



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Palau\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) Legislation and policy measures taken to implement the Convention and its Optional Protocol and to align existing laws with the Convention;

(b) Steps taken to review and harmonize the definitions of persons with disabilities in various statutes and to align them with the language of the Convention;

(c) Operationalization of the National Disability Coordinating Council, established by Executive Order No. 298, to promote equal opportunities for all persons with disabilities in Palau;

(d) Involvement of persons with disabilities through their representative organizations in development of laws and policies and efforts to align them with the Convention and in its implementation.

#### B. Specific rights (arts. 5–30)

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

2. Please inform the Committee about:

(a) Specific measures to prohibit discrimination on disability grounds in all legislation that addresses equality and non-discrimination, including the Constitution;

(b) Measures taken to ensure that denial of reasonable accommodation is recognized as a form of discrimination;

(c) Measures in place, including legislation, regulations and policies, to protect persons with disabilities, including persons with intellectual and/or psychosocial disabilities, from discriminatory cultural practices that negatively impact their lives and development;

(d) Complaint mechanisms in place for cases involving the violation of the rights of persons with disabilities, and redress measures taken in such cases.

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

3. Please provide information on:

(a) Specific measures taken to recognize intersectional discrimination against women and girls with disabilities, including discrimination within laws, policies and national

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\* Adopted by the pre-sessional working group at its sixteenth session (12–16 September 2022).



strategies to promote gender equality, and within mainstream women's organizations, where they are largely excluded, and specific measures taken to address this state of affairs;

(b) Steps taken to empower women and girls with disabilities economically and socially, and to enable them to take part in public life on an equal basis with others;

(c) Data on violence and abuse against women and girls with disabilities, which has been identified as a common feature in the State, and measures taken to protect them;

(d) Measures to ensure the full and effective implementation of the national gender mainstreaming policy, including the resources allocated to address issues affecting women and girls with disabilities;

(e) Steps taken to ensure explicit protection for women and girls with disabilities under the Family Protection Act.

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

4. Please provide information on:

(a) Measures adopted to ensure that the principle of the best interests of the child and respect for the evolving capacities of children with disabilities are duly considered in mainstream strategies, programmes and policies on the rights of the child, on an equal basis with other children;

(b) Steps taken to develop legislation and policies to ensure that violations of the rights of children with disabilities, both at home and in institutions, are properly addressed, that perpetrators are held accountable and that victims receive support and protection;

(c) Avenues through which children with disabilities can express themselves, offer their views and contribute to all discussions on their rights.

(d) Measures taken to ensure equitable allocation of resources to programmes that prioritize or are inclusive of children with disabilities.

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

5. Please provide detailed information on:

(a) The use of the media in awareness-raising and in the portrayal of persons with disabilities, including persons with disabilities facing intersecting forms of discrimination, such as women with disabilities, as rights holders, including their positive appearance in different media channels, both in urban and rural settings;

(b) The role played by organizations of persons with disabilities in designing, implementing and monitoring State awareness-raising campaigns or programmes, including the development of awareness-raising messages;

(c) The impact of State-led awareness-raising measures on public attitudes towards persons with disabilities and the full inclusion and participation of persons with disabilities in public life.

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

6. Please provide information on:

(a) Progress made to date on implementing the provisions of the Disabled Person's Anti-Discrimination Act related to access to government buildings, including the reservation of parking spaces for persons with disabilities;

(b) Measures in place to ensure the active involvement of persons with disabilities and their representative organizations in the integration of accessibility considerations in all areas, including the implementation and monitoring of the accessibility standards and the building code;

(c) Measures to ensure that persons with disabilities enjoy access, on an equal basis with others, to transportation, and to information and communications technology,

including through the use of Braille, sign language and Easy Read formats, for persons with disabilities throughout the State party.

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

7. Please provide information on measures taken to:

(a) Ensure accessibility of disaster risk and early warning information for persons with all types of impairment, in particular persons with visual and hearing impairments and those with intellectual and/or psychosocial disabilities;

(b) Ensure the inclusiveness and accessibility of preparedness and disaster risk reduction and climate change management strategies for all persons with disabilities, in particular persons who are deaf or hard of hearing or deafblind, and persons with visual impairments, in consultation with organizations of persons with disabilities;

(c) Include the concerns of persons with disabilities in the National Disaster Risk Management Framework for the period 2016–2030, including through the allocation of resources to ensure availability of assistive technologies to all who need them in the event of an emergency;

(d) Regularly and effectively train rescue and emergency personnel on the inclusion of an age and disability perspective based on human rights.

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

8. Please inform the Committee about:

(a) Measures taken by the State party to ensure that all persons with disabilities, including persons with intellectual disabilities and autistic persons, persons with psychosocial disabilities and persons with high support needs, enjoy legal capacity on an equal basis with others in all aspects of life;

(b) Measures to ensure the equal right of persons with disabilities to maintain their physical and mental integrity, the right to fully participate as citizens, including with regard to owning or inheriting property, controlling their financial affairs, and enjoying equal access to bank loans, mortgages and other forms of financial credit and banking procedures, in both the public and private sectors, and the right not to be arbitrarily deprived of their property;

(c) The number of persons with disabilities under guardianship, measures to ensure that no support person is assigned without the free and informed consent of persons with disabilities, and plans to ensure the transition from substituted decision-making to supported decision-making.

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

9. Please provide information on measures taken by the State party to:

(a) Ensure that a national action plan with clear objectives, measurable targets and effective monitoring exists for the purposes of ensuring the effective access of persons with disabilities to the justice system;

(b) Ensure that persons with disabilities who seek justice have access to gender-sensitive and age-appropriate legal assistance, including information on laws and judicial processes that is easy to understand, free counselling and legal aid for persons with disabilities with scarce economic resources;

(c) Ensure access to justice, including physical access to buildings, the availability of reasonable accommodation, such as alternative means of communication and trained assistants, and the availability of procedural accommodation throughout legal processes to ensure the effective participation of all persons with disabilities in the justice system, whether as victims, perpetrators, witnesses or members of a jury;

(d) Raise awareness among persons with disabilities about their right to access justice;

(e) Train lawyers, magistrates, judges, clerks, courtroom staff, sign language interpreters and the police on the rights of persons with disabilities to justice, fair trial and reasonable accommodation.

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

10. Please provide information on measures taken to:

(a) Repeal any legislation, including mental health laws, and to eradicate policies and practices that allow for the deprivation of liberty of persons with disabilities on the basis of actual or perceived impairments, or presumed dangerousness to oneself or to third parties, in particular persons with psychosocial and/or intellectual disabilities;

(b) Protect persons with psychosocial and/or intellectual disabilities and persons with disabilities who are incarcerated from arbitrary treatment, including confinement and chemical or mechanical restraint.

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

11. Please provide information on measures the State party has put in place to:

(a) Prohibit cruel or inhuman and degrading treatment of persons with disabilities and, in particular, persons with psychosocial disabilities in health and hospital facilities;

(b) Punish perpetrators of torture or other cruel, inhumane or degrading treatment or punishment, and to ensure that persons with disabilities who have been subjected to such treatment have access to civil redress and rehabilitation.

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

12. Please provide information on:

(a) The number and nature of cases of exploitation, violence and abuse against persons with disabilities, disaggregated by sex, age and type of impairment, including cases of corporal punishment administered to children that have been reported through chapter 8 of the Family Protection Act of 2012, and steps taken to sanction the perpetrators and provide redress to victims;

(b) Steps taken as a result of the State's recognition of the existence of gaps in social protection services, and in recovery and reintegration programmes, as indicated in paragraph 93 of the State's initial report;

(c) Measures in place to reinstate the counselling and advocacy services previously offered by the now closed Victims of Crime Assistance Office to victims of exploitation, violence and abuse, and to ensure that such services are fully accessible to persons with disabilities;

(d) Steps taken by the State to prevent and respond to cases of gender-based violence against women and girls with disabilities, the specific protection accorded to them and how the State ensures that perpetrators are prosecuted and punished accordingly.

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

13. Please provide information on the measures in place to:

(a) Ensure supported decision-making mechanisms that guarantee that people with disabilities can express their informed consent, will and preference in respect to all medical procedures;

(b) Protect the integrity of persons with disabilities, in particular women and girls with disabilities, in all settings in order to prevent them from falling victim to any form of violation of their rights.

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

14. Please explain:

(a) How the right to liberty of movement, both within and outside of Palau, of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, is ensured and protected;

(b) How restrictions under Palauan law related to nationality, land ownership and other rights of persons of non-Palauan descent and/or citizenship affect migrants with disabilities, in particular in terms of livelihood, employment, housing and other basic rights.

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

15. Please describe:

(a) Measures taken by the State party, including the provision of financial support, to ensure that persons with disabilities are able to live independently in the community, to provide support for communities to assist them and to address barriers to access to community services and facilities, such as hospitals, places of worship, parks, sports and cultural activities, and other social gatherings;

(b) The choices persons with disabilities have regarding living arrangements and whether the State provides any affirmative action in securing their living arrangement choices in terms of independent living, housing, the community services available to them and the availability of necessary personal assistance that they may require.

**Personal mobility (art. 20)**

16. Please report on measures taken to:

(a) Ensure that persons with disabilities who need assistive technology, in particular mobility devices, such as walkers, crutches, wheelchairs and prosthetic devices, can access them for free or at an affordable price, including through the extension of stipends and government assistance to access these devices beyond those who are designated as “homebound” as a result of their disability;

(b) Ensure that infrastructure and public transportation are accessible to allow for the free movement of persons with disabilities;

(c) Provide training on the production and use of assistive devices and technology for local communities, including organizations of persons with disabilities.

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

17. Please provide information on:

(a) Accessibility of government websites, information, communication and technology to all persons with disabilities, and in particular to persons who are deaf, blind or visually impaired;

(b) The status and use of sign language, and the training of sign language interpreters and efforts to make their services available to deaf persons;

(c) Measures taken to ensure the availability of mass media, private media and all information to persons with disabilities in accessible and alternative formats, such as Braille, sign language and Easy Read.

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

18. Please provide information on measures in place to enforce the legal provision to respect the right to privacy of persons with disabilities, in particular women and girls with disabilities and persons with psychosocial and/or intellectual disabilities, in all settings, including educational and health-care settings, and to sanction any violations and provide remedies.

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

19. Please provide information on legal and other measures taken to:

(a) Repeal provisions in the law that are not in accordance with the Convention, in particular those that discriminate against persons with psychosocial and/or intellectual disabilities in relation to their right to marriage;

(b) Protect the rights of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, with respect to family, parenthood, including adoption, and relationships, and increase awareness among the public about these rights;

(c) Provide support to children with disabilities and their families, and to parents with disabilities to carry out their parental responsibilities, and ensure that no child is separated from his or her parents on the grounds of disabilities, whether of the parents or the child.

**Education (art. 24)**

20. Please provide information on:

(a) How remote learning for students with disabilities at all levels was made accessible during the coronavirus disease (COVID-19) pandemic to ensure that they were not disadvantaged, and how efforts have continued to improve accessibility of all forms of education, including online and remote learning;

(b) How the State supports Palau Community College to ensure that persons with disabilities have access to higher education without discrimination, ensuring that reasonable accommodation is provided in its policies and programmes;

(c) The number of teaching and support staff who have been trained in Braille, sign language and other accessible modes of teaching, and on the core competencies and values required for working in an inclusive educational environment;

(d) The number of children outside inclusive educational settings, the reason why they remain in a segregated setting, the kind of educational arrangement made for them and the kind of certification that they receive at the end of their schooling;

(e) Measures to identify and prevent violence and bullying in schools against learners with disabilities and promote a safe, nurturing environment for all learners, including through awareness-raising among parents and community leaders.

**Health (art. 25)**

21. Please provide information on:

(a) Measures in place to raise awareness of the health rights of persons with disabilities, including sexual and reproductive health rights of women and girls with disabilities, and health issues related to older persons, among doctors, nurses and other paramedical staff;

(b) The review of the national health insurance policy to recognize the unique situation and specific disability-related requirements of persons with disabilities;

(c) Steps being taken to ensure that health facilities are physically accessible, health services are affordable, and information and communication are accessible to all persons with disabilities, and to also ensure that the national health-care fund covers all persons, including those who are in a situation of poverty and unable to contribute;

(d) Measures in place to ensure the right to free and informed consent of persons with disabilities, including persons with intellectual and/or psychosocial disabilities, with regard to medical treatment or interventions;

(e) Mechanisms for persons with disabilities to report discriminatory treatment in health services, including sexual and reproductive health services, without fear of retaliation.

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

22. Please provide information on the measures in place to establish habilitation and rehabilitation services and to provide assistive devices to all persons with disabilities who require them.

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

23. Please provide information on:

(a) The impact of the Disabled Person's Anti-Discrimination Act with regard to the employment of persons with disabilities, the number of persons who have been employed as a result of the Act and the number who have presented cases of discrimination in the employment process, and the resolutions of such cases;

(b) Efforts to promote the employment of persons with disabilities, especially women with disabilities, in the public and private sectors, and more specifically, on any affirmative action measures and the provision of reasonable accommodation;

(c) Measures to empower persons with disabilities by increasing their skills with a view to making them more competitive in the job market.

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

24. Please provide information on measures taken to:

(a) Address and promote an adequate standard of living and social protection for all persons with disabilities, and in particular women and girls with disabilities, including by increasing the allowance paid by the Palau Severely Disabled Assistance Fund and extending it to all persons with disabilities who are not in employment;

(b) Ensure access of persons with disabilities to social protection and poverty reduction programmes, which are gender- and age-appropriate and cover disability-related extra costs in all territories of the State party.

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

25. Please report on measures taken to:

(a) Review all laws, including the Constitution, and eliminate discriminatory provisions that limit the rights of persons with disabilities, including those with intellectual and/or psychosocial disabilities, to participate in elections;

(b) Provide reasonable accommodation for persons with disabilities, including blind persons, deaf persons and persons with intellectual or psychosocial disabilities, so that they enjoy equal access to freely and independently exercise the right to vote;

(c) Make voting processes and places accessible to all persons with disabilities;

(d) Include persons with disabilities, including women with disabilities, in public leadership positions and decision-making processes in society.

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

26. Please indicate steps taken to:

(a) Ensure that persons with disabilities are able to participate in cultural activities, develop their artistic potential and participate on an equal basis with others in recreational and leisure activities and in sports;

(b) Make cultural places, theatres, and recreational, leisure and sporting facilities accessible to all persons with disabilities;

(c) Ensure that intellectual property laws do not become a barrier for persons with disabilities in accessing cultural materials, including participation in relevant international efforts, such as the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

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

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

27. Please inform the Committee about:

(a) The results of the analysis of disability data from the 2015 census, which applied the Washington Group short set of questions on functioning;

(b) How data are disaggregated and used to plan and improve the lives of persons with disabilities;

(c) How the National Statistics Office effectively coordinates disability data collection between all other entities, such as hospitals and social protection programmes;

(d) How data are made accessible to persons with disabilities and their representative organizations.

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

28. Please report on how persons with disabilities, through their representative organizations, have been involved in the State party's work on international cooperation, including discussions on national development, and the Sustainable Development Goals. Please explain specific areas of international cooperation interactions or exchanges in which they have been involved.

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

29. Please report on measures taken to:

(a) Operationalize the Division of Persons with Disabilities, which was established in 2017 within the Ministry of Community and Cultural Affairs and is designated as the Convention focal point;

(b) Establish an independent monitoring mechanism in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) Ensure full participation of persons with disabilities and their representative organizations in the monitoring process of the implementation of the Convention.

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