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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Palau*

The present report is a summary of 5 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. VOICES Palau indicated that the ratification of the Convention on the Elimination of All Forms of Discrimination (CEDAW) has been a pending issue in Palau, despite the fact that there have been trainings and requests by the people to the government to ratify CEDAW. In 2001, the Office of the Women's Affairs was eliminated and to this day, there is not a National Women's Office.²

2. VOICES Palau and OceaniaHR noted that the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) is another necessity, considering that there are over 8,000 migrant workers in Palau, this is about 35 per cent of the population.³ OceaniaHR also recommended Palau to produce its first report in a timely manner to ensure a government review of the foreign workers and to create national policies that incorporate the rights enshrined in the ICRMW.⁴

3. OceaniaHR recommended that Palau ratify international instruments beginning with CEDAW, the twin covenants of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and other international instruments.⁵

B. Constitutional and legislative framework

4. VOICES Palau indicated that despite ratification of the Convention on the Rights of the Child (CRC) by Palau over a decade ago, there is lack of implementation, especially in the area of updating domestic laws to implement the CRC. As an example, VOICES Palau indicated that there is no protection for boys in cases of sexual abuse.⁶

C. Institutional and human rights infrastructure

5. VOICES Palau reported that there is no national human rights institution and it had advocated for the establishment of a human rights commission in Palau.⁷ OceaniaHR also noted that there is a need for a national human rights institution that focus on promotion and also protection of fundamental freedoms in which civil society is represented and it recommended that Palau works with regional and international institutions focusing on national human rights bodies based on the Paris Principles. Palau should aspire toward achieving "A" ranking and participate fully in the region through bodies such as the Asia Pacific Forum.⁸

6. OceaniaHR noted that the Pacific region is one of the few areas where there is no regional mechanism to focus on promotion and protection of human rights. OceaniaHR recommended that Palau be a catalyst for a new regional charter and commission in Oceania.⁹

D. Policy measures

7. OceaniaHR noted that it would be important for Palau to translate the various international human rights instruments into the indigenous language, including the CRC,

which should also be distributed widely to the general public through popular and creative means of education.¹⁰

8. OceaniaHR noted that the Convention on the Rights of the Child has been ratified. However, the children of Palau are not taught their basic rights enshrined in the CRC. Palau should create a national plan of action regarding human rights education of its citizens beginning with its children through elementary and high school curriculum. OceaniaHR indicated that it is imperative for Palau to adopt a national plan of action on human rights education.¹¹

9. OceaniaHR noted that Palau should create cultural based child rights material rooted in the articles of the CRC.¹²

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations

1. Right to life, liberty and security of the person

10. VOICES Palau noted that there is no protection in the criminal statutes for women sexually assaulted by their husbands and/or common law partners.¹³

11. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that, despite the recommendations of the Committee on the Rights of the Child, corporal punishment of children is lawful in the home. Provisions against violence and abuse in the Child Abuse Law are not interpreted as prohibiting corporal punishment in childrearing and there is no explicit prohibition of corporal punishment in schools. The Master Plan for Education (2000) aims to discourage and prevent the use of corporal punishment at primary and secondary levels. In the penal system, corporal punishment is unlawful as a sentence for crime but is lawful as a disciplinary measure in penal institutions. In alternative care settings, corporal punishment is lawful by guardians and others with parental authority under the provisions confirming “the power to exercise parental control and authority” in the Palau National Code. GIEACPC hoped that the Universal Periodic Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including the home, and urged the Government to enact legislation to achieve this as a matter of priority.¹⁴

2. Right to privacy

12. Joint Submission 2 (JS2) recommended that the Human Rights Council, in its upcoming UPR review, urges Palau to bring its legislation into conformity with its commitment to equality and non-discrimination, and its international human rights obligations, by repealing all provisions which may be applied to criminalize sexual activity between consenting adults.¹⁵

3. Right to participate in public and political life

13. VOICES Palau reported that women are not represented in the legislative branch and the executive branch. There are only two women in the 29 member congress. VOICES Palau also indicated that there is no support mechanism for women to run for legislative bodies.¹⁶

4. Right to social security and to an adequate standard of living

14. Joint submission 1 (JS1) reported that in Palau climate change threatens the enjoyment of the right to food, health, means of subsistence, the ability to maintain an adequate standard of living and the right to culture. It endangers the enjoyment of the right to life, own property, housing, self-determination, security of person, access to water, sanitation, healthy environment and property due to increased tropical storms and typhoons, droughts, flooding, and spread of disease vectors with warmer air and water temperatures.¹⁷ JS1 recommended that the Human Rights Council: (i) recognizes the responsibility of major greenhouse gas-emitting states for the human rights threats suffered by the people of Palau, and (ii) encourages the international community to take immediate action to decrease global greenhouse gas emissions and to assist the Government of Palau in its efforts to mitigate and adapt to the effects of climate change.¹⁸

5. Migrants, refugees and asylum-seekers

15. OceaniaHR and VOICES Palau noted that almost a third of the country's population comprises foreign workers. The most recent nationwide statistics shows that 35 per cent of the Palau population are foreign workers and there is little protection available to ensure they enjoy their basic rights, and many of their rights are violated.¹⁹ For example, national law prohibits "transfers" of migrant workers from one employer to another, unless they return to their home country for seven years and then returns to Palau to a different employer. Additionally, legislation provides for minimum wage for residents, but not migrant workers.²⁰

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council)

Civil society

JS1 Joint Submission 1 – submission by submitted by Earthjustice*, Oakland (USA); Greenpeace International*, Amsterdam (The Netherlands); Human Rights Advocates* (USA); 350.org.

JS2 ARC International, Geneva (Switzerland); ILGA; ILGA-Europe*.

GIEACPC Global Initiative to End All Corporal Punishment of Children, London (UK).

OceaniaHR OceaniaHR, Hawaii.

VOICES Palau VOICES Palau Inc, Koror, Palau.

² VOICES Palau, p. 3.

- ³ VOICES Palau, p. 3, and OceaniaHR, p. 4.
⁴ OceaniaHR, p. 4.
⁵ OceaniaHR, p. 2.
⁶ VOICES Palau, p. 4.
⁷ VOICES Palau, p. 2.
⁸ OceaniaHR, pp. 2–3.
⁹ OceaniaHR, p. 3.
¹⁰ OceaniaHR, p. 2.
¹¹ OceaniaHR, p. 2.
¹² OceaniaHR, p. 2.
¹³ VOICES Palau, p. 4.
¹⁴ GIEACPC, pp. 1–2.
¹⁵ JS2, pp. 1–2.
¹⁶ VOICES Palau, p. 4.
¹⁷ JS1, pp. 2–3. See also OceaniaHR, pp. 3–4.
¹⁸ JS1, pp. 4–5.
¹⁹ OceaniaHR, p. 4, and VOICES Palau, p. 3.
²⁰ VOICES Palau, p. 3.
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