



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Palau\*

#### I. Introduction

1. The Committee considered the initial report of Palau<sup>1</sup> at its 771st, 773rd and 775th meetings,<sup>2</sup> held on 12, 13 and 14 March 2025. It adopted the present concluding observations at its 780th meeting, held on 18 March 2025.
2. The Committee welcomes the initial report of Palau, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State Party for its written replies<sup>3</sup> to the list of issues prepared by the Committee.<sup>4</sup>
3. The Committee appreciates the fruitful and sincere dialogue held with the State Party's delegation, which included representatives of the relevant government ministries.

#### II. Positive aspects

4. The Committee welcomes the legislative, administrative and policy measures taken by the State Party to promote the rights of persons with disabilities and to implement the Convention since its ratification in 2013, in particular the following:
  - (a) The Persons with Disabilities Act (Republic of Palau Public Law 11-36), establishing the Coordinating Committee on Persons with Disabilities and the Office of Persons with Disabilities, in 2024;
  - (b) Republic of Palau Public Law 9-55, establishing the Severely Disabled Fund, in 2019;
  - (c) Republic of Palau Public Law 11-11, establishing the Palau Severely Disabled Assistance Fund and the child-raising subsidy, in 2021;
  - (d) The National Disaster Risk Management Framework (2016–2030), in 2016;
  - (e) The National Disability Inclusive Policy (2015–2020), in 2015.

\* Adopted by the Committee at its thirty-second session (3–21 March 2025).

<sup>1</sup> CRPD/C/PLW/1.

<sup>2</sup> See CRPD/C/SR.771, CRPD/C/SR.773 and CRPD/C/SR.775.

<sup>3</sup> CRPD/C/PLW/RQ/1.

<sup>4</sup> CRPD/C/PLW/Q/1.



### III. Principal areas of concern and recommendations

#### A. General principles and obligations (arts. 1–4)

5. The Committee notes with concern:

(a) The delay in the repeal and amendment of legislation that is not in line with the Convention;

(b) The use, in laws and policies, of derogatory concepts and terminology concerning persons with disabilities that emphasize a person's impairments, reflect medical and paternalistic approaches to disability and reinforce stigma against persons with disabilities;

(c) That the Coordinating Committee of Persons with Disabilities and the Office of Persons with Disabilities are not yet operational.

6. The Committee recommends that the State Party:

(a) **Repeal or amend all discriminatory legislation, within a clear timeline, in line with the Convention;**

(b) **Amend and/or repeal legislation that includes derogatory terminology and concepts concerning persons with disabilities and ensure that the evolving concept of disability as arising from the interaction of persons with impairments and barriers to their full participation in society is recognized in the legislation;**

(c) **Ensure the timely operationalization of the Coordinating Committee of Persons with Disabilities and the Office of Persons with Disabilities.**

7. The Committee is concerned about the lack of participation of persons with disabilities through their representative organizations, including organizations of persons with disabilities, in the design, implementation and monitoring of disability-related laws, policies and programmes.

8. The Committee recalls its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, and recommends that the State Party strengthen and implement mechanisms for the close consultation and active involvement of persons with disabilities, through their representative organizations, in public decision-making processes, and ensure that meaningful consultations are held with groups of organizations of persons with disabilities, including those of women and children with disabilities.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

9. The Committee notes with concern:

(a) The lack of legislation to prohibit disability-based discrimination, including by recognizing the denial of reasonable accommodation as a form of discrimination;

(b) Intersectional discrimination faced by persons with disabilities, including discriminatory cultural practices;

(c) The absence of an accessible and effective complaints mechanism for persons with disabilities to report incidences of discrimination.

10. The Committee recalls its general comment No. 6 (2018) on equality and non-discrimination and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State Party:

(a) **Amend article IV of the Constitution and other relevant legislation to include disability as a prohibited ground of discrimination and ensure that the Disabled**

Person's Anti-Discrimination Act encompasses all forms of disability-based discrimination and recognizes the denial of reasonable accommodation as a form of discrimination;

(b) Recognize multiple and intersectional forms of discrimination on the grounds of disability and its intersection with other grounds, such as age, sex, race, ethnicity, gender identity or any other status, adopt strategies to eliminate multiple and intersecting forms of discrimination and ensure effective investigation of reports of such discrimination;

(c) Put in place an accessible and effective complaints mechanism for persons with disabilities to report incidences of discrimination, provide persons with disabilities subjected to discrimination with redress, compensation and rehabilitation and ensure that perpetrators are sanctioned.

#### **Women with disabilities (art. 6)**

11. The Committee notes with concern:

(a) The lack of adequate information, including disaggregated data, about the situation of women and girls with disabilities, in particular the economic activity of women with disabilities, as well as in their representation in decision-making processes at all levels;

(b) The lack of inclusion of a disability perspective in gender-related legislation and policies, such as the Family Protection Act, and the lack of a gender perspective in disability-related legislation and policies, which lead to further marginalization and exclusion of women and girls with disabilities;

(c) That the national legislative framework does not explicitly address intersectional discrimination against women and girls with disabilities;

(d) The lack of empowerment programmes for women with disabilities in employment, in public and political life and in decision-making.

12. The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and recommends that the State Party:

(a) Conduct a study on the situation of women and girls with disabilities in the State Party to collect gender-disaggregated data and identify the specific situation and requirements of women with disabilities in order to develop and adopt strategies, policies and programmes, especially in the fields of education, employment, health and social protection, that promote their autonomy and full participation in society and adopt measures aimed at achieving the empowerment and full inclusion of women and girls with disabilities in all spheres of life, as well as their involvement in all public decision-making processes;

(b) Mainstream the rights of women and girls with disabilities into all gender legislation and mainstream a gender perspective into disability policies and programmes, while ensuring consultation with and the effective participation of women and girls with disabilities in the design and implementation of gender- and disability-related policies and programmes;

(c) Recognize in its legislation multiple and intersectional forms of discrimination against women and girls with disabilities and adopt specific legislation and strategies that reflect a gender perspective and intersectionality;

(d) Develop and adopt strategies, policies and programmes, as well as awareness-raising campaigns and educational programmes, throughout society that promote the autonomy and full participation in society of women and girls with disabilities and adopt measures aimed at achieving their empowerment and full inclusion in all spheres of life, as well as their involvement in all public decision-making processes.

### **Children with disabilities (art. 7)**

13. The Committee is concerned about:

(a) The limited access to social and healthcare services and education of children with disabilities, in particular children with disabilities in rural communities and on the outer islands;

(b) The lack of disability- and age-appropriate assistance for children with disabilities to participate in and express their views on matters affecting them.

14. **With reference to its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, the Committee recommends that the State Party:**

(a) **Mainstream the principle of the best interests of the child and respect the evolving capacities of children with disabilities in strategies and programmes on the rights of children, and ensure the access of children with disabilities to social and healthcare services and inclusive education on an equal basis with other children;**

(b) **Establish a mechanism that respects the evolving capacity of children with disabilities to ensure that they can form their views and express them freely in all matters affecting them and ensure that these views are given due weight in accordance with the child's age and maturity.**

### **Awareness-raising (art. 8)**

15. The Committee is concerned about the persistence of discriminatory attitudes, negative stereotypes, prejudices towards persons with disabilities and the absence of a long-term strategy for raising awareness about the rights of persons with disabilities, including the use of appropriate disability-related terms and language in line with the Convention.

16. The Committee recommends that the State Party, in close consultation with and with the active involvement of organizations of persons with disabilities, including organizations of children with disabilities and women and girls with disabilities:

(a) Adopt a national strategy to raise awareness of and combat discriminatory attitudes, negative stereotypes and prejudices against persons with disabilities, and monitor its effectiveness;

(b) Introduce regular training and awareness-raising modules about the rights of persons with disabilities at all levels of education, for policymakers, the judiciary, law enforcement officials, the media, politicians, educators, professionals working with and for persons with disabilities, and the general public, in both rural and urban areas, in all accessible formats, including Braille, Easy Read, audio and tactile, and with the active involvement of persons with disabilities, in order to foster respect for the dignity, abilities and contributions of all persons with disabilities.

### **Accessibility (art. 9)**

17. The Committee notes with concern:

(a) That persons with disabilities face barriers to accessing the physical environment, transportation, information and communications, including information and communications technology, and other facilities and services open or provided to the public;

(b) The lack of sufficient budgetary allocations and the lack of mandatory accessibility criteria in public procurement at all levels.

18. **With reference to its general comment No. 2 (2014) on accessibility, to Sustainable Development Goal 9 and to targets 11.2 and 11.7 of the Goals, the Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) Adopt and implement an action plan to identify existing barriers to accessibility in the private and public sectors and provide the human, technical and financial resources necessary to remove those barriers to ensure the accessibility of, *inter alia*, buildings, transportation, information and communications, including information and communications technologies, and other facilities and services open or provided to the public;

(b) Take the legislative and policy measures necessary, in the public and private sectors, such as the development of public procurement criteria, to implement the full range of accessibility obligations under the Convention, including regarding information and communications technologies and systems, and ensure effective sanctions measures for non-compliance.

#### **Situations of risk and humanitarian emergencies (art. 11)**

19. The Committee notes the vulnerability of the State Party to natural disasters and is concerned about:

(a) Persons with disabilities not being sufficiently involved in disaster risk reduction plans at the national and community levels, including the National Disaster Risk Management Framework (2016–2030);

(b) The lack of unified measures taken to establish an emergency notification system that is accessible for all persons with disabilities, regardless of the type of impairment.

20. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action and the Committee's guidelines on deinstitutionalization, including in emergencies,<sup>5</sup> the Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, improve the accessibility of warning information for persons with all categories of disabilities, in particular for persons with visual and hearing impairments, those with deafblindness and those with intellectual and/or psychosocial disabilities, and ensure that persons with disabilities are represented in the National Emergency Committee and are included in the National Disaster Risk Management Framework (2016–2030).

#### **Equal recognition before the law (art. 12)**

21. The Committee is concerned that persons with disabilities, in particular those with intellectual, psychosocial or multiple disabilities, continue to be denied their legal capacity on the grounds of disability in law and in practice.

22. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Repeal and amend, without delay, all legal provisions that restrict the legal capacity of persons with disabilities on the basis of impairment;

(b) Replace all substituted decision-making regimes with supported decision-making regimes that respect the autonomy of persons with disabilities, and increase awareness among persons with disabilities, their families and relevant officials, including the judiciary, about the rights of persons with disabilities, in particular the right to equal recognition before the law;

(c) Develop awareness-raising campaigns and capacity-building programmes, in consultation with and with the active involvement of persons with disabilities, through their representative organizations, for all stakeholders, including the families of persons with disabilities, community members, health professionals, public officials,

<sup>5</sup> CRPD/C/5.

**the media, the judiciary and Members of Parliament on the recognition of the legal capacity of persons with disabilities and supported decision-making;**

(d) **Ensure the effective, independent participation of persons with disabilities, through their representative organizations, in the reform process and in the training of relevant personnel on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making;**

(e) **Organize and fund the development of information about supported decision-making, in accessible formats such as Braille, sign language and Easy Read, and distribute it to persons with disabilities and their families.**

#### **Access to justice (art. 13)**

23. The Committee notes with concern:

(a) The barriers that persons with disabilities continue to face in accessing justice, including the lack of qualified sign language interpreters in administrative and judicial proceedings for persons who are deaf and the lack of documents and information in accessible formats for persons with disabilities;

(b) The lack of provision of reasonable and procedural accommodations to persons with disabilities, in particular persons with psychosocial disabilities, and that some legal provisions, such as section 901, chapter 9, of the Palau National Code, are inconsistent with the Convention;

(c) The low level of awareness among the judiciary and the police about the rights of persons with disabilities.

24. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities, and target 16.3 of the Sustainable Development Goals, and recommends that the State Party:**

(a) **Adopt and implement effective mechanisms to ensure procedural, age-appropriate and gender-sensitive accommodations in judicial and administrative proceedings for persons with disabilities, including women with disabilities, persons with intellectual and/or psychosocial disabilities and persons with physical and sensory impairments, including those who are deaf, hard of hearing or deafblind and persons with visual impairments, and measures to provide information in accessible formats, and ensure the physical accessibility of court buildings and all judicial and administrative facilities;**

(b) **Bring all legislation, including criminal laws and policies, into compliance with the Convention to ensure due process guarantees for all persons with disabilities and ensure a review of section 901, chapter 9, of the Palau National Code, on the legal situation of persons with psychosocial disabilities;**

(c) **Strengthen training for the judiciary and law enforcement personnel, including judges, prosecutors, lawyers, police officers and prison staff, on the rights of persons with disabilities;**

(d) **Raise awareness among persons with disabilities about their right to access justice, including legal aid, and about the remedies and redress available to them through the judicial system.**

#### **Liberty and security of person (art. 14)**

25. The Committee is concerned that persons with disabilities, especially those with intellectual and/or psychosocial disabilities, are still subjected to laws that deprive them of their liberty based on impairment, and that there is a lack of information on the measures taken to ensure that those persons are not subjected to arbitrary treatment, including confinement.

26. Recalling its guidelines on the right to liberty and security of persons with disabilities, and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State Party:

(a) Repeal all relevant provisions in legislation that allow for the deprivation of liberty of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, on the basis of impairment;

(b) Establish a monitoring mechanism to ensure that persons with psychosocial and/or intellectual disabilities are not subjected to arbitrary and forced treatment, in particular treatment that results in confinement, including at home, and ensure that reasonable accommodation and safety are ensured for persons with disabilities who come into conflict with the law.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

27. The Committee observes with concern the lack of information on the measures taken to eliminate seclusion, physical, chemical and mechanical restraints and other forms of ill-treatment in all settings, such as family settings, psychiatric institutions, hospitals, prisons and educational services, in particular for persons with intellectual and/or psychosocial disabilities.

28. Recalling its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Adopt the measures necessary for the protection of all persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment in all settings, including in justice, education, health, psychosocial care facilities and facilities for the care of older persons;

(b) Ensure that the complaint procedure is accessible to all persons with disabilities still in institutions and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions proportional to the conduct.

**Freedom from exploitation, violence and abuse (art. 16)**

29. The Committee notes the establishment of the Legal Protection against Violence Framework and the reopening of the Victims of Crimes Office in 2022. However, it is concerned that these mechanisms are not fully accessible for persons with disabilities, and about the lack of awareness among the general population, and in particular among persons with disabilities, about measures for the protection of persons with disabilities from exploitation, violence and abuse.

30. Recalling its statement on taking action to eliminate gender-based violence against women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State Party:

(a) Take all steps necessary to raise awareness about measures for the protection of persons with disabilities from exploitation, violence and abuse, and adopt a comprehensive strategy to prevent the exploitation of, violence against and abuse of persons with disabilities, especially those who are institutionalized, and ensure that persons with disabilities have information about how to avoid, recognize and report cases and that persons with disabilities who are victims of exploitation, violence or abuse have access to independent and fully accessible complaint mechanisms and appropriate remedies, such as redress and adequate compensation, including rehabilitation;

(b) Provide ongoing training for the families of persons with disabilities and for their caregivers, health professionals and law enforcement officers to enable them to recognize all forms of exploitation, violence and abuse and to better communicate and work with persons with disabilities who are victims of violence.

### **Protecting the integrity of the person (art. 17)**

31. The Committee is concerned about the lack of clarity concerning the scope of legislation to protect persons with disabilities from being subjected to treatment, including forced sterilization and abortion, without their free and informed consent.

32. **The Committee recommends that the State Party:**

(a) **Adopt and implement legislative and policy measures to ensure, in all situations, the protection of the integrity of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, to ensure that medical interventions and treatments are carried out with the free and informed consent of persons with disabilities;**

(b) **Establish mechanisms to monitor healthcare facilities in order to protect persons with disabilities, in particular women and girls with disabilities, from forced interventions and ensure that mechanisms providing protection against forced abortion and sterilization are effective and accessible.**

### **Liberty of movement and nationality (art. 18)**

33. The Committee notes that the State Party's Constitution ensures freedom of movement, nationality, and rights protection, including for persons with disabilities, and that the Seventy-Two Hour Detention and Evaluation Act provides judicial protection measures for persons with intellectual and/or psychosocial disabilities in detention. However, it is concerned about:

(a) The lack of mechanisms to operationalize those protections in practice, in particular for vulnerable populations such as migrants with disabilities, to ensure that they have access to adequate support, services and procedural accommodation during legal or therapeutic interventions;

(b) The limitation for stateless children, including children with disabilities, to obtain citizenship or an identification card, which exacerbates their vulnerability, preventing them from accessing resources to improve their quality of life and inclusion in society;

(c) Discrimination against stateless persons with disabilities who were abandoned by migrant families and later adopted by Palauan families and who are unable to access citizenship as the Constitution stipulates that, for persons to be granted citizenship, at least one of their parents must be Palauan.

34. **The Committee recommends that the State Party:**

(a) **Strengthen the mechanisms for legal safeguards for persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, and migrants with disabilities, ensuring that migrants with disabilities are provided with reasonable and procedural accommodations, as well as other necessary assistance, under the Seventy-Two Hour Detention and Evaluation Act and related safeguards;**

(b) **Take legal and other measures to ensure that stateless children with disabilities are registered and granted citizenship, thereby enabling them to access necessary social services on an equal basis with others;**

(c) **Establish a legal procedure to grant citizenship to stateless persons with disabilities, especially those who have been raised in Palau and integrated into Palauan society and have demonstrable long-term residency and cultural integration.**

### **Living independently and being included in the community (art. 19)**

35. The Committee notes with concern:

(a) The fact that there are persons with disabilities living in institutions, including mental health hospitals, the building of new institutions and the absence of a national plan for the transition from institutional settings to living in the community;

(b) The lack of support arrangements for persons with disabilities to live independently in the community, including a lack of in-home services, personal assistance

and access to community services, which limits opportunities for persons with disabilities to choose their place of residence and decide where and with whom they wish to live;

(c) The requirement of working status and history to be able to access accommodation within the local community, which excludes persons with disabilities.

36. Recalling its general comment No. 5 (2017) on living independently and being included in the community, its guidelines on deinstitutionalization, including in emergencies, and the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities,<sup>6</sup> the Committee recommends that the State Party:

(a) Adopt a strategy for the deinstitutionalization of persons with disabilities with time-bound benchmarks and sufficient human, technical and financial resources;

(b) Adopt, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, a national strategy for independent living to ensure that support services in the community, such as personal assistance, are available and enable persons with disabilities to exercise choice and control over their lives and to make decisions concerning where and with whom they live;

(c) Take measures to ensure that persons with disabilities can access affordable and accessible accommodation within their local community to support their independent living, regardless of their working status and history.

#### **Personal mobility (art. 20)**

37. The Committee is concerned about:

(a) The barriers faced by persons with disabilities in accessing, using and maintaining the mobility aids, assistive devices and assistive technologies and services, including accessible transportation and infrastructure, necessary for their personal mobility;

(b) The reliance on overseas procurement and external donations for specialized mobility equipment, as well as the limited availability of prosthetic and orthotic services.

38. The Committee recommends that the State Party:

(a) Take measures to eliminate all barriers hindering persons with disabilities from acquiring affordable and high-quality mobility aids, assistive devices and assistive technologies and services, including accessible transportation and infrastructure, and ensure the availability of the necessary information and training on their usage and maintenance;

(b) Ensure the affordability of vehicles and assistive devices, including by applying incentive measures and tax and custom exemptions for the purchase of assistive equipment and devices for persons with disabilities, and review taxation laws to allow tax exemptions for vehicles and assistive devices for use by persons with all categories of disabilities.

#### **Freedom of expression and opinion, and access to information (art. 21)**

39. The Committee is concerned about:

(a) The lack of recognition in law of Palauan Sign Language as an official language, the lack of training in the use of sign language and the lack of sign language interpretation in all areas of life;

(b) The lack of legal measures for persons with disabilities to seek and receive information in accessible formats, as well as the gaps in providing information to and supporting the communication of persons with disabilities, in particular persons who are deaf, deafblind or blind and persons with intellectual disabilities;

<sup>6</sup> A/HRC/52/32.

(c) The barriers faced by persons with disabilities in gaining access to public information and communications, including information through television programmes, websites and other media services.

**40. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Recognize in law Palauan Sign Language as an official language, promote access to and the use of sign language in all areas of life and ensure the training and availability of qualified sign language interpreters;**

(b) **Establish regulations to ensure the accessibility of public information and communications for persons with various disabilities and allocate sufficient funding for the development, promotion and use of accessible communication formats, including Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, video transcription, captioning and tactile, and augmentative and alternative means of communication;**

(c) **Develop a strategy with benchmarks, indicators and adequate resources to ensure that the information provided to the public, including on websites, television and other media formats, is accessible to persons with disabilities, and establish a monitoring mechanism.**

#### **Respect for privacy (art. 22)**

41. The Committee is concerned that confidentiality and the protection of the privacy of persons with disabilities are not fully ensured by existing legislation.

**42. The Committee recommends that the State Party strengthen its legislation on data protection for persons with disabilities to ensure the privacy of persons with disabilities, in particular persons with intellectual and or psychosocial disabilities, including the protection of information on their personal medical records in institutions and mental health systems and services.**

#### **Respect for home and the family (art. 23)**

43. The Committee is concerned that:

(a) Persons with disabilities, in particular women with disabilities, are often deprived of their right to marry, to sexual expression and to exercise their choice of relationship, family and parenting rights, due to discriminatory and negative perceptions in society;

(b) Persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, especially those deprived of their legal capacity under the Family Protection Act, may be denied the right to marry, establish a family and adopt and raise children.

**44. The Committee recommends that the State Party:**

(a) **Raise awareness in society on the rights of persons with disabilities with respect to sexual expression, choice of relationships, family and parenthood, including adoption, and remove all obstacles preventing persons with disabilities, in particular women with disabilities and persons with intellectual and/or psychosocial disabilities, from exercising their rights on an equal basis with others;**

(b) **Repeal provisions in existing legislation, including the Family Protection Act, that restrict the rights of persons with disabilities and provide adequate support services to ensure that families with parents and/or children with disabilities have the right to a family and a home.**

## **Education (art. 24)**

45. The Committee is concerned about:

- (a) The fact that the national legal and policy framework regulating education for children with disabilities in the State Party is not fully compliant with the Convention, as it uses derogatory terminology such as “handicapped children”, “children with severe problems” and “severe impairment”, and promotes a segregated learning environment;
- (b) The insufficient provision of reasonable accommodation for students with disabilities;
- (c) Insufficient training for teachers and non-teaching staff on the right to inclusive education, proficiency in Braille, sign language and accessible modes of teaching;
- (d) Limited accessible materials and adaptive learning environments and lack of sign language and alternative and augmentative modes and methods of communication;
- (e) The lack of accessibility in the physical environments of schools, including Palau Community College;
- (f) Barriers faced by students with disabilities in accessing higher education.

46. **Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that the State Party, in close consultation with and with the active involvement of organizations of persons with disabilities, learners with disabilities and their families:**

- (a) **Review its legislation and policies in the field of education, including the Special Education Policy, the Individuals with Disabilities Education Act and the Programs and Services for Handicapped Children Act, to bring them into line with the Convention, and take measures to increase human, material and financial resources and to facilitate access to and enjoyment of a quality inclusive education for all pupils with disabilities to ensure the inclusion of all students with disabilities in mainstream classrooms;**
- (b) **Provide reasonable accommodation for all children with disabilities to meet their individual educational requirements and to ensure inclusive education;**
- (c) **Ensure the training of regular education teachers and non-teaching education personnel on inclusive education and raise their awareness about the human rights model of disability;**
- (d) **Provide students with disabilities with learning support based on individual requirements, including classroom support and accessible learning environments, teaching methods and learning materials in alternative and accessible formats, such as inclusive digital access, and other modes and means of communication including Easy Read, communication aids, and assistive and information technology;**
- (e) **Take measures to ensure that the physical environments of all types of schools are accessible and free from any barriers;**
- (f) **Analyse the root causes of unequal opportunities for persons with disabilities regarding access to higher education and develop a comprehensive policy to promote access to higher education, addressing barriers for students with disabilities to higher education, including university entrance exams and the study process.**

## **Health (art. 25)**

47. The Committee is concerned about:

- (a) The barriers faced by persons with disabilities, in particular women and girls with disabilities, and persons with psychosocial and/or intellectual disabilities in accessing healthcare services, which include inaccessible healthcare facilities and information, lack of reasonable accommodation and prejudices about persons with disabilities held by professionals across the health sector;

(b) The lack of accessible health-related information and materials for persons with disabilities, in particular, blind persons and persons with hearing impairments;

(c) The limited measures to ensure access, on an equal basis with others, to quality and age-appropriate sexual and reproductive health services and sex education for all persons with disabilities, in particular women and girls with disabilities.

**48. Recalling targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) Evaluate the current situation and take measures to facilitate access to quality health services for persons with diverse disabilities, in line with the Convention, ensuring quality and gender-sensitive healthcare services for all persons with disabilities, including the implementation of accessibility standards and the provision of reasonable accommodation by public and private healthcare providers;

(b) Guarantee that information regarding health services is provided in accessible formats for persons with disabilities, including in Braille, sign language and Easy Read;

(c) Ensure that high-quality, age-appropriate sexual and reproductive health services and comprehensive sexuality education are inclusive of and accessible to all persons with disabilities, in particular women and girls with disabilities, and integrate a human rights model of disability into the training of health professionals, emphasizing that all persons with disabilities have the right to free and informed consent for any medical and surgical treatment.

### **Habilitation and rehabilitation (art. 26)**

**49.** The Committee is concerned about:

(a) The lack of rights-based habilitation and rehabilitation services and programmes for persons with disabilities that promote their physical, mental and social development;

(b) The lack of availability of assistive devices and technologies designed for persons with disabilities to promote their maximum independence and full physical, mental, social and vocational abilities.

**50. Recalling the link between article 26 of the Convention and target 3.7 of the Sustainable Development Goals, the Committee recommends that the State Party take measures to secure access for persons with disabilities to comprehensive and cross-sectoral habilitation and rehabilitation services, programmes and technology within their communities. It also recommends that the State Party take measures to make available all rehabilitation equipment, assistive devices and mobility aids and services, including their repair, based on individual requirements, to promote the maximum independence and social inclusion of persons with disabilities.**

### **Work and employment (art. 27)**

**51.** The Committee notes with concern:

(a) That, despite the adoption of the Disabled Persons Anti-Discrimination Act, which is aimed at ensuring equal access to employment opportunities, the unemployment rate among persons with disabilities is high, and there is no comprehensive employment support policy for persons with disabilities in the State Party;

(b) That the denial of reasonable accommodation is not recognized as a form of discrimination at the workplace under the Disabled Persons Anti-Discrimination Act;

(c) The lack of awareness-raising activities, including training for employers about the rights of persons with disabilities;

(d) The absence of affirmative actions to promote the employment of persons with disabilities on the labour market.

52. **Recalling its general comment No. 8 (2022) on the rights of persons with disabilities to work and employment, the Committee recommends that the State Party, in line with target 8.5 of the Sustainable Development Goals and in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Develop and implement a comprehensive strategy with clear targets, indicators and adequate resources to promote employment opportunities for persons with disabilities on the open labour market, in both the private and the public sectors, with equal remuneration for work of equal value, in an inclusive work environment, and establish an effective monitoring mechanism to ensure its implementation;**

(b) **Recognize in law and in policies the denial of reasonable accommodation as a form of workplace discrimination;**

(c) **Conduct a targeted awareness-raising programme among employers about the rights of persons with disabilities and inclusive and accessible work environments;**

(d) **Establish affirmative action measures to stimulate greater employment among persons with disabilities, in particular for women with disabilities.**

#### **Adequate standard of living and social protection (art. 28)**

53. The Committee notes with concern:

(a) The insufficient social protection scheme, including the provisions to cover disability-related expenses, to ensure access for persons with disabilities and their families to an adequate standard of living;

(b) That disability pensions are significantly lower than the average income of citizens;

(c) The limited progress as regards the accessibility standards applied to private and public housing.

54. **Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, on empowering and promoting the economic inclusion of all persons, irrespective of disability status, the Committee recommends that the State Party:**

(a) **Strengthen the social protection system to guarantee an adequate standard of living for persons with disabilities and to cover additional disability-related expenses, in particular for those who require more intensive support;**

(b) **Review the provisions concerning the level of disability pensions and take measures to increase the amount.**

#### **Participation in political and public life (art. 29)**

55. The Committee notes with concern:

(a) That article VII of the Constitution restricts the right to vote of persons with disabilities on the basis of impairment, in particular individuals with intellectual and/or psychosocial disabilities who have been declared mentally incompetent by a court;

(b) The limited accessibility of polling stations and in voting procedures, facilities and materials and the insufficient election-related information, taking into account the diversity of persons with disabilities;

(c) The low level of participation of persons with disabilities in political and public life.

56. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

- (a) Review and amend the Constitution and other discriminatory legislation that hinder the political participation of persons with intellectual and/or psychosocial disabilities;
- (b) Take targeted measures with adequate resources to ensure the full accessibility of polling stations, voting materials and election campaigns, including the use of Braille, audiovisual materials with sign language interpretation and other methods of communication;
- (c) Take measures, including specific measures to achieve de facto equality (such as quotas) and other measures (such as the provision of support), to encourage persons with disabilities, including women with disabilities, to stand in elections at the national and local levels to increase the number of persons with disabilities who take decision-making positions in the legislatures and public service.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

57. The Committee is concerned about:

- (a) The lack of measures to ensure that persons with disabilities enjoy access to cultural materials in accessible formats, access to television programmes, films, theatre and other cultural activities in accessible formats and access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services and sports services;
- (b) The lack of opportunities for persons with disabilities, in particular athletes with disabilities, to participate in the Paralympic Games because Palau does not have membership status in the International Paralympic Committee;
- (c) The fact that the State Party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

58. The Committee recommends that the State Party:

- (a) Develop and implement a strategy with benchmarks, indicators and adequate resources to ensure that persons with disabilities enjoy access to cultural materials in accessible formats, access to television programmes, films, theatre and other cultural activities in accessible formats and access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services and sports services;
- (b) Take proactive measures to expedite the accreditation and athlete classification process to enable the country's participation in future Paralympic Games;
- (c) Enforce the Persons with Disabilities Act to ensure that all public buildings, including cultural, recreation, leisure and sporting facilities, provide for accessibility and other accommodations, including assistive devices, to facilitate the private and independent enjoyment by persons with disabilities of their right to participate in cultural life, recreation, leisure and sport;
- (d) Consider ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled and implement it in national law.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

59. The Committee expresses appreciation for the fact that the Washington Group short set of questions on functioning was used in the 2015 and 2020 population censuses to create

a database on persons with disabilities. However, it is concerned about the unclear use of this database and its contribution to improving the quality of services provided for persons with disabilities.

60. **The Committee recommends that the State Party strengthen the use of the Washington Group short set of questions on functioning and improve disability data-collection systems, with data disaggregated by age, sex, gender, ethnicity, urban or rural location and migratory status, disability, geographical location and other characteristics relevant in national contexts, pay close attention to the links between article 31 of the Convention and target 17.8 of the Sustainable Development Goals and, in particular:**

(a) **Reform its system of data collection and collect data on the situation of persons with disabilities, disaggregated by age and gender, in particular about persons with disabilities from marginalized communities, across all sectors including health, education, employment, political participation, access to justice, social protection, violence, migration and internal displacement;**

(b) **Take steps to collect data on categories of persons with disabilities who are not visible in data, such as persons who are deafblind, in all future censuses, including housing surveys, and ensure that such data are made available in Braille, sign language, Easy Read and electronic formats, including for persons with disabilities in rural and remote areas.**

### **International cooperation (art. 32)**

61. The Committee notes with concern the lack of the active and meaningful participation of representative organizations of persons with disabilities, including organizations of women and girls with disabilities, in the planning, implementation, monitoring and evaluation of international cooperation agreements and activities.

62. **Recalling the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, the Committee recommends that the State Party adopt specific measures to ensure meaningful consultation with and the effective participation of representative organizations of persons with disabilities, including organizations of women and girls with disabilities, throughout the design, implementation, monitoring and evaluation phases, and that it mainstream disability rights into the national implementation the 2030 Agenda for Sustainable Development and the monitoring thereof. The Committee also recommends that the State Party strengthen its cooperation for the implementation of the Jakarta Declaration on the Asian and Pacific Decade of Persons with Disabilities, 2023–2032, and the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific.**

### **National implementation and monitoring (art. 33)**

63. The Committee is concerned that there is no national human rights institution that is in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in the State Party.

64. **The Committee recommends that the State Party take into account its guidelines on independent monitoring frameworks and their participation in the work of the Committee<sup>7</sup> and establish a national human rights institution with a broad mandate on the protection of human rights and with adequate human, technical and financial resources, in full compliance with the Paris Principles.**

65. The Committee notes with concern that the State Party has not designated an independent monitoring mechanism for the follow-up and evaluation of the implementation of the Convention with a budget and designated functions that involves the effective and independent participation of persons with disabilities and their representative organizations.

<sup>7</sup> CRPD/C/1/Rev.2, annex I.

66. Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee, the Committee recommends that the State Party establish an independent monitoring mechanism with a budget and designated functions for the monitoring of the implementation of the Convention that involves the effective and independent participation of persons with disabilities and their representative organizations.

67. The Committee notes with concern that there is no mechanism in the State Party to ensure the full participation of persons with disabilities and their representative organizations in the monitoring process of the implementation of the Convention.

68. **The Committee recommends that the State Party take legal measures to establish a mechanism to ensure the full participation of persons with diverse disabilities and their representative organizations in the monitoring process of the implementation of the Convention.**

## IV. Follow-up

### Dissemination of information

69. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State Party's attention to the recommendations contained in paragraphs 6, on general principles and obligations, 16, on awareness-raising, and 46, on education.

70. The Committee requests the State Party to implement the recommendations contained in the present concluding observations. It recommends that the State Party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

71. The Committee strongly encourages the State Party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

72. The Committee requests the State Party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

### Next periodic report

73. The combined second, third and fourth periodic reports are in principle due on 11 July 2031, under the simplified reporting procedure. The Committee will establish and communicate the exact due date of the combined periodic reports of the State Party in line with a future clear and regularized schedule for reporting by States Parties<sup>8</sup> and following the adoption of a list of issues and questions prior to reporting for the State Party. The combined periodic reports should cover the entire period up to the time of their submission.

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<sup>8</sup> General Assembly resolution 79/165, para. 6.