

**Universal Periodic Review**  
**(24<sup>th</sup> session, January-February 2016)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**Palau**

**I. BACKGROUND AND FRAMEWORK**

**Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	11/06/2002 Acceptance		N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	02/11/2011 Ratification		N/A	Right to take part in cultural life
Convention on the			N/A	Right to take part in

Protection and Promotion of the Diversity of Cultural Expressions (2005)				cultural life
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**II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**

**Right to education**

**1. NORMATIVE FRAMEWORK**

**1.1. Constitutional Framework:**

1. The Constitution of Palau of 1979<sup>1</sup> does not explicitly enshrine the right to education; however, its **Article 6** provides that "The national government shall take positive action to attain these national objectives and implement these national policies: [...] provision of public education for citizens which shall be free and compulsory as prescribed by law." With regard to religion, **Article 4, section 1** on Fundamental Rights states that "The government shall take no action to deny or impair the freedom of conscience or of philosophical or religious belief of any person nor take any action to compel, prohibit or hinder the exercise of religion. The government shall not recognize or establish a national religion, but may provide assistance to private or parochial schools on a fair and equitable basis for non-religious purposes." **Section 5** of this article enshrines the principle of equality among citizens and non-discrimination. It states that "Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations. No person shall be treated unfairly in legislative or executive investigations." With regard to language, **Article 13, section 1** specifies that "The Palauan traditional languages shall be the

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/c4679995d1bddd3ef509ddc66c3cb38e80d492fe.pdf>, Accessed on 19/02/2015

national languages. Palauan and English shall be the official languages. The Olbiil Era Kelulau shall determine the appropriate use of each language."

2. "To address financial short-falls in the education sector, the National Development Plan (1996) proposed that fees be introduced for secondary education. This was a controversial recommendation that the public, in general, opposes. To ensure that public education will remain free, the **Constitutional Convention in 2006**<sup>2</sup> proposed a constitutional amendment that clarifies current language by stipulating that public education in grades 1-12 is to be provided without charge to all citizens. This amendment will go before the voters in November 2008."<sup>3</sup>

### **1.2.Legislative Framework:**

3. "**Section 2 of the 1989 ROP's Special Education Act** "The Programs and Services for Handicapped Children Act of 1989", **amended 1996**, declares: 'It is the responsibility of the national government to provide full educational opportunities and necessary related services to each handicapped child in order to ensure that each handicapped child acquires the skills and knowledge necessary to lead a fulfilling and productive life as a citizen of the Republic. It is further recognized that such educational opportunities and related services shall be provided in regular classrooms and regular schools or other environments which provide education and interaction with nondisabled children'."<sup>4</sup>

4. The **Public Law 4-57** provides for public policy related to educational and occupational development. "This Law states that the national government of the Republic of Palau will provide an educational system that enables citizens to participate in the development of the Republic and gain knowledge in all areas:

*The purposes of education in the Republic are to increase citizen participation in economic and social development, to unify the Republic by giving the people knowledge of their islands, economy, government and world, and to provide citizens of the Republic with the knowledge and skills required for self-development and the development of the Republic. These skills include professional and vocational, as well as social and political, abilities."*<sup>5</sup>

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<sup>2</sup> Certification of adoption proposed amendments to e constitution of the republic of Palau, 2005,

[https://www.unodc.org/tldb/pdf/Palau\\_Second\\_Constitutional\\_Convention.pdf](https://www.unodc.org/tldb/pdf/Palau_Second_Constitutional_Convention.pdf), Accessed on 19/02/2015

<sup>3</sup> "Plus 5" Review of the 2002 Special Session on Children and World Fit for Children Plan of Action, Country report, p. 10, [http://www.unicef.org/worldfitforchildren/files/Palau\\_WFFC5\\_Report.pdf](http://www.unicef.org/worldfitforchildren/files/Palau_WFFC5_Report.pdf), Accessed on 19/02/2015

<sup>4</sup> Palau, Ministry of Education, Special Education Policies, p. 36,

<http://www.unesco.org/education/edurights/media/docs/26cf273f5c6d419e8c991a1745510433783ec470.pdf>,

Accessed on 19/02/2015

<sup>5</sup> Education master plan 2006-2016, p. 8,

<http://www.unesco.org/education/edurights/media/docs/e51733290f3523016b8384e8a0ec6da32de9fcff.pdf>,

<http://www.paddle.usp.ac.fj/collect/paddle/index/assoc/pal005.dir/doc.pdf>, Accessed on 19/02/2015

5. “In 2000 this law was amended to require mandatory school participation to age 17 (up from age 14) or high school graduation.”<sup>6</sup>

6. “The **No Child Left Behind Act of 2001**<sup>7</sup> (NCLB) aims to provide technical assistance to state education agencies to build their capacity in developing and implementing initiatives in the following areas of need:

- **Teacher Quality.** Due to the geographic span in remote areas and the limited access to postsecondary education programs, teacher quality is impacted in two areas: recruiting highly qualified and/or certified teachers, and providing and maintaining sustained and relevant professional development.
- **Principal Leadership.** Increasing demands and the changing role of school principals, combined with the number of schools in remote and isolated areas, creates the need to recruit, retain, and support effective instructional leaders who are able to guide the change process.
- **Students, Families, and Communities.** Schools are not isolated institutions, and with our cultural, geographic, and language diversity, we need to find more and better ways to engage students, families, and community members in supporting improved student achievement for all students.
- **Standards and Assessment.** The proficiency requirements for all students present a challenge for this region as we strive to align standards-based curriculum, instruction, and assessment within a framework of culturally and linguistically diverse populations.
- **Literacy and Language.** In order to support improved literacy with indigenous groups, as well as among the many struggling readers of all ages, the use of indigenous languages, cultures, and English proficiency must be addressed.”<sup>8</sup>

## 7. The **Family Educational Rights and Privacy Act**<sup>9</sup>

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<sup>6</sup> “Plus 5” Review of the 2002 Special Session on Children and World Fit for Children Plan of Action, Country report, p. 10, [http://www.unicef.org/worldfitforchildren/files/Palau\\_WFFC5\\_Report.pdf](http://www.unicef.org/worldfitforchildren/files/Palau_WFFC5_Report.pdf), Accessed on 19/02/2015

<sup>7</sup> <http://www.gpo.gov/fdsys/pkg/PLAW-107publ110/pdf/PLAW-107publ110.pdf>, Accessed on 19/02/2015

<sup>8</sup> Education master plan 2006-2016, pp. 4-5,

<http://www.paddle.usp.ac.fj/collect/paddle/index/assoc/pal005.dir/doc.pdf>,

<http://www.unesco.org/education/edurights/media/docs/e51733290f3523016b8384e8a0ec6da32de9fcff.pdf>,

Accessed on 19/02/2015

<sup>9</sup> Palau Special education policies, <http://planipolis.iiep.unesco.org/upload/Palau/Palau.Special-Education-Policy-2009.pdf>, Accessed on 19/02/2015

## 8. The **Public Law (RPPL) 6-25 (Educational Assessment Act of 2002)**<sup>10</sup>

9. “Two labour laws specifically refer to children: (a) persons under the age of 16 are prohibited from employment on foreign trading vessels except if operated by a single family (**PNC 7.16**); and (b) persons under the age of 21 are prohibited from employment in premises used for serving or consuming alcohol (**PNC 11.1064**). By regulation of the Ministry of Commerce and Trade, no person under the age of 21 years is allowed to obtain a foreign labour permit.”<sup>11</sup>

### **1.3. Policy Framework:**

#### **i) General information**

10. The new **Palau Education Master Plan 2006–2016**<sup>12</sup> is built on “the progress made by its immediate predecessor, the Palau 2000 Master Plan for Educational Improvement, 1995–2005. Furthermore, the Palau Education Master Plan 2006–2016 incorporates recommendations from the April 2006 Education Summit and the February 2006 National/State Symposium.”<sup>13</sup>

11. It “serves as a road map for education in the Republic of Palau, and it points the way toward achieving a better future for our children. The prime objective of this plan is to provide basic education for all children in the Republic. This means that all of our people will be literate, both verbally and mathematically, and will be able to contribute to an improved quality of life in the Palauan communities.”<sup>14</sup>

12. “Looking ahead to the next 10 years, the Palau Education Master Plan 2006–2016 aims to increase student achievement through improvement in governance and policy setting, curriculum

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<sup>10</sup> Education master plan 2006-2016, <http://www.paddle.usp.ac.fj/collect/paddle/index/assoc/pal005.dir/doc.pdf>, Accessed on 19/02/2015

<sup>11</sup> “Plus 5” Review of the 2002 Special Session on Children and World Fit for Children Plan of Action, country report, p. 18, [http://www.unicef.org/worldfitforchildren/files/Palau\\_WFFC5\\_Report.pdf](http://www.unicef.org/worldfitforchildren/files/Palau_WFFC5_Report.pdf), Accessed on 19/02/2015

<sup>12</sup> <http://www.paddle.usp.ac.fj/collect/paddle/index/assoc/pal005.dir/doc.pdf>, <http://www.unesco.org/education/edurights/media/docs/e51733290f3523016b8384e8a0ec6da32de9fcff.pdf>, Accessed on 19/02/2015

<sup>13</sup> Education master plan 2006-2016, p. x, <http://www.unesco.org/education/edurights/media/docs/e51733290f3523016b8384e8a0ec6da32de9fcff.pdf>, Accessed on 19/02/2015

<sup>14</sup> Education master plan 2006-2016, p. ix, <http://www.unesco.org/education/edurights/media/docs/e51733290f3523016b8384e8a0ec6da32de9fcff.pdf>, Accessed on 19/02/2015

and instruction, school administration and management, personnel management, and facilities and support services.”<sup>15</sup>

13. The main objectives set forth in the plan to realize the vision and goal are the following:

1. Strengthen governance and policy setting;
2. Improve curriculum and instruction;
3. Improve school operations and management;
4. Improve the quality of personnel;
5. Improve facilities and support services.<sup>16</sup>

## 2. COOPERATION:

14. Palau is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

15. Palau **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999),
- **Seventh Consultation** of Member States (covering the period 2000-2005),
- **Eighth Consultation** of Member States (covering the period 2006-2011).

16. Palau did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008)
- **Fifth Consultation** of Member States (covering the period 2009-2012).

17. Palau did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, Palau did report to UNESCO within the framework of the **Second Consultation** of Member States (2011).

18. Palau is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

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<sup>15</sup> Education master plan 2006-2016, p. x,  
<http://www.unesco.org/education/edurights/media/docs/e51733290f3523016b8384e8a0ec6da32de9fcff.pdf>,  
 Accessed on 19/02/2015

<sup>16</sup> Education master plan 2006-2016, pp. 34-53,  
<http://www.unesco.org/education/edurights/media/docs/e51733290f3523016b8384e8a0ec6da32de9fcff.pdf>,  
 Accessed on 19/02/2015

## Freedom of opinion and expression

### 1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

19. Freedom of Expression is guaranteed under Part IV, Section 2 of the Constitution of the Republic of Palau.<sup>17</sup>

20. There is no freedom of information legislation in Palau.

### 2. MEDIA SELF-REGULATION

21. There is no self-regulatory body in Palau.<sup>18</sup>

### 3. SAFETY OF JOURNALISTS

22. UNESCO recorded no killing of journalists in Palau so far. Journalists operate in a safe environment.

### III. RECOMMENDATIONS

**23. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

24. In the Report of the Working Group on the Universal Periodic Review of 11 July 2011, various recommendations were made to Palau.

25. The following recommendations enjoy the support of Palau, which considers that they are already implemented or in the process of implementation:

- i. **61.19. Accelerate efforts aimed at raising awareness and education among the general population on human rights, particularly on the rights of women,**

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<sup>17</sup> See the constitution of the Republic of Palau at then website of its embassy to the United States: [www.palauembassy.com/Documents/ConstitutionE.pdf](http://www.palauembassy.com/Documents/ConstitutionE.pdf).

<sup>18</sup> Pacific Media Assistance Scheme (PACMAS) report on Palau: State of media & communication report 2013, S. 7 and 11.

**children and disabled persons (Malaysia);**

- ii. **61.22. Promote and protect the rights of persons with disabilities by, among others, involving persons with disabilities in all phases of ratification of the CRPD and the Palau National Policy on Disability, and ensuring access to education as well as an inclusive education system at all levels for children with disabilities (Thailand);**
- iii. **61.26. Speed up the adoption by the Congress of the bill on family protection and ensure that this project protect the victims of violence and punish perpetrators. Establish training mechanisms on violence against women for police officers, lawyers and judges (Mexico);**
- iv. **61.43. Prohibit and eliminate all forms of corporal punishment (Poland);**
- v. **61.44. Prohibit the use of corporal punishment in homes and in schools and conduct awareness campaigns to reduce the scope of this action (Norway);**
- vi. **61.45. Adopt legislation to raise public awareness to prohibit and eliminate all forms of corporal punishment (Brazil);**
- vii. **61.46. Establish mechanisms ensuring that street children are provided with clothing, housing, health and educational services (Poland);**
- viii. **61.52. Intensify the efforts, including through increasing the seeking of technical cooperation, for establishing special educational programmes for boys and girls with disabilities (Mexico);**

## 26. Analysis:

Palau continues its efforts for implementing the Right to Education. It adopted the new Palau Education Master Plan 2006–2016. However, Palau has not adopted programme to address the violence in schools as well as to provide human rights education, particularly to the police officers, lawyers and judges. In addition, no specific additional measures have been taken to promote inclusive education for the disabled persons.

## 27. Specific Recommendations:

- 1. Palau should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.



2. Palau should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
3. Palau could be encouraged to further promote education for all, especially the education of persons with special needs.
4. Palau could be encouraged to further address violence in the educational system, particularly by implementing programmes to prohibit and eliminate all forms of corporal punishment.
5. Palau could be encouraged to further promote human rights education and training, especially on the rights of women, children and persons with special needs and for the police forces and law enforcement staff.

### **Cultural rights**

28. Palau is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Palau is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

29. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), Palau is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Palau is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of opinion and expression**

30. The Republic of Palau is encouraged to introduce freedom of information law that is in accordance with international standards.<sup>19</sup>

31. The Republic of Palau is recommended to facilitate the introduction of self-regulatory mechanisms, including a Code of Ethics, among the media professionals.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

32. **Palau**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. **Palau** did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, **Palau** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as

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<sup>19</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.