

A CIVIL GROUP of PALAU

Submission

For the

UN Human Rights Council

UPR Submission

(PALAU)

By:

Palau Think Tank (PTT)

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Introduction:

Republic of Palau is a young nation which gained its independence on October 1st, 1994. It is located at the north western pacific region of Micronesia. Palau spans over three thousand years with a history full of rich traditions and customs. It is one of the rare places in the world based on a matriarchal society. Traditionally for centuries, Palauan women like men hold important chieftain complimentary leadership roles complimenting over duties to their clans, communities and regions. The saying, “No Child is left behind” echo’s Palau’s principle point that “every child knows who they are as soon as their born” as every Palauan inherently is part of a clanship. This heritage still resonates in the lives of the Palauan people despite the immerging challenges and western lifestyle and influences that Palau faces in the 21st century and its future.

Palau Think Tank (PTT) is a civil group of Palauans dedicated to the positive development of Palau politically, socially, economically and environmentally. It advocates for the strong cooperative work and partnership between its Government and civil societies to achieve its goals and objectives on Human Rights that are practical and relevant to the development and progress on the unique needs of Palau as a small island nation. We further advocate the integral values of our culture and heritage and our standing among the world community.

There are numerous issues which we wish to expand on however, due to the limited time to submit this report, we will highlight some immediate issues that are vital to this report. They are:

1. Not to Ratify CEDAW (Convention on the Elimination of all forms of Discrimination Against Women)

We wish to commend and acknowledge the National Government for its extensive work to consult and work with the public and private sectors on building awareness on CEDAW as far as 2009. There were consultations provided including to a leading prominent traditional women’s group who was consulted on various occasions with consultation from Ministry of State, Office of the President and with support consultations from PIFS and other agencies. The former President Johnson Toribiong eventually signed the 8 core Human Rights Treaties in 2011.

However, in view from the prominent NGO Mechesil Belau, it has been concluded that Palau should not ratify CEDAW as certain assertions in CEDAW conflict with our customs and traditions. At this stage, we recommend that our Government continues to establish laws that reflect the value of CEDAW such as to protect women from abuse, to ensure economic equal opportunities and protection and to establish access to resources on the empowerment of women and their roles in society. This has led to the creation of the “Family Protection Act” and the new reformed Penal Code as well as other new laws to be undertaken to ensure the protection of women’s rights and antidiscrimination.

We also recognize that the National Government still needs to work on better cohesive resources, capacities and coordination to enforce laws and provide necessities for women, the elderly and the vulnerable group access of resources to get assistance and support in their social and economic needs. The ratio between young boys and girls show that more girls are graduating

from high school. With available scholarships and grants, many young girls are pursuing their college education and others have returned home with leading professional roles including in elective offices as well as private and public sectors. For instance, in the Judiciary system, there are more women judges than men.

2. To build access resources on promoting healthy lifestyles and for funding to build greater awareness and to combat Non Communicable Disease (NCD)

This issue was presented in a recent Women’s Conference as one of our major issues and challenges. Palau has been rated second in the world with NCD (Non Communicable Disease). As a population of only over 20,000 (twenty thousand) people, this is a National crisis.

Ministry of Health which oversees this issue and establishes policies and programs has worked in its capacity on this matter at the community, school and regional levels through educational and activity awareness programs to combat this serious issue and challenge. If we continue at this pace, the health of our people will not be sustainable for the longevity of our future.

In this view, it is essential that Palau establishes coordination and cooperation of professional expertise and resources from the International community to help provide methods and models to help Palau in addressing and combating this National crisis.

3. To build greater resources and cooperation in International communities to combat Climate Change

“Palau is one of the world’s leaders in conservationists before it became trendy”, according to a recent film, Pristine National Geographic. It is inherent in our traditional practices to protect and preserve our natural environment and some of our methods have translated into our government system to ensure our natural environment is protected and preserved although there are still challenges we face and encounter on this matter. This issue is part of our food security as well as our livelihood.

President Tommy E. Remengesau Jr. has been on the forefront on protecting Palau’s environment and various policies and laws have been enacted to protect our environment and combat climate change. Palau is the first Shark Sanctuary in the world declared by Former President Johnson Toribiong while President Remengesau actively declared to make Palau a Marine Sanctuary, which bans any commercial fishing at its 200 nautical mile exclusive economic zone.

There are various non-profit organizations established in Palau working closely with government and public sectors to address and combat climate change. Capacity building and resources are needed to protect our water borders from numerous illegal fishing, which still persists to grow more in Palau. Government needs to work on coordination with International States to enforce

international law on water protections and security on this matter including on the impacts of global sea level rising.

4. Migrant Workers and Palau's Local Workers:

There are around 20,000 (twenty thousand people) in Palau and a great influx of over 6000 migrant workers live and work in Palau.

The current National Government Labor Laws only applies to protect and define the rules of foreign workers in Palau. Therefore, a system is in place for foreign workers to appeal their grievances and cases but not to the Palauans working in the private sector. Some of the national laws that benefit the foreign workers include:

1. The universal minimum wage applies to Foreign Workers as it was recently passed to apply to all workers
2. Foreign workers benefit from the National Health Insurance as all Palauans
3. Foreign workers' children can go to free compulsory education elementary school up to high school
4. Foreign workers making USD \$15,000 a year can have their dependents stay with them. This is due to the high cost of living in Palau therefore; the National Government had to ensure that there is income security for a family to support its dependents.

Meanwhile, there is a growing increase of unemployment among Palauan citizens which needs to be addressed between the government and civil societies. We recommend for an upgrade study and database of household incomes and local unemployment so as to improve household income and needs as well as to establish resources for addressing the rise of unemployment. At this time there are no clear Labor laws protecting the Palauan citizen workforce. The National government needs to establish a comprehensive law to protect its citizens as they don't have access to resources like Foreign workers.

Human Trafficking has been widely addressed by the National Government from the Executive Branch to Congress especially, since 2009 it became a Global topic and so, Palau has been tackling this issue with the public and private sector. Further consultations and resources are needed to improve Palau's efforts to understand and combat this illegal activity as Human Trafficking is led by Organized International Crime Syndicates. We condemn any form of violations including human trafficking. However, the issue of Human Trafficking has overshadowed other pressing and vital issues to the People of Palau. We see the Government asserting its efforts to tackle this issue despite their own shortcomings, limits and challenges although we feel out of over 6000 foreign workers and in no more than 10 years, only less than a handful of such cases have been filed and are under the Attorney General's Office for investigation. The AG's Office has not yet formally declared these cases as human trafficking as other relevant laws in violations are already applicable to such cases.

Most cases with Foreign Workers also knowingly participate to enter Palau illegally at the hands and instructions of their Foreign recruiters from their State of origin therefore enter Palau at false pretense as tourists thereafter hired at Palau by foreign run companies. The Ministry of Justice, with the Office of Immigration and the Labor office, need to establish protocols and cooperative relations with its ally nation states and establish strict laws and procedures against illegal recruiters, including warnings to workers who willingly take part in this illegal process as to prevent them from the affect of human trafficking. Ally nations states should set up friendly Job Recruitment Central OFFICES in their Government Program where their citizens can legally, accessibly and safely go through the right process to apply for jobs in places like Palau which every nation states cancooperatively establish as to combating and protect its citizens and its ally partners against this activity. We support the fundamental principles of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) however, Palau is not ready to ratify this Convention may but apply similar or related laws applicable to Palau. Palau is a small island state with no funding, no capacity and no resources to effectively make any tangible and effective enforcement of migrant international laws. Thus, further consultation and technical expertise is needed in order for Palau to move forward on this important issue.

In conclusion, Palau Think Tank affirms its advocacy for civic and government cooperative work on human rights, and for this reason submits this report in its efforts towards addressing these issues with strong dialogue and transparency in achieving this process.