on a communications procedure, and consider ratifying the core human rights instruments to which it was not yet a party.⁴

4. The United Nations country team noted that as of September 2020, the only human rights treaty that Palau had ratified since the second cycle of the universal periodic review was the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182).⁵ It recommended that Palau consider ratifying the other seven ILO fundamental conventions, the four ILO governance conventions and a number of ILO technical conventions.⁶ The Committee urged Palau to consider ratifying the ILO Minimum Age Convention, 1973 (No. 138).⁷

5. The Committee urged Palau to consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁸

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



6. It also urged Palau to consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.⁹

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Palau to ratify the Convention against Discrimination in Education.¹⁰

8. The Committee recommended that Palau cooperate, among others, with regional organizations such as the Pacific Community and the Pacific Islands Forum.¹¹

9. It recommended that the second periodic report, the written replies to the list of issues and its concluding observations be made widely available in the languages of the country.¹² It invited Palau to submit its third to seventh combined periodic reports by 3 September 2022 and to include therein information on the follow-up to its concluding observations.¹³

10. The United Nations country team recommended that Palau implement the recommendations that it had accepted during the second review cycle.¹⁴ The Committee recommended that Palau take all appropriate measures to ensure that the recommendations contained in its concluding observations were fully implemented.¹⁵

11. The United Nations country team noted that Palau had established a national mechanism for reporting and follow-up to engage with the international human rights mechanisms, known as the National Human Rights Committee, pursuant to Executive Order No. 368 (2014). It recommended that Palau allocate sufficient human, technical and financial resources to the mechanism so that it could function effectively and systematically engage with the treaty bodies system, including implementation of concluding observations and development of a system to keep track of progress. Palau should also consider rolling out the National Recommendations Tracking Database, offered by the Office of the United Nations High Commissioner for Human Rights (OHCHR), to track the recommendations emanating from the treaty bodies, the universal periodic review and the special procedures and their status of implementation.¹⁶ The Committee recommended expanding the mandate of the mechanism to enable it to take a leading role in raising awareness about all areas covered by the Convention.¹⁷ The Committee also expressed concern at the lack of coordination between the various agencies responsible for implementing the Convention, and recommended that Palau create a national coordinating body for the implementation of the Convention and strengthen inter-agency collaboration and cooperation.¹⁸

12. The United Nations country team recommended that Palau seek the support of the OHCHR regional office for the Pacific, particularly through its capacity-building programme on the treaty bodies, to address any challenges in order to proceed with the ratification of the remaining treaties.¹⁹

III. National human rights framework²⁰

13. The United Nations country team noted that during the second review cycle, Palau had accepted the recommendations that it establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), but also noted the statement made by Palau regarding its limited capacity, human resources and expertise to proceed. The establishment of the Office of the Ombudsman – through an executive order in 2017 – had been neither based on an act nor enshrined in the Constitution. As of June 2019, the position of the Ombudsman reportedly remained vacant owing to lack of interested applicants. The United Nations country team recommended that Palau step up efforts to establish an independent national human rights institution, in full compliance with the Paris Principles, to lead, coordinate, build capacity for and assist with the promotion and protection of human rights, and continue seeking technical and financial assistance in that regard, including from the United Nations. It also noted the existence of the Office of the Special Prosecutor, which was an independent office tasked with receiving complaints, investigating issues of public concern, including corruption and money-laundering, and prosecuting any allegations of violations of the Constitution and the laws of Palau. The United Nations country team recommended that Palau raise the public's awareness of the possibility of lodging complaints of human rights violations with the Office of the Special Prosecutor pending the

establishment of a national human rights institution, and ensure that there were adequate financial and human resources to enable that Office to effectively investigate allegations of human rights violations.²¹

14. The Committee noted the establishment of the national human rights committee, a related working group covering human rights issues, including children's rights, and the Office of the Ombudsman. However, it expressed concern at the lack of information on the mandate and investigative powers of the national human rights committee and the Office of the Ombudsman in relation to children's rights. The Committee recommended that Palau ensure that either the national human rights committee or the Office of the Ombudsman had a specific mechanism for monitoring children's rights that was able to receive, investigate and address complaints; and that it ensure the independence of those institutions so as to achieve full compliance with the Paris Principles.²²

15. The United Nations country team noted that while Palau had acceded to the Convention on the Rights of the Child and ratified the Convention on the Rights of Persons with Disabilities, those treaties had yet to be incorporated into the National Code. It recommended that Palau ensure that their provisions were incorporated into national legislation without further delay. It also noted that during the second review cycle, Palau had accepted the recommendation that it implement the recommendations contained in the report on the review of implementation of the United Nations Convention against Corruption. Since those recommendations had not been implemented to date, it recommended that Palau take steps to do so, including by adopting legislation to criminalize the active bribery of foreign public officials and officials of public international organizations and to make illicit enrichment a criminal offence, and by ensuring the independence of anti-corruption bodies to enable them to carry out their functions effectively.²³

16. The Committee welcomed the creation of a national human rights task force and the adoption of a number of national policies, such as the Palau Climate Change Policy. It recommended that Palau adopt and implement a comprehensive national strategy for children to cover all areas of the Convention on the Rights of the Child and allocate appropriate human, technical and financial resources for its implementation; and that it ensure the inclusion of priorities for children in national development and strategic plans and budgeting processes.²⁴

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²⁵

17. The United Nations country team noted that during the second review cycle, Palau had noted recommendations that it combat discrimination based on sexual orientation and gender identity, including by recognizing same-sex couples and marriage between persons of the same sex. In July 2019, the President had expressed his disagreement with the amendment to the Constitution in 2008 that had prohibited same-sex marriage and advocated equal rights for all. However, no legislative changes had been introduced. It recommended that Palau conduct research on the challenges faced by lesbian, gay, bisexual, transgender and intersex persons to enjoy their rights so that appropriate legislative and policy changes could be implemented.²⁶

18. The Committee expressed concern that the Constitution did not explicitly prohibit discrimination based on sexual orientation and gender identity and that girls, children with disabilities and children of non-Palauan descent were subject to discrimination and were more exposed to exclusion. The Committee recalled its previous concluding observations and recommended that Palau ensure that children with disabilities and girls had equal access to education, health care, employment and a decent standard of living; revise the Constitution to explicitly prohibit discrimination on the basis of sexual orientation and gender identity and

align other laws in that regard to ensure that discrimination on those grounds was prohibited; and take legislative measures to ensure that children of non-Palauan parentage, including children of immigrant families and children adopted through intercountry adoptions, were afforded the same rights and access to health, education and social services as Palauan children.²⁷

2. Development, the environment, and business and human rights²⁸

19. The Committee expressed concern that there was no information on whether climate change adaptation and disaster risk reduction were part of the school curriculum, on whether there was a comprehensive disaster-sensitive social protection system in place and on the measures in place addressing the special needs of children in vulnerable situations, including children with disabilities, when planning disaster risk reduction preparedness, response and recovery. It recommended that Palau include climate change adaptation and disaster risk reduction in the school curriculum and establish school-based programmes, such as early warning systems and training on what to do in the event of a natural disaster; develop a comprehensive disaster-sensitive social protection system, ensuring that the special vulnerabilities and needs of children, as well as their views, were taken into account; review emergency protocols to include assistance and other support for children with disabilities during emergencies and natural disasters; and seek regional and international cooperation in implementing its recommendations.²⁹

20. The United Nations country team noted that during the second review cycle, Palau had supported recommendations that it strengthen efforts to prevent natural disasters, continue to implement policies for development under the Sustainable Development Goals, and continue to pay particular attention to the consequences of climate change on human rights. Since that review cycle, Palau had continued to take steps to address the challenges posed by climate change and environmental degradation. It recommended that Palau take steps to mitigate the negative impacts of climate change on the environment and human rights, including by taking steps to implement the recommendations made by the Committee in its concluding observations.³⁰

B. Civil and political rights

1. Right to life, liberty and security of person³¹

21. The United Nations country team noted that Palau had accepted the recommendations from both the first and the second review cycles, in 2011 and 2016, on the prohibition of all corporal punishment of children. However, to date, legislation in Palau expressly allowed for its administration.³² The Committee noted that schools had adopted policies banning corporal punishment, but expressed serious concern that the law did not explicitly prohibit the use of corporal punishment.³³ The Committee and the United Nations country team expressed concern about the National Code and the Penal Code: under the National Code (title 34 – Public Health, Safety and Welfare), parents or guardians had the power to exercise parental control and authority over children in their custody, and the Penal Code (section 309) authorized the use of force to discipline children. They urged Palau to amend existing legislation to explicitly prohibit corporal punishment in all settings.³⁴ The Committee additionally recommended that Palau strengthen teacher training on alternative non-violent forms of discipline and ensure that it was part of pre- and in-service teacher training programmes; provide programmes for parents and all professionals who worked with and for children to encourage the use of alternative non-violent forms of discipline; effectively enforce the prohibition of corporal punishment and provide children, especially in schools, with a complaints mechanism; and strengthen awareness-raising programmes, training and other activities to promote a change of mind set with regard to corporal punishment, particularly in schools, within families and at the community level.³⁵

2. Administration of justice, including impunity, and the rule of law

22. The Committee expressed serious concern at the limited legislative provisions for child-friendly investigation and court procedures, and at the pending revision of the Juveniles

Act. It urged Palau to bring its juvenile justice system fully into line with the Convention on the Rights of the Child and other relevant standards. In particular, the Committee recommended that Palau adopt legislation for the administration of juvenile justice in accordance with the Convention and strengthen legislative provisions for child-friendly investigation and court procedures for child victims and child offenders; promptly review the Juveniles Act, adopt a juvenile diversion and expungement act and create a juvenile conference committee; raise the minimum age of criminal responsibility to acceptable international standards for all cases; and adopt standard operating procedures for the prosecution of children in conflict with the law and guidelines for dealing with child victims and child witnesses.³⁶

3. Fundamental freedoms and the right to participate in public and political life³⁷

23. The United Nations country team noted that during the second review cycle, Palau had supported the recommendation that it introduce a law on freedom of information in compliance with international standards. According to the information available, no such law had been adopted. The right to freedom of expression was guaranteed under the Constitution. It recommended that Palau take measures to fully guarantee the right to freedom of opinion and expression and the right of access to information, including by considering the adoption of a law on freedom of information in compliance with international standards.³⁸ UNESCO also observed that there was no freedom of information legislation in Palau, and encouraged Palau to introduce a freedom of information law that was in accordance with international standards.³⁹

24. UNESCO recommended that Palau facilitate the introduction of self-regulatory mechanisms, including a code of ethics, among media professionals.⁴⁰

4. Prohibition of all forms of slavery⁴¹

25. The United Nations country team noted that since the second review cycle, Palau had taken several important steps towards developing a coherent counter-trafficking response, including by creating the Special Presidential Task Force, adopting a national action plan to combat trafficking in persons, establishing the Anti-Human-Trafficking Office, and conducting stakeholder workshops. Despite several noteworthy achievements, Palau still faced significant gaps in victim protection and assistance. It recommended that Palau establish standardized indicators and standard operating procedures to identify victims of trafficking; train relevant stakeholders on victim identification; establish a national referral mechanism that clearly delineated the roles and duties of the relevant entities; and strengthen service provision capacity by mobilizing resources for service providers and providing capacity-building and technical support.⁴² The Committee noted with appreciation the establishment of a subcommittee of the national human rights task force focusing on human trafficking cases and addressing child protection issues. However, it expressed concern that there was no specific reference to trafficking in children as an aggravating factor and no supporting legislation or guidelines dealing with the prevention and prosecution of trafficking in children and the repatriation and rehabilitation of child victims/survivors. It recommended that Palau adopt legislative and administrative measures specifically addressing trafficking in children, establish adequate and coordinated mechanisms for its prevention and for the identification, protection and rehabilitation of child victims of trafficking and expeditiously and effectively prosecute the perpetrators.⁴³

26. The United Nations country team noted that the Penal Code adequately criminalized human trafficking with commensurate sentences. However, in certain cases, the court-imposed penalties for perpetrators had been lighter, including the suspension of sentences on condition that the perpetrator left Palau and did not return. It recommended that Palau adopt additional measures, such as minimum sentencing guidelines, to ensure that penalties commensurate with the gravity of the crime were imposed on traffickers as prescribed by the law; strengthen law enforcement capacity to investigate and prosecute human trafficking cases through capacity-building support; continue awareness-raising campaigns and outreach missions on human trafficking, with a particular focus on migrant communities so as to reduce their risk of being trafficked.⁴⁴

5. Right to privacy and family life⁴⁵

27. The Committee noted the Palau child protection baseline research project of 2011, which provided a framework for the comprehensive review of child-related legislation and ongoing legislative reform, including the Family Protection Act of 2012. It recommended that Palau strengthen its efforts to implement the recommendations of the project and allocate adequate resources to ensure the full and effective implementation of the Family Protection Act; and expeditiously bring existing legislation, such as the Juveniles Act, into conformity with the Convention on the Rights of the Child.⁴⁶

28. The Committee noted with appreciation the amendments to the Penal Code increasing penalties for offences against children and the ongoing review of the Family Protection Act. However, it expressed serious concern that there were no systems, shelters or foster homes in place to accommodate children, especially child victims of violence. It urged Palau to expedite the revision of the Family Protection Act and its plan of action and allocate sufficient resources for their implementation; establish a dedicated body to take the lead role in policy development and the monitoring of child protection services; strengthen, through legislation and improved inter-agency cooperation, the child protection system, to ensure that it addressed child abuse and violence against and exploitation of children and provided for assessment, identification, referral, counselling and rehabilitation services; and provide sufficient resources for the setting up of shelters, safe homes and foster care for children subjected to violence.⁴⁷

29. The Committee expressed concern that there were no alternative care options. It recommended that Palau develop an alternative care policy and minimum standards for regulating alternative care for children; establish a legal framework, a policy and a set of minimum standards for monitoring family-based care for children; and establish an alternative care system for children who were unable to stay with their families.⁴⁸

30. The Committee expressed serious concern that there was no specific law on adoption and no body formally responsible for overseeing the adoption process. It urged Palau to enact a law on adoption and establish an adequately resourced unit to oversee the formal adoption process; and ensure that legal safeguards and formal registration through a court procedure were in place where children were adopted by their extended family or members of the same community.⁴⁹

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁰

31. The United Nations country team noted that during the second review cycle, Palau had noted recommendations that it combat unemployment, promote rights and working conditions in employment, enact a labour law that applied to nationals and ensure trade union freedom for both national and foreign workers. In 2014, ILO had provided technical assistance to undertake a review of the labour legislation in Palau, benchmarked against the ILO fundamental conventions. The review report had been prepared and endorsed by the Government in 2015. The United Nations country team recommended that Palau continue and complete the legislative review based on the recommendations contained in the review report.⁵¹

2. Right to an adequate standard of living⁵²

32. The United Nations country team noted that during the second review cycle, Palau had supported recommendations that it strengthen the social protection programmes that were currently being implemented to provide the greatest possible welfare and standard of living to its people.⁵³

3. Right to health

33. The Committee expressed concern at the prevalence of bronchiolitis and other respiratory diseases, urinary tract infection and acute gastroenteritis among children; and child mortality related to the high prevalence of non-communicable diseases, such as obesity

and diabetes. It recommended that Palau take measures to reduce bronchiolitis and other respiratory diseases, urinary tract infection and acute gastroenteritis; take measures to reduce child mortality due to non-communicable diseases by focusing on both prevention and management; reduce the risk of non-communicable diseases later in life by increasing early childhood obesity prevention interventions informed by reliable disaggregated data on children; further develop school-based policies for healthy eating and physical education; and ensure that there were sufficient dentists and well-trained health workers for children, particularly in the rural areas and on the outer islands.⁵⁴

34. The Committee expressed concern at the lack of information on mental health policy, related action plans and the number of staff specializing in child mental health issues. It recommended that Palau adopt a policy and plan of action on child mental health; take all necessary measures to provide sufficient capacity to deal with child mental health issues and to increase the number of staff specializing in that field; and strengthen psychological and psychiatric services for children, guarantee access to any necessary examinations and treatment and intensify suicide-prevention measures.⁵⁵

35. The Committee expressed concern at the fact that sexual and reproductive health education programmes did not focus sufficiently on all aspects of prevention; that abortion was a criminal offence without exception; and that adolescent girls only had limited access to safe reproductive and sexual health services and birth control methods and related information. It recommended that Palau reinforce the importance of sexual and reproductive health education in the mandatory school curriculum, with particular focus on preventing early pregnancy, HIV/AIDS and sexually transmitted infections by different methods; decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls; and improve adolescents' access to information on all birth control methods and reproductive health-care and related services and increase support for reproductive health and family planning services, especially in rural areas and on the outer islands.⁵⁶

36. The United Nations country team noted that non-communicable diseases were estimated to cause over 70 per cent of deaths in Palau, lowering the country's life expectancy, while under Public Law 9-57, 10 per cent of the revenues derived from import tax on alcoholic beverages and excise tax on tobacco was allocated to pay for the health-care coverage subscription costs of citizens who were not working and were at least 60 years of age or had disabilities. It recommended that Palau continue efforts to ensure the availability, accessibility and quality of health-care facilities, services and staff; and continue increasing domestic food production to achieve improved health and food security in accordance with Sustainable Development Goals 2 and 3, including through international assistance and cooperation.⁵⁷

4. Right to education⁵⁸

37. UNESCO recommended that Palau consider ensuring, in legislation, at least 12 years of free education and 1 year of free and compulsory pre-primary education, in accordance with the Education 2030 Framework for Action for the implementation of Sustainable Development Goal 4. It also recommended that Palau regularly submit comprehensive national reports for the periodic consultations on UNESCO education-related standard-setting instruments and share with UNESCO any relevant information to update its country profile on the UNESCO Observatory on the Right to Education.⁵⁹ The Committee expressed concern at gender gaps at the primary school level, with unequal opportunities for girls with regard to enrolment in private schools, and at the lack of qualified teachers in primary schools. It recommended that Palau analyse the root causes of the unequal opportunities for girls with regard to enrolment in private primary schools and take appropriate action to remedy the situation; and strengthen pre-service and in-service training for primary school teachers and consider creative incentives concerning the recruitment of more local teachers.⁶⁰

D. Rights of specific persons or groups

1. Women⁶¹

38. The United Nations country team noted that during the second review cycle, Palau had supported the recommendation that it take measures to facilitate greater participation and representation of women in public office. Under the Constitution, women were afforded equality of opportunity with men, and recommendations by Mechesil Belau, the association of women's chiefs, were said to be given high consideration in legislative matters. However, women remained underrepresented in the national congress, in the cabinet and in senior leadership positions. Some 12.5 per cent of the 16 members of parliament were women. Palau had also supported recommendations that it promote gender equality through its policies and programmes. Palau had adopted a gender mainstreaming policy, which had come into force in April 2018. The United Nations country team recommended that Palau increase the participation of women in the legislature, the executive and the judiciary, particularly at decision-making levels, including by adopting and implementing temporary special measures; and identify and address social factors that impeded women's participation in public and political life, particularly at decision-making levels.⁶²

2. Children⁶³

39. The United Nations country team noted that Palau had undertaken various legislative reforms that had incorporated provisions of the Convention on the Rights of the Child. The reforms included the adoption of the Family Protection Act (2012), which criminalized domestic violence and marital rape. While having legislative provisions on child protection was a positive step, there were serious concerns regarding inconsistencies across laws.⁶⁴

40. The United Nations country team and the Committee expressed serious concern that the minimum age for marriage was still set at 16 years for girls (with the consent of at least one parent or guardian) under the National Code (title 21 – Domestic Relations). They recommended that Palau revise the National Code to ensure that the minimum age for marriage was set at 18 years for both girls and boys.⁶⁵

41. The United Nations country team noted with concern that the minimum age for criminal responsibility was 10 years. It recommended that Palau raise the minimum age of criminal responsibility to a higher age and ensure that children in conflict with the law under the age of 18 years were accorded all legal safeguards, including judicial proceedings and the use of institution placements only as a measure of last resort.⁶⁶

42. The United Nations country team recommended that Palau harmonize the definition of a child across all relevant laws as all persons under the age of 18 years, to be consistent with the definition of a child under the Convention on the Rights of the Child.⁶⁷

43. The United Nations country team noted that the commitment of Palau to establishing a child protection system had progressed with the ongoing comprehensive capacity assessment for child protection. It recommended that Palau establish and provide adequate resources to a dedicated government department or agency to act as an overarching body, agency, department or ministry that would take the lead role in policy development and monitoring of services relating to the protection of children. It also recommended that Palau establish, and strengthen through legislation and appropriate means, a functioning child protection system that would address cases of child abuse, violence and exploitation and provide for assessment and identification, referral, counselling and rehabilitative services; commit resources to establish shelters and safe homes for women and children subjected to violence; ensure training on laws, protocols and guidelines for key government officials who work directly with children; and strengthen data-collection systems at the Bureau of Public Safety, the judiciary and key ministries to include disaggregated data for children.⁶⁸

44. The Committee welcomed the reactivation of the Palau National Youth Congress and the increasing participation of children. It recommended that Palau continue supporting the Palau National Youth Congress by increasing its legitimacy and effectiveness and providing it with the necessary resources; and develop mechanisms for the systematic participation of children in the development and implementation of laws, policies and programmes.⁶⁹

45. The Committee expressed concern that there was no legislation specifically addressing the exploitation of children via sexually explicit videos, photographs and electronic images. It recommended that Palau adopt legislation to specifically criminalize the sexual exploitation of children through sexually explicit videos, photographs and electronic images; criminalize sexual offences against children as a specific and separate category and provide for sentences that were commensurate with the gravity of such offences; ensure effective prevention and mitigation mechanisms, procedures and guidelines for cases of sexual abuse and exploitation and ensure accessible, child-friendly and effective channels for the reporting of such violations; and ensure that all child victims of sexual exploitation and abuse received psychosocial support to aid recovery and social reintegration.⁷⁰

46. The Committee expressed concern that the helpline services for children were not adequate and that children were not sufficiently aware of their existence. It recommended that Palau strengthen and expand the helpline services available to all children at the national level, and promote awareness of how children could access the helpline services.⁷¹

47. The Committee noted the efforts by Palau to address alcohol, tobacco and substance abuse. It recommended that Palau promptly renew the Substance Abuse Prevention Strategic Plan, and provide adolescents with accurate and objective information and life skills education on substance abuse prevention, covering tobacco and alcohol.⁷²

48. The Committee expressed concern that there was no specific law or policy addressing child labour and that there were no social programmes aimed at preventing child labour and supporting children affected by the issue. It urged Palau to develop a law and a policy on child labour and a hazardous child labour list; to take the necessary measures to ensure that no child aged under 18 years engaged in hazardous work and put in place social programmes for the elimination and prevention of child labour, especially its worst forms; and to adopt the draft framework legislation on tobacco and take the necessary measures to ensure that no children aged under 18 years were exploited in the tobacco industry.⁷³ The ILO Committee of Experts on the Application of Conventions and Recommendations noted that the Government had indicated that Palau did not allow child labour, forced or compulsory labour, or discrimination in respect of employment and occupation. It also noted that the relevant provisions of the National Code only partially addressed the fundamental rights referred to in article 3 of the Maritime Labour Convention, 2006. It considered that the information available was not sufficient to establish that Palau had properly satisfied itself that its laws and regulations respected those fundamental rights, and therefore requested the Government to provide more information in relation to the matter.⁷⁴

3. Persons with disabilities⁷⁵

49. The United Nations country team noted that during the second review cycle, Palau had supported recommendations that it incorporate the provisions of the Convention on the Rights of Persons with Disabilities into the domestic legal system. Palau currently had specific legislation on the promotion and protection of persons with disabilities in the areas of education and employment. The Disabled Person's Anti-Discrimination Act prohibited discrimination against persons with a disability, but only in the field of employment. Palau had also supported recommendations to implement the national disability-inclusive policy. The Government had adopted a draft policy for the period 2015–2020. The United Nations country team recommended that Palau ensure that the rights of persons with disabilities were guaranteed by law in all areas of life, in compliance with the Convention, and allocate sufficient human, technical and financial resources to effectively implement the national disability-inclusive policy.⁷⁶

50. The Committee noted with appreciation the draft disability policy and the fact that the Palau severely disabled funds programme had increased the size of monthly assistance payments to beneficiaries, including children. However, it expressed serious concern at the fact that the disability policy had not been finalized or implemented. It urged Palau to strengthen the legislative framework to ensure that children with disabilities had effective access to public services and spaces and improve physical access to all public and private buildings, spaces, service delivery and transportation in all areas, especially in rural communities and on the outer islands; ensure that teaching staff were adequately trained; strengthen health-care services for children with disabilities; and provide technical support

to service providers and to families of children with disabilities and increased financial support to families of children with disabilities.⁷⁷ The Committee also noted with appreciation that the budget allocations for the social, health and education sectors had increased from 2013 to 2015. It recommended that Palau, when planning future budgets, continue to increase allocated budgetary resources for children to the maximum extent possible, and seek international cooperation in implementing that recommendation.⁷⁸

51. UNESCO recommended that Palau take the legislative measures necessary to ensure that girls, children with disabilities and children of non-Palauan parentage were guaranteed the same rights and had equal access to education, and ensure that teaching staff were adequately trained so that children with all types of disabilities could effectively enjoy their right to quality inclusive education.⁷⁹

4. Migrants, refugees, asylum seekers and internally displaced persons⁸⁰

52. The United Nations country team noted that significant outmigration of Palauan nationals to the United States of America and Guam was matched by in-migration of workers from Asian countries, leading to a net growth rate of 0.5 per cent. Since the interruption of economic activities due to the coronavirus disease (COVID-19) pandemic, the Government had provided financial and re-employment assistance to migrant workers as well as nationals, because the pandemic had a destructive impact on the national economy. The majority of migrant workers in Palau were in low-skilled employment. The United Nations country team recommended that Palau adopt concrete measures to address the vulnerabilities of low-skilled migrant workers, including allowing migrant workers the right of transfer to another employer in case of contractual breach; and work with private sector actors to ensure that they had in-house codes of conduct aligned with international best practices.⁸¹

53. The United Nations country team recalled that during the second review cycle, Palau had noted recommendations related to the protection of foreign workers, particularly regarding work conditions and occupational safety standards. However, limited information was available regarding the situation of both migrant domestic workers and agricultural workers. Local media had reported violence towards workers from a third country, although it had not been confirmed as xenophobically motivated. It recommended that Palau take legislative and policy measures to strengthen the protection of the rights of migrant workers, and develop public campaigns with migrant-inclusive messaging and engage local Palauan media and migrant associations.⁸²

5. Stateless persons⁸³

54. The United Nations country team and the Committee noted that, under article III of the Constitution, children born in Palau must have at least one parent of recognized Palauan ancestry to be granted citizenship, a discriminatory provision under which children born to non-Palauan parents could not be granted citizenship and which could lead to some children born to non-Palauan parents becoming stateless. The United Nations country team recommended that Palau review that provision to ensure that all children born in Palau were granted equal rights to citizenship. Similarly, the Committee recommended that Palau consider reviewing the provision to ensure that all children born in Palau were granted access to citizenship if they would otherwise be stateless.⁸⁴ The Committee expressed serious concern at ineffective birth registration procedures, especially on the outer islands, and recommended that Palau strengthen its efforts to implement early birth registration procedures and the issuance of birth certificates.⁸⁵

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Palau will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/PWindex.aspx.

² For relevant recommendations, see A/HRC/32/11, paras. 104.1–104.28, 104.34, 104.38–104.43, 104.46–104.56, 104.74 and 104.86.

³ United Nations country team submission for the universal periodic review of Palau, paras. 1 and 17.

⁴ CRC/C/PLW/CO/2, paras. 58–59.

- ⁵ United Nations country team submission, paras. 1–2.
- ⁶ *Ibid.*, paras. 2–4. The other seven ILO fundamental conventions are the following: Forced Labour Convention, 1930 (No. 29), and the Protocol of 2014 thereto; Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); and Minimum Age Convention, 1973 (No. 138). The four ILO governance conventions are the following: Labour Inspection Convention, 1947 (No. 81), and the Protocol of 1995 thereto; Employment Policy Convention, 1964 (No. 122); Labour Inspection (Agriculture) Convention, 1969 (No. 129); and Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The ILO technical conventions to which the United Nations country team referred are the following: Employment Service Convention, 1948 (No. 88); Occupational Safety and Health Convention, 1981 (No. 155), and the Protocol of 2002 thereto; Labour Statistics Convention, 1985 (No. 160); Occupational Health Services Convention, 1985 (No. 161); Asbestos Convention, 1986 (No. 162); Safety and Health in Construction Convention, 1988 (No. 167); Chemicals Convention, 1990 (No. 170); Prevention of Major Industrial Accidents Convention, 1993 (No. 174); Safety and Health in Mines Convention, 1995 (No. 176); Private Employment Agencies Convention, 1997 (No. 181); and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
- ⁷ CRC/C/PLW/CO/2, para. 53 (d).
- ⁸ *Ibid.*, para. 25 (c).
- ⁹ *Ibid.*, para. 37 (d).
- ¹⁰ UNESCO submission for the universal periodic review of Palau, para. 7.
- ¹¹ CRC/C/PLW/CO/2, para. 60.
- ¹² *Ibid.*, para. 61.
- ¹³ *Ibid.*, para. 62.
- ¹⁴ United Nations country team submission, paras. 1 and 17.
- ¹⁵ CRC/C/PLW/CO/2, para. 61.
- ¹⁶ United Nations country team submission, paras. 5–6.
- ¹⁷ CRC/C/PLW/CO/2, para. 17 (a).
- ¹⁸ *Ibid.*, paras. 9–10.
- ¹⁹ United Nations country team submission, para. 1.
- ²⁰ For relevant recommendations, see A/HRC/32/11, paras. 104.57–104.59, 104.60–104.72 and 104.115.
- ²¹ United Nations country team submission, paras. 10–12. See also A/HRC/32/11, para. 25.
- ²² CRC/C/PLW/CO/2, paras. 14–15.
- ²³ United Nations country team submission, paras. 7–9. See also CAC/COSP/IRG/I/4/1/Add.6; and A/HRC/32/11, para. 104.59 (Fiji).
- ²⁴ CRC/C/PLW/CO/2, paras. 7–8.
- ²⁵ For relevant recommendations, see A/HRC/32/11, paras. 104.75, 104.80 and 104.82–104.85.
- ²⁶ United Nations country team submission, para. 18. See also A/HRC/32/11, para. 104.80 (Netherlands), para. 104.81 (Spain), para. 104.82 (United Kingdom of Great Britain and Northern Ireland), para. 104.83 (France), para. 104.84 (Israel) and para. 104.85 (Mexico).
- ²⁷ CRC/C/PLW/CO/2, paras. 20–21. See also CRC/C/15/Add.149, para. 33.
- ²⁸ For relevant recommendations, see A/HRC/32/11, paras. 104.123–104.125.
- ²⁹ CRC/C/PLW/CO/2, paras. 48–49.
- ³⁰ United Nations country team submission, paras. 49–52. See also A/HRC/32/11, para. 104.123 (Morocco), and para. 104.124 (Pakistan).
- ³¹ For relevant recommendations, see A/HRC/32/11, para. 104.104.
- ³² United Nations country team submission, para. 36.
- ³³ CRC/C/PLW/CO/2, para. 26.
- ³⁴ *Ibid.*, paras. 26–27, and United Nations country team submission, paras. 33 and 36–37.
- ³⁵ CRC/C/PLW/CO/2, para. 27.
- ³⁶ *Ibid.*, paras. 56–57.
- ³⁷ For relevant recommendations, see A/HRC/32/11, paras. 104.79 and 104.105–104.106.
- ³⁸ United Nations country team submission, paras. 28–29. See also A/HRC/32/11, para. 104.105 (Estonia).
- ³⁹ UNESCO submission, paras. 4 and 8.
- ⁴⁰ *Ibid.*, para. 9.
- ⁴¹ For relevant recommendations, see A/HRC/32/11, paras. 104.94, 104.99–104.103.
- ⁴² United Nations country team submission, paras. 19–24. See also A/HRC/32/11, para. 104.103 (Malaysia) and para. 104.104 (Japan).
- ⁴³ CRC/C/PLW/CO/2, paras. 54–55.
- ⁴⁴ United Nations country team submission, paras. 25–27.

- ⁴⁵ For relevant recommendations, see A/HRC/32/11, paras. 104.71 and 104.96.
- ⁴⁶ CRC/C/PLW/CO/2, paras. 5–6.
- ⁴⁷ *Ibid.*, paras. 28–29.
- ⁴⁸ *Ibid.*, paras. 34–35.
- ⁴⁹ *Ibid.*, paras. 36–37.
- ⁵⁰ For relevant recommendations, see A/HRC/32/11, paras. 104.106, 104.109–104.110 and 104.113.
- ⁵¹ United Nations country team submission, para. 31. See also A/HRC/32/11, para. 104.106 (Spain), para. 104.109 (Egypt), para. 104.110 (Egypt) and para. 104.113 (Malaysia).
- ⁵² For relevant recommendations, see A/HRC/32/11, para. 104.114.
- ⁵³ United Nations country team submission, para. 30. See also A/HRC/32/11, para. 104.114 (Bolivarian Republic of Venezuela).
- ⁵⁴ CRC/C/PLW/CO/2, paras. 40–41.
- ⁵⁵ *Ibid.*, paras. 42–43.
- ⁵⁶ *Ibid.*, paras. 44–45.
- ⁵⁷ United Nations country team submission, paras. 30–31.
- ⁵⁸ For relevant recommendations, see A/HRC/32/11, para. 104.116.
- ⁵⁹ UNESCO submission, para. 7.
- ⁶⁰ CRC/C/PLW/CO/2, paras. 50–51.
- ⁶¹ For relevant recommendations, see A/HRC/32/11, paras. 104.76–104.79 and 104.87–104.93.
- ⁶² United Nations country team submission, paras. 13–17. See also A/HRC/32/11, para. 104.76 (Morocco), para. 104.77 (Australia) and para. 104.79 (Israel).
- ⁶³ For relevant recommendations, see A/HRC/32/11, paras. 104.29–104.33, 104.35–104.37, 104.93, 104.95 and 104.98.
- ⁶⁴ United Nations country team submission, paras. 32–33.
- ⁶⁵ *Ibid.*, paras. 34 and 37, and CRC/C/PLW/CO/2, paras. 18–19.
- ⁶⁶ United Nations country team submission, paras. 34 and 37.
- ⁶⁷ *Ibid.*, para. 37.
- ⁶⁸ *Ibid.*
- ⁶⁹ CRC/C/PLW/CO/2, paras. 22–23.
- ⁷⁰ *Ibid.*, paras. 30–31.
- ⁷¹ *Ibid.*, paras. 32–33.
- ⁷² *Ibid.*, paras. 46–47.
- ⁷³ *Ibid.*, paras. 52–53.
- ⁷⁴ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3295254:NO.
- ⁷⁵ For relevant recommendations, see A/HRC/32/11, paras. 104.44–104.45 and 104.116–104.120.
- ⁷⁶ United Nations country team submission, paras. 38 and 39. See also A/HRC/32/11, para. 104.45 (Portugal), para. 104.118 (Malaysia) and para. 104.119 (Maldives).
- ⁷⁷ CRC/C/PLW/CO/2, paras. 38–39.
- ⁷⁸ *Ibid.*, paras. 11–12.
- ⁷⁹ UNESCO submission, para. 7.
- ⁸⁰ For relevant recommendations, see A/HRC/32/11, paras. 104.48, 104.107–104.108, 104.111–104.112 and 104.121.
- ⁸¹ United Nations country team submission, paras. 40–45. See also A/HRC/32/11, para. 104.108 (Congo).
- ⁸² United Nations country team submission, paras. 46–48. See also A/HRC/32/11, para. 104.107 (United States of America), para. 104.108 (Congo), para. 104.112 (Italy) and para. 104.121 (Russian Federation).
- ⁸³ For relevant recommendations, see A/HRC/32/11, para. 104.122.
- ⁸⁴ United Nations country team submission, paras. 35 and 37, and CRC/C/PLW/CO/2, paras. 24–25.
- ⁸⁵ CRC/C/PLW/CO/2, paras. 24–25.
-