

Palau

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 27 March 2014

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/palau>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

4 stakeholders' reports were submitted for the UPR. 4 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. A National Human Rights Institution (NHRI) does not exist.

3 NGOs responded to our enquiry. 1 UN agency responded. The State under Review did not respond to our enquiry.

The following stakeholders took part in the report:

1. **UN Agency:** (1) United Nations High Commissioner for Refugees - Regional Office for Australia, New Zealand and the Pacific (UNHCR)
2. **NGOs:** (1) Earthjustice + Human Rights Advocates (EJ+HRA) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (3) Voices Palau (VP)

IRI: 3 recommendations are not implemented, 3 recommendations are partially implemented, and 58 recommendations are fully implemented. No answer was received for 44 out of 111 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



2. Index

Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
19	Algeria	Labour,Migrants,Trafficking	not impl.	page 8
53	Algeria	Development,Right to food,Technical assistance	-	page 6
65	Algeria	NHRI	not impl.	page 17
14	Argentina	NHRI	not impl.	page 16
27	Argentina	Migrants,Rights of the Child	not impl.	page 13
7	Australia	Justice	not impl.	page 11
21	Brazil	Rights of the Child	not impl.	page 13
34	Brazil	Rights of the Child,Women's rights	not impl.	page 14
49	Brazil	Torture and other CID treatment	not impl.	page 15
10	Canada	NHRI	not impl.	page 16
25	Canada	Women's rights	not impl.	page 13
31	Canada	Rights of the Child,Women's rights	not impl.	page 13
57	Canada	Labour,Migrants	not impl.	page 8
15	Chile	NHRI	not impl.	page 16
37	Chile	Rights of the Child,Women's rights	not impl.	page 14
59	China	Labour,Migrants	not impl.	page 8
28	Costa Rica	Women's rights	not impl.	page 13
54	Cuba	Development	-	page 6
55	Cuba	Development	partially impl.	page 6
12	France	NHRI	not impl.	page 17
58	Hungary	Labour,Migrants	not impl.	page 8
23	Malaysia	Disabilities,Human rights education and training,Rights of the Child,Women's rights	not impl.	page 6
46	Malaysia	Rights of the Child	not impl.	page 15
52	Malaysia	International instruments,Women's rights	not impl.	page 10
16	Maldives	NHRI	not impl.	page 17
24	Maldives	Rights of the Child,Treaty bodies	not impl.	page 10
63	Maldives	Environment	fully impl.	page 6
30	Mexico	Human rights education and training,Women's rights	not impl.	page 13
56	Mexico	Disabilities,Right to education,Technical assistance	partially impl.	page 8
61	Mexico	Internally displaced persons	fully impl.	page 17
11	Moldova	NHRI	not impl.	page 16
20	Moldova	National plan of action,Rights of the Child	not impl.	page 17
92	Moldova	Asylum-seekers - refugees,International instruments	not impl.	page 10
22	Morocco	Disabilities	not impl.	page 8
35	Morocco	Rights of the Child,Women's rights	not impl.	page 14
111	Morocco	NHRI	not impl.	page 17
29	New Zealand	Women's rights	not impl.	page 13
39	New Zealand	Women's rights	not impl.	page 14



rec. n°	Rec. State	Issue	IRI	page
60	New Zealand	Labour, Migrants	not impl.	page 8
8	Norway	Women's rights	not impl.	page 12
36	Norway	Rights of the Child, Women's rights	not impl.	page 14
41	Norway	Justice, Trafficking	not impl.	page 11
48	Norway	Rights of the Child, Torture and other CID treatment	not impl.	page 15
51	Norway	Women's rights	not impl.	page 16
108	Norway	Rights of the Child	not impl.	page 16
5	Poland	Civil society, UPR process	-	page 9
6	Poland	International instruments, Rights of the Child	not impl.	page 10
13	Poland	NHRI	not impl.	page 16
47	Poland	Torture and other CID treatment	not impl.	page 15
50	Poland	Rights of the Child	not impl.	page 16
42	Slovakia	Rights of the Child, Trafficking	not impl.	page 11
44	Slovakia	Rights of the Child	not impl.	page 15
45	Slovakia	Rights of the Child	not impl.	page 15
94	Slovakia	International instruments	not impl.	page 11
17	South Africa	NHRI	not impl.	page 17
38	South Africa	Rights of the Child, Women's rights	not impl.	page 14
18	Spain	International instruments, NHRI, Rights of the Child	partially impl.	page 12
33	Spain	Rights of the Child, Women's rights	not impl.	page 14
107	Spain	Sexual Orientation and Gender Identity	not impl.	page 12
26	Thailand	Disabilities, International instruments, Right to education	not impl.	page 10
43	Thailand	Rights of the Child	not impl.	page 14
62	Thailand	Environment, Technical assistance	fully impl.	page 19
9	United Kingdom	Rights of the Child, Women's rights	not impl.	page 12
32	United States	Rights of the Child, Women's rights	not impl.	page 14
40	United States	Trafficking	not impl.	page 11
93	United States	Asylum-seekers - refugees, International instruments	not impl.	page 10
109	United States	Asylum-seekers - refugees	not impl.	page 9



3. Feedback on recommendations

ESC Rights

Recommendation n°23: *Accelerate efforts aimed at raising awareness and education among the general population on human rights, particularly on the rights of women, children and disabled persons* (Recommended by Malaysia)

IRI: *not implemented*

Voices Palau (VP) response:

No changes from 2010 to present, same status quo.

Recommendation n°53: *Pursue its efforts aiming to ensure food security and reaching the MDGs and formulate its specific international cooperation and technical assistance requests to this end* (Recommended by Algeria)

IRI: -

VP response:

Food security has been an ongoing challenge, considering the two consecutive years of natural disasters – 2012 Typhoon Bopha and Super Typhoon Haiyan in 2013.

Recommendation n°54: *Continue to implement its socio-economic development strategies and plans for the country* (Recommended by Cuba)

IRI: -

VP response:

Socio-economic development has been hampered by two consecutive years of natural disasters – 2012 Typhoon Bopha and Super Typhoon Haiyan in 2013. The cost of living in Palau has sky-rocketed in the past five (5) years.

Recommendation n°55: *Continue to implement programs and measures to move forward in the achievement of the MDGs between now and 2015* (Recommended by Cuba)

IRI: *partially implemented*

VP response:

Programs and measures exist, however, how effective they are, that is the question.

Recommendation n°63: *Continue its leading international efforts to tackle global warming, including by reminding developed countries and other major emitting States of their obligation to help and protect human rights in Palau by reducing greenhouse gas emissions to safe levels* (Recommended by Maldives)

IRI: *fully implemented*

Earthjustice + Human Rights Advocates (EJ+HRA) response:

Despite its limited capacity to minimize the effects of climate change on its citizens, Palau has taken steps to enhance its technical capacity building to mitigate the impacts of climate change in cooperation with international community and relevant



United Nations agencies and hence contributed to the protection of human rights from climate threats. Examples include:

- Palau has strengthened its technical cooperation with relevant agencies and stakeholders to prevent the adverse impacts of climate change on human rights, including international displacement of its population, by participating in 19 regionally-based adaptation initiatives.
- Palau has continued to lead international efforts to tackle global warming, at international climate negotiations (UNFCCC) and at the Open-ended Working Group talks on the post-2015 Sustainable Development Goals.
- The President of Palau, Mr Tommy Remengesau Jr., stated at the 68th session of the UN General Assembly in September 2013 : "Our Global Warming doomsday is already set in stone if we fail to act. It is therefore our job, as Leaders, to take all necessary actions to eliminate the current threat."
- At the UNFCCC COP19 in Warsaw (Poland) in November 2013, his Excellency Dr. Caleb Otto, Palau's Ambassador and Permanent Representative to the United Nations, referred to the Typhoon Haiyan flattening the island of Kayangel in the north of Palau, destroying all homes on the island with very few buildings left standing. He declared: "We are resilient and we want to work hard and we try to recover but when it occurs more frequently with greater intensity - our ability to respond and recover just gets more and more diminished so that's a real issue for us here, (...) I have been saying it almost every time I have an opportunity to speak, we need a sense of urgency, even now we are still talking about the scaling up, the emissions and the donations - I get disappointed at times because it is so much process. We don't have time."

Nevertheless, no amount of effort on the part of Palau will fully protect the human rights of the people of Palau, as long as climate change continues to:

- threaten the physical security and health of coastal communities (most of the population) with increased temperatures, sea level rise and increasingly severe storms and cyclones resulting in tidal surges, lowland flooding, beach and mangrove erosion, and the spread of vector-borne diseases;
- threaten access to freshwater by increasing extremes of temperature and precipitation, increasing instances of drought, and by causing salt-water intrusion into groundwater due to lowland flooding and coastal erosion; and
- jeopardize food security by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as reef fisheries on which the people of Palau rely for food.

These threats are negatively impacting the rights to food and water, the right to health, and the right to a healthy and sustainable environment for the people of Palau. [...]

VP response:

Palau has been a trendsetter in taking the lead on the international level in tackling global warming and greenhouse gas emissions.

Minorities

Recommendation n°19: *Pursue its efforts in facing the challenges identified in its national report, with special attention to combating human trafficking and discrimination and improving the situation of migrant workers as they represent an important section in the country* (Recommended by Algeria)

IRI: *not implemented*

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Recommendation n°22: *Maintain its policy to promote and protect vulnerable persons and continue with its efforts to develop a national policy for the benefit of persons with disabilities* (Recommended by Morocco)

IRI: *not implemented*

VP response:

No changes from 2010 to present , same status quo.

Recommendation n°56: *Intensify the efforts, including through increasing the seeking of technical cooperation, for establishing special educational programmes for boys and girls with disabilities* (Recommended by Mexico)

IRI: *partially implemented*

VP response:

Programs and measures exist, however, how effective they are, that is the question.

Recommendation n°57: *Adopt additional measures to prevent the mistreatment of foreign nationals, combat discrimination against them, follow through on pursuing and prosecuting crimes against them and enforce regulation more effectively to protect foreign workers, particularly with regard to conditions of work and respect for occupational and safety standards* (Recommended by Canada)

IRI: *not implemented*

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Recommendation n°58: *Adopt a new Labour Code which provides more transparent regulations regarding the treatment of foreign workers and establishes a minimum wage* (Recommended by Hungary)

IRI: *not implemented*

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Recommendation n°59: *Take concrete measures to protect the rights of foreign workers* (Recommended by China)

IRI: *not implemented*

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Recommendation n°60: *Improve its enforcement of regulations to protect foreign workers and extend coverage of minimum wage requirements to include foreign workers* (Recommended by New Zealand)

IRI: *not implemented*

VP response:

No changes since 2010.



Recommendation n°109: *Establish a more formal system to provide protection for refugees and asylum-seekers* (Recommended by *United States*)

IRI: *not implemented*

United Nations High Commissioner for Refugees - Regional Office for Australia, New Zealand and the Pacific (UNHCR) response:

Status of implementation for relevant recommendations

1. Palau has not submitted any documentation the OHCHR regarding the implementation of recommendations made as part of the country's 2011 UPR.
2. Palau has not yet acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Nor has Palau acceded to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.
3. RO Canberra correspondence indicates that there was potentially to be UNHCR capacity training under taken in Palau in 2013. The status of this training remains unclear.
4. RO Canberra files indicate that asylum seekers are issued tourist visas when they first enter Palau and have these extended while their claims are being processed. There does not appear to be a specific visa available that would allow asylum seekers to stay for the period required to process their claims.
5. Palau has a National Emergency Management Office (NEMO). NEMO is involved in all aspects of disaster management. It acts with the counsel of and in concert with the National Emergency Committee (NEC). NEMO also performs the day-to-day operations associated with disaster management and submits reports to the Vice President. NEMO's responsibilities include, but are not limited to the following: Maintaining and testing the National Disaster Plan; Providing assistance to national and state agencies in the development of Agency Support Plans; Coordinating the development of public education programs regarding disaster planning; Coordinating and assisting in the training of specific disaster related skills; Providing logistical support to the Emergency Operation Center; Coordinating state and national disaster management planning; Periodically reviewing state and national legislation and regulations to insure that all are in compliance and coordination with this Plan; Performing other tasks as prescribed by law, executive order, and regulations or as required by the CLT or the NEC. This body would be responsible for managing natural disasters and responding to possible large scale internal and international displacement.

VP response:

There has been no new legislation or amendments to existing domestic law to address refugees and asylum-seekers.

International Instruments

Recommendation n°5: *Engage civil society in the UPR follow-up process* (Recommended by *Poland*)



IRI: -

VP response:

VOICES, Palau agrees that Palau needs to engage its civil society and promote the participation of civil organizations in the UPR process. However, promotion means advancing the participation and independence of existing organizations instead of creating civil society organizations that are nothing but a shadow of the government.

Recommendation n°6: *Increase its efforts aimed at the incorporation of the CRC provisions and principles into the domestic legal system (Recommended by Poland)*

IRI: not implemented

VP response:

VOICES, Palau agrees that Palau needs to review and amend domestic law to uphold CRC provisions, no changes in the legal system since 2010.

Recommendation n°24: *Meet its reporting obligations under the CRC (Recommended by Maldives)*

IRI: not implemented

VP response:

No changes from 2010 to present, same status quo.

Recommendation n°26: *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 (Recommended by Thailand)*

IRI: not implemented

VP response:

No changes from 2010 to present, same status quo.

Recommendation n°52: *Continue efforts aimed at increasing the participation of women in the economic and political spheres as well as to consider ratification of CEDAW (Recommended by Malaysia)*

IRI: not implemented

VP response:

No changes from 2010 to present, same status quo.

Recommendation n°92: *Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness (Recommended by Moldova)*

IRI: not implemented

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Recommendation n°93: *Become a party to the 1951 Refugee Convention and 1967 Refugee Protocol (Recommended by United States)*

IRI: not implemented

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Recommendation n^o94: *Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness* (Recommended by Slovakia)

IRI: *not implemented*

UNHRC response:

Status of implementation for relevant recommendations

1. Palau has not submitted any documentation the OHCHR regarding the implementation of recommendations made as part of the country's 2011 UPR.
2. Palau has not yet acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Nor has Palau acceded to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.
3. [...]

VP response:

VOICES, Palau strongly believes that Palau needs to ratify the remaining core international human rights instruments, however, with reservations for such provisions that oppose Palau National Constitution.

Justice

Recommendation n^o7: *Ensure human rights are afforded full legal protection in the Republic of Palau* (Recommended by Australia)

IRI: *not implemented*

VP response:

VOICES, Palau agrees that legal representation is not afforded to everyone; currently, legal representation is only provided to persons/defendants in criminal cases.

Recommendation n^o40: *Continue making efforts to investigate, prosecute and punish offenders of human trafficking* (Recommended by United States)

IRI: *not implemented*

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Recommendation n^o41: *Take measures to protect victims of trafficking by providing shelters and facilitate the process in order for victims to witness against traffickers in court* (Recommended by Norway)

IRI: *not implemented*

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Recommendation n^o42: *Reinforce the efforts to prevent and combat trafficking in human beings for sexual exploitation with particular focus on children* (Recommended by Slovakia)

IRI: *not implemented*

VP response:

No changes from 2010 to present, same status quo.



SOGI

Recommendation n°107: *Repeal all provisions in domestic legislation criminalizing consensual sexual activity between same sex adults and combat discrimination against LGBT through political, legislative and administrative measures (Recommended by Spain)*

IRI: *not implemented*

VP response:

VOICES, Palau agrees that Palau needs to review its domestic legislation with regards to criminal law. No change in domestic law since 2010.

Women & Children

Recommendation n°8: *Immediately criminalize rape within marriage and give men and women equal rights of inheritance (Recommended by Norway)*

IRI: *not implemented*

VP response:

VOICES, Palau agrees, however, Palau has yet to criminalize rape within the bounds of marital status and give equal rights of inheritance.

Recommendation n°9: *Amend relevant domestic legislation so as to offer married women the same level of protection against coerced sex as to unmarried women and remove the law which discriminates against a wife's and female child's right to inherit property (Recommended by United Kingdom)*

IRI: *not implemented*

VP response:

VOICES, Palau agrees, however, Palau has yet to take steps to amend domestic legislation to protect married women from rape, additionally, there has been no movement to change the existing law that prevents a wife and a female child from inheriting property.

Recommendation n°18: *Take measures to ensure the full implementation of the principles and provisions of the Convention on the Rights of the Child. Intensify efforts to establish an Ombudsman for Children to deal with complaints of violations of the rights of the child, particularly those related to child exploitation and sexual violence (Recommended by Spain)*

IRI: *partially implemented*

VP response:

The Office of the Ombudsman has been created within the Executive Branch, hence, lack of independence and transparency.



Recommendation n°21: *Establish policies, programmes and services to provide children with greater protection and care* (Recommended by Brazil)

IRI: *not implemented*

VP response:

No changes from 2010 to present , same status quo.

Recommendation n°25: *Revise existing laws identified in its national report as being discriminatory against women* (Recommended by Canada)

IRI: *not implemented*

VP response:

No changes from 2010 to present , same status quo.

Recommendation n°27: *Adopt legislative and public policy measures aimed at eliminating discrimination against children in situation of vulnerability, including children of immigrant families* (Recommended by Argentina)

IRI: *not implemented*

VP response:

No changes from 2010 to present , same status quo.

Recommendation n°28: *Consider adopting national legislative measures to ensure gender equality, as stipulated in its Constitution, and to combat and eliminate violence against women* (Recommended by Costa Rica)

IRI: *not implemented*

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Recommendation n°29: *Enact laws to ensure that all women, regardless of their marital status, are provided with the same level of protection against rape and that women are not discriminated against in family inheritances* (Recommended by New Zealand)

IRI: *not implemented*

VP response:

No changes from 2010 to present , same status quo.

Recommendation n°30: *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* (Recommended by Mexico)

IRI: *not implemented*

VP response:

No changes from 2010 to present , same status quo: domestic violence still an ongoing issue for example, in the fall of 2013, a wife stabbed her (police officer) husband in the leg, he later died at the hospital from his injuries.

Recommendation n°31: *Consider establishing shelters for victims of domestic violence and reinforce efforts to prevent and combat child abuses, including measures to assist in recovery and reintegration* (Recommended by Canada)

IRI: *not implemented*

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Recommendation n°32: *Pass legislation to address domestic violence (Recommended by United States)*

IRI: *not implemented*

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Recommendation n°33: *Urgently adopt of the law on family protection, which is currently under discussion in the Congress, with a view to improving the protection and prevention against domestic violence, as well as the compensation and assistance to the victims (Recommended by Spain)*

IRI: *not implemented*

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Recommendation n°34: *Raise public awareness and adopt legislation to combat domestic violence (Recommended by Brazil)*

IRI: *not implemented*

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Recommendation n°35: *Consider the adoption of legislation which specifically governs domestic violence and consider the creation of structures for the shelter and protection of victims of violence (Recommended by Morocco)*

IRI: *not implemented*

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Recommendation n°36: *Take concrete steps to strengthen the protection of victims of domestic violence, ensuring that complaints of domestic violence are properly registered and investigated by the police, and that perpetrators are prosecuted and convicted (Recommended by Norway)*

IRI: *not implemented*

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Recommendation n°37: *Consider legislative measures to tackle the question of domestic violence (Recommended by Chile)*

IRI: *not implemented*

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Recommendation n°38: *Implement policies to ensure the promotion of the rights of women and children, specifically in combating domestic violence (Recommended by South Africa)*

IRI: *not implemented*

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Recommendation n°39: *Urgently enact legislation to protect women from domestic violence and establish facilities to provide temporary shelter and protection for victims (Recommended by New Zealand)*

IRI: *not implemented*

VP response:

No changes from 2010 to present, same status quo: domestic violence still an ongoing issue for example, in the fall of 2013, a wife stabbed her (police officer) husband in the leg, he later died at the hospital from his injuries.

Recommendation n°43: *Adopt legislation aimed at protecting children from economic and sexual exploitation (Recommended by Thailand)*

IRI: *not implemented*

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Recommendation n^o44: *Adopt expeditiously necessary legislation and implement all relevant measures to prevent and combat sexual abuse of children, providing for the physical and psychological recovery and social reintegration of child victims* (Recommended by Slovakia)

IRI: *not implemented*

VP response:

No changes from 2010 to present, same status quo.

Recommendation n^o45: *Conduct investigation of all alleged sexual abuse of children in a childfriendly judicial procedure, with due regard given to protecting the right to privacy of the child* (Recommended by Slovakia)

IRI: *not implemented*

VP response:

No changes from 2010 to present, same status quo.

Recommendation n^o46: *Step up the implementation of measures to combat, prevent and punish acts of child abuse, child neglect and domestic violence* (Recommended by Malaysia)

IRI: *not implemented*

VP response:

No changes from 2010 to present, same status quo.

Recommendation n^o47: *Prohibit and eliminate all forms of corporal punishment* (Recommended by Poland)

IRI: *not implemented*

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Recommendation n^o48: *Prohibit the use of corporal punishment in homes and in schools and conduct awareness campaigns to reduce the scope of this action* (Recommended by Norway)

IRI: *not implemented*

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Recommendation n^o49: *Adopt legislation to raise public awareness to prohibit and eliminate all forms of corporal punishment* (Recommended by Brazil)

IRI: *not implemented*

GIEACPC response:

Child protection legislation has been reviewed as part of child protection baseline research in collaboration with UNICEF (the report was published in March 2013) and a Family Protection Bill is under discussion. This Bill provides a key opportunity to implement the Government's acceptance of the recommendation by enacting prohibition of corporal punishment - a home cannot be free from violence while children may be hit and hurt with impunity - but we have been unable to obtain a copy of the full text. As the law is currently in Palau, corporal punishment of children is unlawful as a sentence for crime but it is lawful in all other settings - the home, alternative care settings, day care, schools and penal institutions.



Recommendation n°50: *Establish mechanisms ensuring that street children are provided with clothing, housing, health and educational services* (Recommended by Poland)

IRI: *not implemented*

VP response:

No changes from 2010 to present, same status quo.

Recommendation n°51: *Take steps to increase the number of women in decision-making positions* (Recommended by Norway)

IRI: *not implemented*

VP response:

No changes from 2010 to present, same status quo.

Recommendation n°108: *Equalize the legal minimum age of marriage for girls and boys* (Recommended by Norway)

IRI: *not implemented*

VP response:

No change in domestic law.

Other

Recommendation n°10: *Take the necessary steps towards the establishment of a national human rights institution in accordance with the Paris Principles* (Recommended by Canada)

IRI: *not implemented*

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Recommendation n°11: *Set up the national human rights institution* (Recommended by Moldova)

IRI: *not implemented*

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Recommendation n°13: *Consider establishing a national human rights institution in accordance with the Paris Principles* (Recommended by Poland)

IRI: *not implemented*

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Recommendation n°14: *Establish a national human rights institution in accordance with the Paris Principles* (Recommended by Argentina)

IRI: *not implemented*

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Recommendation n°15: *Consider in future policies the establishment of a national human rights institution, which could favour the gradual incorporation of international commitments with an adequate and permanent technical assistance* (Recommended by Chile)

IRI: *not implemented*

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Recommendation n°16: *Complete the establishment of the national human rights institution* (Recommended by Maldives)

IRI: *not implemented*

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Recommendation n°17: *Establish an independent national human rights institution in compliance with the Paris Principles* (Recommended by South Africa)

IRI: *not implemented*

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Recommendation n°65: *Step up the efforts aimed at establishing a National Human Rights Institution* (Recommended by Algeria)

IRI: *not implemented*

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Recommendation n°111: *Continue consultations to set up a national human rights institution and materialize this project as soon as possible* (Recommended by Morocco)

IRI: *not implemented*

VP response:

VOICES, Palau agrees, however, although suggested in 2010, the establishment of a national human rights institution has been tabled. Hence, no further action has been taken.

Recommendation n°12: *Finalize, as soon as possible, the draft legislation for the establishment of a national human rights institution in conformity with the Paris Principles* (Recommended by France)

IRI: *not implemented*

VP response:

VOICES, Palau has no knowledge of such draft legislation being introduced in congress in the past two (2) years.

Recommendation n°20: *Take all measures to implement the National Action Plan for Children* (Recommended by Moldova)

IRI: *not implemented*

VP response:

No changes from 2010 to present , same status quo.

Recommendation n°61: *Draw up a plan to manage and mitigate natural disasters together with the regional mechanisms and the United Nations, taking into account the possible large-scale internal and international displacement of population* (Recommended by Mexico)

IRI: *fully implemented*

UNHRC response:

Status of implementation for relevant recommendations

1. [...]
2. [...]
3. [...]
4. [...]
5. Palau has a National Emergency Management Office (NEMO). NEMO is involved in all aspects of disaster management. It acts with the counsel of and



in concert with the National Emergency Committee (NEC). NEMO also performs the day-to-day operations associated with disaster management and submits reports to the Vice President. NEMO's responsibilities include, but are not limited to the following: Maintaining and testing the National Disaster Plan; Providing assistance to national and state agencies in the development of Agency Support Plans; Coordinating the development of public education programs regarding disaster planning; Coordinating and assisting in the training of specific disaster related skills; Providing logistical support to the Emergency Operation Center; Coordinating state and national disaster management planning; Periodically reviewing state and national legislation and regulations to insure that all are in compliance and coordination with this Plan; Performing other tasks as prescribed by law, executive order, and regulations or as required by the CLT or the NEC. This body would be responsible for managing natural disasters and responding to possible large scale internal and international displacement.

EJ+HRA response:

Despite its limited capacity to minimize the effects of climate change on its citizens, Palau has taken steps to enhance its technical capacity building to mitigate the impacts of climate change in cooperation with international community and relevant United Nations agencies and hence contributed to the protection of human rights from climate threats. Examples include:

- Palau has strengthened its technical cooperation with relevant agencies and stakeholders to prevent the adverse impacts of climate change on human rights, including international displacement of its population, by participating in 19 regionally-based adaptation initiatives.
- Palau has continued to lead international efforts to tackle global warming, at international climate negotiations (UNFCCC) and at the Open-ended Working Group talks on the post-2015 Sustainable Development Goals.
- The President of Palau, Mr Tommy Remengesau Jr., stated at the 68th session of the UN General Assembly in September 2013 : "Our Global Warming doomsday is already set in stone if we fail to act. It is therefore our job, as Leaders, to take all necessary actions to eliminate the current threat."
- At the UNFCCC COP19 in Warsaw (Poland) in November 2013, his Excellency Dr. Caleb Otto, Palau's Ambassador and Permanent Representative to the United Nations, referred to the Typhoon Haiyan flattening the island of Kayangel in the north of Palau, destroying all homes on the island with very few buildings left standing. He declared: "We are resilient and we want to work hard and we try to recover but when it occurs more frequently with greater intensity - our ability to respond and recover just gets more and more diminished so that's a real issue for us here, (...) I have been saying it almost every time I have an opportunity to speak, we need a sense of urgency, even now we are still talking about the scaling up, the emissions and the donations - I get disappointed at times because it is so much process. We don't have time."

Nevertheless, no amount of effort on the part of Palau will fully protect the human rights of the people of Palau, as long as climate change continues to:



- threaten the physical security and health of coastal communities (most of the population) with increased temperatures, sea level rise and increasingly severe storms and cyclones resulting in tidal surges, lowland flooding, beach and mangrove erosion, and the spread of vector-borne diseases;
- threaten access to freshwater by increasing extremes of temperature and precipitation, increasing instances of drought, and by causing salt-water intrusion into groundwater due to lowland flooding and coastal erosion; and
- jeopardize food security by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as reef fisheries on which the people of Palau rely for food.

These threats are negatively impacting the rights to food and water, the right to health, and the right to a healthy and sustainable environment for the people of Palau. [...]

Recommendation n°62: Strengthen its technical cooperation with relevant agencies and stakeholders in order to prevent the adverse impact of climate change on its promotion and protection of human rights (Recommended by Thailand)

IRI: fully implemented

EJ+HRA response:

Despite its limited capacity to minimize the effects of climate change on its citizens, Palau has taken steps to enhance its technical capacity building to mitigate the impacts of climate change in cooperation with international community and relevant United Nations agencies and hence contributed to the protection of human rights from climate threats. Examples include:

- Palau has strengthened its technical cooperation with relevant agencies and stakeholders to prevent the adverse impacts of climate change on human rights, including international displacement of its population, by participating in 19 regionally-based adaptation initiatives.
- Palau has continued to lead international efforts to tackle global warming, at international climate negotiations (UNFCCC) and at the Open-ended Working Group talks on the post-2015 Sustainable Development Goals.
- The President of Palau, Mr Tommy Remengesau Jr., stated at the 68th session of the UN General Assembly in September 2013 : "Our Global Warming doomsday is already set in stone if we fail to act. It is therefore our job, as Leaders, to take all necessary actions to eliminate the current threat."
- At the UNFCCC COP19 in Warsaw (Poland) in November 2013, his Excellency Dr. Caleb Otto, Palau's Ambassador and Permanent Representative to the United Nations, referred to the Typhoon Haiyan flattening the island of Kayangel in the north of Palau, destroying all homes on the island with very few buildings left standing. He declared: "We are resilient and we want to work hard and we try to recover but when it occurs more frequently with greater intensity - our ability to respond and recover just gets more and more diminished so that's a real issue for us here, (...) I have been saying it almost every time I have an opportunity to speak, we need a sense of urgency, even now we are still talking about the



scaling up, the emissions and the donations - I get disappointed at times because it is so much process. We don't have time."

Nevertheless, no amount of effort on the part of Palau will fully protect the human rights of the people of Palau, as long as climate change continues to:

- threaten the physical security and health of coastal communities (most of the population) with increased temperatures, sea level rise and increasingly severe storms and cyclones resulting in tidal surges, lowland flooding, beach and mangrove erosion, and the spread of vector-borne diseases;
- threaten access to freshwater by increasing extremes of temperature and precipitation, increasing instances of drought, and by causing salt-water intrusion into groundwater due to lowland flooding and coastal erosion; and
- jeopardize food security by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as reef fisheries on which the people of Palau rely for food.

These threats are negatively impacting the rights to food and water, the right to health, and the right to a healthy and sustainable environment for the people of Palau. [...]

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection on all of the States:

1. We contacted the Permanent Mission to the UN either in Geneva (when one exists) or in New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was contacted individually;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI and, also, sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedback from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet that we provide. The Excel sheet includes all of the recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when



comments are defamatory or inappropriate. While we do not mention the recommendations that were not addressed, they can be accessed, unedited, on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

*The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.*

The IRI is meant to take into account the possibility of stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. On the contrary, whenever a stakeholder claims a recommendation has been fully implemented, the IRI score is 1. An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then, the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims to have partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25 and will, thus, be considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
1	Issue a standing invitation to all special procedures of the Human Rights Council	Hungary	Accepted	5	Special procedures
2	Extend a standing invitation to special procedure mandate-holders as a way of informing and supporting human rights reforms	Maldives	Accepted	5	Special procedures
3	Extend a standing invitation to the special procedure mechanisms of the United Nations	South Africa	Accepted	5	Special procedures
4	Consider identifying a priority list of issues and areas of requirements needed in the field of technical assistance and capacity-building and to approach the relevant partners at the multilateral or bilateral levels	Malaysia	Accepted	3	Technical assistance
64	Consider acceding to the remaining core international human rights instruments	Algeria	No Response	3	International instruments
66	Sign and ratify, as soon as possible, all fundamental international human rights instruments and their protocols	Brazil	No Response	5	International instruments
67	Increase Palau's participation in the main international human rights instruments and accede to the international treaties to which is not yet party	Morocco	No Response	4	International instruments
68	Consider the ratification of the core international human instruments and bringing national legislation in line with the provision of these instruments	South Africa	No Response	3	International instruments
69	Ratify fundamental international human rights instruments in order to create a proper national framework of action to promote and protect human rights	Trinidad & Tobago	No Response	5	International instruments
70	Consider acceding to the major international instruments, including the International Covenant on Economic, Social and Cultural Rights	China	No Response	3	ESC rights - general, International instruments
71	Supplement their international commitments by making it a priority to accede to the ICCPR and ICESCR	France	No Response	4	CP rights - general, ESC rights - general, International instruments



72	Ratify the ICCPR, the ICESCR and CEDAW	Norway	No Response	5	CP rights - general, ESC rights - general, International instruments, Women's rights
73	Consider ratifying the main human rights instruments, particularly the ICCPR, the ICESCR and the CEDAW	United Kingdom	No Response	3	CP rights - general, ESC rights - general, International instruments, Women's rights
74	Consider ratifying the core international human rights treaties: ICESCR, ICCPR, ICERD, CEDAW and CAT	Poland	No Response	3	CP rights - general, ESC rights - general, International instruments, Racial discrimination, Torture and other CID treatment, Women's rights
75	Consider acceding to the main human rights instruments to which it is not a party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol	Costa Rica	No Response	3	Detention conditions, International instruments, Torture and other CID treatment
76	Ratify the remaining human rights conventions, particularly CEDAW	Maldives	No Response	5	International instruments, Women's rights
77	Accede to CEDAW	Turkey	No Response	5	International instruments, Women's rights
78	Ratify the Convention on the Elimination of All Forms of Discrimination against Women	Canada	No Response	5	International instruments, Women's rights
79	Ratify the Convention on the Elimination of All Forms of Discrimination against Women, which was given Senate's approval in 2008, and accede to other instruments	Moldova	No Response	5	International instruments, Women's rights
80	Ratify CEDAW and revise relevant legislation in accordance with international standards to provide an efficient legislation for the best interests of women	Hungary	No Response	5	International instruments, Women's rights
81	Finalize the process for the ratification of CEDAW and take all the necessary steps to implement the provisions of the Convention	France	No Response	5	International instruments, Women's rights



82	Gradual consideration be given, with the assistance of OHCHR, to the ratification of some human rights treaties, in particular the International Convention on the Elimination of All Forms of Discrimination against Women	Chile	No Response	3	International instruments, Technical assistance, Women's rights
83	Gradual consideration be given, with the assistance of OHCHR, to the ratification of some human rights treaties, in particular the Optional Protocols to the Convention on the Rights of the Child within the framework of the National Plan of Action for Children referred in the national report	Chile	Accepted	3	International instruments, National plan of action, Rights of the Child, Technical assistance
84	Continue working with national and state governments and women's groups to remove the reservations to the Convention on the Elimination of All Forms of Discrimination against Women	Australia	No Response	2	International instruments, Women's rights
85	Continue to pursue the ratification of International Convention on the Elimination of All Forms of Discrimination against Women including the Convention on Migrant Workers	Philippines	No Response	2	International instruments, Labour, Migrants, Women's rights
86	Continue to pursue the ratification of Convention on the Rights of Persons with Disabilities	Philippines	Accepted	2	Disabilities, International instruments
87	Ratify the Convention on the Rights of Persons with Disabilities and work to implement the Pacific Regional Strategy on Disability	Australia	Accepted	5	Disabilities, International instruments
88	Become a party to and implement the Convention on the Rights of Persons with Disabilities as a matter of priority and further include persons with disabilities throughout this process	New Zealand	Accepted	5	Disabilities, International instruments
89	Consider the possibility of ratifying the main human rights international instruments, particularly the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocols, and the International Convention for the Protection of All Persons from Enforced Disappearance	Argentina	No Response	3	International instruments



90	Sign and ratify the two International Covenants, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Elimination of All Forms of Racial Discrimination. In particular, sign and ratify the International Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, whose ratification was approved by the Senate in early 2008 and is still awaiting for the approval of the House of Representatives	Spain	No Response	5	Enforced disappearances, International instruments, Racial discrimination, Torture and other CID treatment, Women's rights
91	Sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocols. Ratify the two Optional Protocols on the Convention on the Rights of the Child	Spain	Accepted	5	Disabilities, International instruments, Rights of the Child
95	Consider ratification of the Convention against Transnational Organized Crime and its Palermo Protocol	Philippines	No Response	3	International instruments, Public security
96	Revise the status of children born of foreign parents in accordance with relevant international standards	Hungary	No Response	3	Migrants, Rights of the Child
97	Review the legislation on minimum age for criminal responsibility	Brazil	Accepted	3	Justice, Rights of the Child
98	Raise the minimum age of criminal responsibility in compliance with international standards	Slovakia	Accepted	5	Justice, Rights of the Child
99	Circulate and implement the recently adopted rules on the treatment of women prisoners and non-custodial measures for women offenders, otherwise known as the Bangkok Rules, and seek necessary support from such relevant agencies as UNODC and OHCHR	Thailand	No Response	5	Detention conditions, Technical assistance, Women's rights
100	Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and children, a protocol to the Convention against Transnational Organized Crime	United States	No Response	5	International instruments, Trafficking
101	Urgently implement legislation that specifically addresses child sexual exploitation through electronic images and take appropriate measures to ensure adequate legal protection of children, including boys, against commercial sexual exploitation	United Kingdom	Accepted	5	Rights of the Child
102	Enact legislation that addresses exploitation of children via sexually explicit videos, movies, photos and electronic images	New Zealand	Accepted	5	Rights of the Child
103	Enact legislation to prevent child labour and protect children from commercial sexual exploitation	Trinidad & Tobago	Accepted	5	Labour, Rights of the Child



104	Seek the assistance of ILO to combat child labour	Brazil	Accepted	1	Labour, Rights of the Child, Technical assistance
105	Confirm its commitment to non-discrimination by decriminalizing sexual relations between consenting adults of the same sex and by repealing the discriminatory provisions against LGBT persons	France	Accepted	5	Sexual Orientation and Gender Identity
106	Bring its national legislation into conformity with its commitment to equality and non-discrimination, by repealing the provision of Palau's Penal Code which continues to criminalize sexual relations between consenting adults of the same sex	Norway	Accepted	5	Sexual Orientation and Gender Identity
110	Palau pledged to extend an open standing invitation to special procedures mandate holders.	Palau	Voluntary Pledge	5	Special procedures

A= Action Category (see on [our website](#))

SMR = State making recommendation

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