



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Initial report submitted by Palau under article 35  
of the Convention, due in 2015\***

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\* The present document is being issued without formal editing.

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## Abbreviations

|       |   |
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| CRC   | Convention on the Rights of the Child                           |
| CRPD  | Convention on the Rights of Persons with Disabilities           |
| CSO   | Civil Society Organization                                      |
| DPO   | Disabled Persons Organization                                   |
| ECE   | Early Childhood Education                                       |
| FPA   | Family Protection Act   |
| IDEA  | Individuals with Disabilities Education Act                     |
| MCCA  | Ministry of Community & Cultural Affairs                        |
| NGO   | Non-government Organization                                     |
| NSO   | National Statistics Office                                      |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| PNSDP | Palau National Sustainable Development Plan                     |
| PIFS  | Pacific Islands Forum Secretariat                               |
| PNC   | Palau National Code   |
| PNCA  | Palau National Code Annotated                                   |
| PPE   | Palau Parents Empowered   |
| PRSD  | Pacific Regional Strategy on Disability                         |
| RPPL  | Republic of Palau Public Law                                    |
| UDHR  | Universal Declaration of Human Rights                           |

## **I. Introduction**

1. The Government of the Republic of Palau is pleased to present to the Committee on the Rights of Persons with Disabilities its initial report under the Convention on the Rights of Persons with Disabilities (Convention). The initial report provides treaty specific information on articles 1–33 of the said Convention. The Government of Palau ratified the Convention on the Rights of Persons with Disabilities on June 11, 2013, with no reservations. Palau further acceded the Optional Protocol of the Convention on the Rights of Persons with Disabilities on June 11, 2013. In becoming a party to the Convention, Palau affirmed its commitment to the realisation of fundamental rights and freedoms of persons with disabilities including vulnerable groups of women, girls, children and elderly with disabilities in Palau.

### **A. Overview**

2. The Republic of Palau is the westernmost group of the Caroline Islands in Micronesia, lying almost equidistant from the Philippines to the west, Papua New Guinea to the south, and Guam to the northeast. Comprised of over 340 islands, Palau has a total land mass of 188 square miles and a maritime exclusive economic zone of 237,830 square miles.

3. There are three indigenous languages in Palau: Palauan, spoken on the main islands, Sonsorolese and Tobian, spoken in the Southwest Islands.

4. Christianity was introduced by Spanish missionaries in the early years of European contact. Today, 99% of residents are affiliated with an organized religion, including: the Roman Catholic (49%); the Protestant (23%); the Modekngei religion (9%); the Seventh Day Adventist (5%); and several smaller denominations.

5. Palau approved its Constitution in 1981. After eight referenda and an amendment to the Palau Constitution, the Compact of Free Association with the United States went into effect on October 1, 1994, marking Palau's emergence from trusteeship to independence.

### **B. System of Government**

6. Palau is a democratic republic with directly-elected executive and bicameral legislative branches. General elections take place every four years to elect the president, vice president and members of Congress. The Palau National Congress (Olbiil Era Kelulau) has two houses (The Senate and the House of Delegates). The Senate has 13 members elected nationwide. The House of Delegates has 16 members one from each of Palau's 16 states. Each state also elects its own governor and legislators.

7. The President of Palau is both head of state and head of government. Executive power is duly established under Art VIII, §1–14 of the Palau Constitution. The legislative power is vested in the Palau National Congress and duly established under Art IX, §1–17 of the Palau Constitution.

8. The establishment and functions of the Judiciary are provided for under Art X, §1–14. The Judiciary is comprised of the Supreme Court and its Appellate Division, the National Court, the Court of Common Pleas and the Land Court. The Judiciary is independent of the Executive and the Legislative branches.

9. In November 2016, Palauans elected a new President, Tommy E. Remengesau, Jr., and Vice President, Raynold Oilouch. They took office on January 2017.

10. The Council of Chiefs, which is comprised of the highest traditional chiefs from each of the 16 states, acts as advisory body to the President. The Council is consulted on matters concerning traditional laws and customs. The recognition of the Council of Chiefs as an advisory body to the President is provided for under Art VIII, §6 of the Palau Constitution.

### **C. Constitution**

11. The Constitution of the Republic of Palau is the supreme law of the nation. It establishes the fundamental rights of every citizen and the powers of government; ensures checks and balances among the three separate independent branches, that government power will not exceed its jurisdiction; and gives recognition to traditional rights. Any law, act of government or agreement to which the Government of Palau is a party shall not conflict with this Constitution and shall be invalid to the extent of such conflict.

### **D. Language**

12. Art XIII, §1 of the Palau Constitution states that the Palauan traditional language is the national language, and both Palauan and English are the official languages. According to recent amendments to this Article of the Palau Constitution, if there is a conflict between Palauan and English interpretations of the Constitution, the Palauan version shall prevail and the Olbiil Era Kelulau (Palau National Congress) determines the appropriate use of each language.

### **E. Population**

13. The population in 2015 was 17,661 persons, of whom 12,889 (73%) were ethnic Palauan and 4,772 (27%) were non-Palauan. Most non-Palauan residents are foreign workers from the Philippines and other Asian countries (80%).

### **F. Basic Needs Poverty Line (BNPL)**

14. According to the ADB-Country Partnership Strategy PALAU 2009–2013, 25% of the population is below the national basic needs poverty line. The depth of poverty is similar to the regional average. Income distribution across Palau is fairly even. A recent survey conducted by the Ministry of Finance (2009) found that, out of the 4,000 households surveyed, the average household income was USD 6,000.

#### **Other international conventions (covering disability)**

15. Art IX, §5(7) of the Palau Constitution gives the power to the Olbiil Era Kelulau (the Palau National Congress) to ratify treaties by a vote of a majority of the members of each house. Palau has ratified two human rights convention, the Convention on the Rights of the Child on August 4, 1995, and the Convention on the Rights of Persons with Disabilities on June 11, 2013. Palau continues to review and consider the other 7 human rights treaties that are pending in Congress for ratification.

#### **Preparation and structure of report**

16. The report sets out to recognize progress made, including the measures that have been taken in a wide range of areas within the different government ministries, as well as to identify challenges and obstacles that hinder the full participation of persons with disabilities in Palau. The report reflects in detail the progress of implementation under Articles 1 to 33 of the Convention.

17. The report also considers the Palau National Sustainable Development Plan and other regional disability commitments, including the Pacific Regional Strategy on Disability, the Pacific Education Framework and Biwako Millennium Framework. Further references have been made to the Palau Government report on the Convention on the Rights of the Child.

18. The report was developed by the members of the Human Rights Working Group created through Executive Order No. 368, comprising of experts from the relevant sectors including education, health, gender, infrastructure, Palau Parents Empowered a parent and family resource center for parents and families of children with disabilities and the National

Disability Persons Organizations group called OMEKESANG Association contributed towards the drafting of the Initial Report.

19. A series of workshops and consultations were held with key disability stakeholders in formulating this report. For instance, the Office of the United Nations High Commissioner for Human Rights (OHCHR) assisted Palau in organizing a consultative workshop on May 23–25, 2017 to finalize the present report.

#### **Consultation with stakeholders**

20. The consultation process for this report commenced in February 2015 with key government ministries and OMEKESANG Association. A high level dialogue on disability issues was held at the margins of the first consultation with members of the cabinet including the Vice President and members of the Senate.

21. A national consultation was held with most government ministries and non-governmental and disabled persons' organizations to brief stakeholders on the details of the requirements of the Convention.

22. The Government of Palau is grateful to all stakeholders who provided information and comments on the present report.

#### **Status of the Optional Protocol**

23. Palau acceded to the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities on June 11, 2013 and no complaints have been submitted yet.

#### **Palau Disability Policy**

24. The Government of Palau has developed a draft National Disability Inclusive Policy 2015–2020. The purpose of the Policy is to provide guidance and recommendations for the implementation matrix for all government, non-government organizations, disabled persons' organizations, individuals, families and communities throughout Palau and to address and engage in the needs and services of persons and families with disabilities and build a more inclusive society for all persons in Palau.

25. The goal of the Policy is to ensure that all persons with disabilities in Palau live freely and inclusive lives to fulfil their full potential and to live as self-sufficient and contributing members of Palau communities and the well-being of the Republic. In addition, it provides a structure for addressing disability issues in Palau to develop a more equal and inclusive society to enhance recognition of the disability state and its requisite for a cohesive and comprehensive national development that realizes an "inclusive" society for all persons.

26. The objectives of the Policy are:

(a) To strengthen coordination and collaboration between government agencies, CSOs and other stakeholders;

(b) Strengthen DPOs and NGOs to be self-reliant, sustainable.

#### **National Disabled Persons Organization**

27. The only DPO in Palau is OMEKESANG, a Non-Governmental Organization founded in 1997 by Michael Ongalibang. Since the passing of Mr. Ongalibang, OMEKESANG was re-established in early 2010 and became associate member for Pacific Disability Forum (PDF). In early 2011, OMEKESANG earned its local corporate charter as NGO in Palau and full member of PDF. OMEKESANG is now the only Disabled Persons Organization (DPO) in Palau for, of, and by Persons with Disabilities (PWDs). As of moment, OMEKESANG is the member of Asia-Pacific DPO United, Disabled Persons International, and International Disability Alliance.

28. OMEKESANG is a member of the Human Rights Working Group and work closely with Palau Parent Empowered, government agencies to do and support their work. They

were key DPO that helped the Government of the Republic of Palau with the Universal Periodic Review report on the disability area of the report.

29. The Palau Parents Empowered (PPE) is funded 100% by US Federal Grant under the Office of Special Education. Their main focus is on the education of a child with disabilities. Through their work with families in the past 5 years, they have identified other needed areas that requires them to seek other sources of funding. They have found that the Palau Community College's services for students with disabilities are very limited resulting in students staying home after they have exited Special Education Program. They have been communicating with the college and government agencies in trying to bridge the gap after high school to college or career based on individual students' strength. PPE focuses on children and people with disability up to 26 years old.

30. PPE is also a member of Youth Services Team (YST) which focuses on youth with and without disabilities who are struggling in school and community. Member agencies are Judiciary, Ministry of Justice, Ministry of Health, Ministry of Education, Ministry of Community and Cultural Affairs. They have conducted outreach to all schools in Palau and have started outreach to communities. PPE membership is focused on youth with disabilities, making sure they get the required services.

### **Regional Commitment**

31. The Pacific Regional Strategy on Disability (PRSD) provides a strong rationale for regionalism by identifying specific areas where a cooperative regional approach will support national action. With the conclusion of the 'Biwako Millennium Framework for Action' (BMF, covering Asia and the Pacific) in 2012, the PRSD builds on work to date and takes a Pacific-specific approach. The PRSD provides an opportunity for Pacific Island governments to strengthen its implementation of the Convention on the Rights of Persons with Disabilities.

32. A regional tracking report noting progress on disability-inclusive development is prepared for Pacific Countries. The overall progress in Palau was 66% due to the changes in law, policy and key mainstreaming efforts such as disability inclusive education and the overall health response.

33. Palau has participated in various international and regional meetings and workshops discussing disability and was a signatory (1997) to the Proclamation On The Full Participation And Equality Of People With Disabilities In Asian And Pacific Region For The Asian And Pacific Decade Of Disabled Persons, 1993–2002.

34. Palau is also a member of the Pacific Islands Forum which has accorded high priority to disability in recent years. In 2003 Pacific Leaders endorsed the UN ESCAP Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for persons with Disability in Asia and the Pacific:

- Leaders endorsed the Biwako Millennium Framework for Action as providing a set of goals and targets that Pacific island countries could work toward over the next ten years. They acknowledged that immediate priorities for Pacific governments should be to address policy that would dismantle barriers and improve access and coordination for the disabled.<sup>1</sup>

35. A new Asian and Pacific Decade of Persons with Disabilities, 2013–2022 was adopted by UNESCAP member states including Palau in the Republic of Korea in November, 2012. The Incheon Strategy to "Make the Right Real" for persons with disabilities in the Asian and Pacific region is providing useful framework for countries in the region to address disability-related concern.

36. Palau also participated in the first Pacific Forum Ministerial meeting on disability held in the Cook Islands in October 2009 where the Pacific Regional Strategy on Disability 2010 to 2015 was endorsed. The purpose of the Pacific Disability Strategy is to:

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<sup>1</sup> 2003 Forum Leaders Communiqué.

- Support Pacific Island Forum member countries protect and promote the rights of persons with disabilities;
- Provide a framework for the coordination of development partners, governments and civil society in building a disability inclusive Pacific; and
- Strengthen commitment of all stakeholders towards implementation of the Convention on the Rights of Persons with Disabilities and other human rights instruments which relate to disability.

37. The Strategy has since been endorsed by Pacific Leaders at the Pacific Forum in September 2010. Palau also participated in the second and third Forum Disability Ministers Meeting held in Papua New Guinea, in 2012 and in the Federated States of Micronesia in 2014 respectively.

## II. General Provisions of the Convention (arts. 1–4)

38. The Constitution of Palau in Article IV, §5 specifically provides that all persons are equal under the law. Not only is the government prohibited from discriminating against persons with disabilities, but they are to be provided with preferential treatment. Article IV, §5 provides that “Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations. No person shall be treated unfairly in legislative or executive investigations.”

39. The Republic of Palau currently has specific legislation on the promotion and protection of rights of persons with disabilities in the areas of education and employment. The Programs and Services for Handicapped Children’s Act of 1989 states that it is the obligation of the national government to provide educational services to all children of Palau, including those with a disability. 22 PNCA §401 The Act establishes guidelines for providing accommodations to children with disabilities in the educational setting. This includes the development of Individual Education Programs (IEP’s) for children with disabilities. Furthermore, compulsory school attendance is required for children ages 6–17 under 22 PNCA §159. A parent or guardian can be fined up to \$100 for permitting a child to be absent from school without good cause.

40. In Palau law there are currently different definitions of disability. The Disabled Person’s Anti-Discrimination Act defines disability as “a physical or mental impairment that substantially limits one or more person’s major life activities.” 33 PNCA §3032(a) The Act prohibits employment discrimination. The Act also mandates disabled parking and other accommodations for persons with disability at all national government buildings.

41. There is inconsistency in defining the term ‘disabilities’ in existing law and policies and revision is needed to ensure that the definition is consistent to that stated in the National Disability Inclusive Policy. The Palau National Code currently defines disability as “... a physical or mental impairment that substantially limits one or more of a person’s major life activities.” Similarly, the laws need to be revised to remove reference to “handicap” to “disability”.

42. The Social Security Act of 1987 provides the following definition of “disability”: an inability to engage in any substantial gainful employment by reason of any medically determined physical or mental impairment which can be expected to result in death or which has lasted, or can be expected to last, for a continuous period of not less than twelve (12) months.

43. At the moment, Palau does not have any law on “reasonable accommodation.” But arrangements have been made to accommodate wheelchair-bound students to attend their classes at all Public Elementary Schools, Palau High School and Palau Community College.

44. Persons with disabilities including women with disabilities have been actively involved in the development and implementation of legislation and policies to introduce the Convention. For instance, they were involved in the development on the drafting of the national disability policy consultations and workshops in 2015.

### **III. Specific provisions**

#### **Article 5 Equality and non-discrimination**

45. Pursuant to Article IV, §5 of the Palau Constitution all persons are equal under the law and they are entitled to equal protection. The government is prohibited from discriminating on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation. Furthermore, preferential treatment is provided for citizens, “for the protection of minors, elderly, indigent, and physically or mentally handicapped.” The Constitution needs to be amended to remove the phrase “physically or mentally handicapped” and replace it with persons with disabilities.

46. The Constitution sets forth other fundamental rights such as freedom of religion, freedom of speech and freedom of assembly. These rights pertain to all individuals, including those with a disability. The Palau National Disability Inclusive Policy for 2015–2020 focuses on inclusion and equality for persons with disabilities. The Disabled Person’s Anti-Discrimination Act prohibits discrimination in employment. It also provides for the initiation of affirmative action practices for persons with disabilities seeking employment in the National Public Service System. Implementation of the act has been challenging due to the lack of awareness for the legislation.

#### **Article 8 Awareness-raising**

47. The Government of Palau recognizes the importance of protecting the rights of persons with disability as demonstrated by Disability Awareness Weeks, the most recent of which was the week of April 19, 2015, which are established by Presidential Proclamations.

48. There has been a number of Presidential Proclamations since 1994 declaring disability awareness weeks through press conferences involving various representatives. These proclamations recognize that some Palau community members struggle to achieve their full potential as self-sufficient and contributing members of their communities for the well-being of the Republic”. These weeks raised awareness in the wider community of the contribution of persons with disabilities to the community and the range of services available for persons with disabilities.

49. Example of a Proclamation: “Disability awareness week would aid all citizens of the Republic by raising consciousness of and sensitivity to the presence of individuals with challenged conditions in Palau, and awareness of and sharing in the important work done by agencies supporting such individuals to become fully integrated participants in their life and be accepted members of the social, political and economic institutions of our society.” (Proclamation, 17 April 2002).

50. Parents of children with disabilities in Palau have always been involved in awareness programs organized by government and non-government agencies before Palau Parents Empowered (PPE) was officially created in 2010. Since then, PPE has consistently collaborated with Special Education Programs in conducting radio talk shows on the importance of education for children with disabilities. PPE also conducts its own radio talk shows at least once every quarter. In 2012, PPE conducted a conference on Behavior Management. Over 100 participants consisting of parents, Special and General Education teachers, other service providers and community members learned behavior management strategies that apply initially to one-self before others; and that behavior is also a way of

communication, especially with a non-verbal child. This conference was announced before hand and aired live on radio for those unable to attend and those living in outer villages.

51. During the Disability Awareness Week in 2014, themed: “Sustainable Development: The Promise of Technology”. PPE organized a radio talk show with partner agencies about available services and technologies for people with disabilities. Adults with disabilities also shared their personal stories – challenges and joys in connecting with people in the community, to services available and simply just sharing the comfort that they are not alone in their daily struggles.

52. A National Forum on Disabilities was held on 17–18 April 2017, which highlighted the importance of the Convention on the Rights of Persons with Disabilities, and implications of the convention as a way of moving forward with Disability developments in Palau.

53. The strong partnership of OMEKESANG with government line ministries and various NGOs had strengthened many successful celebrations of honoring every third week of April as Disability Awareness Week along with the December 3 for International Day on Persons with Disabilities starting on the year 2011. These days were commemorated with the Presidential Proclamations and various programs and activities raising awareness of the presence and participation of persons with disabilities in the community. Such occasions were declared and publicized with every means of media like newspapers, televisions, and radio programs or talk shows. They also held various talk shows, outreach and site visit programs, and educational and fun activities to different institutions. The main objectives of these activities were to raise awareness on the commitment of the Government of Palau to the issue and the need for strong partnerships to progress disability inclusive development activities and programs. The ongoing meetings and workshops also emphasize the rights-based approach in addressing issues and needs of persons with disabilities.

54. OMEKESANG, the Ministry of Community & Cultural Affairs (MCCA), and the Ministry of Health (MOH), together with the Pacific Disability Forum and in partnership with the Australian Human Rights Commission and the Pacific Islands Forum Secretariat convened the Training on Human Rights of Persons with Disabilities on April 2012 in Palau. The workshop training was aimed on Governments and Disabled People’s Organizations (DPOs) Working Together to Promote and Protect the Rights of Persons with Disabilities. The training also focused on increasing the knowledge of DPO and senior government representatives on the Convention on the Rights of Persons with Disabilities and its accompanying obligations in relation to signing and ratification. The training presented with sessions on different priorities and actions for implementing the National Policy on Disability. Additionally, the organizers set up the National Forum on Women with Disabilities focusing on the establishment of Women’s Committee within the DPO and developing an action plan targeting girls and women with disabilities which OMEKESANG can support and implement.

55. The Ministry of Community & Cultural Affairs and OMEKESANG published the National Disability Policy and the Convention on the Rights of Persons with Disabilities. The policy had been distributed to government agencies and stakeholders while the CRPD was translated to local language and disseminated to the stakeholders. The publications were aimed on awareness for legislations and policies reform toward the CRPD ratification and its implications on the people of Palau.

56. Further, to the aforementioned training, OMEKESANG and Government ministries have had many various programs and activities promoting for disability awareness and advocating for the rights of persons with disabilities. OMEKESANG had collaborated with focal and line ministries and various stakeholders to hold continuous workshops and consultations for implementation process of CRPD. The PIFS and PDF, with the support of OMEKESANG, MCCA, and MOH organized the Legislative Compliance Review Research work, base line research on National Disability Survey, CRPD Advocacy Workshops, and CRPD Ratification in the Pacific Research update work that occurred late October 2013. The purpose of these consultations and workshops were to do legislative compliance first draft finalization, national disability survey plan finalization, advocacy strategies on CRPD, and completing the CRPD Pacific Research projects.

57. These different workshops and consultations have significantly impact the review of this current National Disability Inclusive Policy and numerous CRPD advocacy workshops, disability inclusive developments in climate change and disaster management, and health and education policies. They have also further contributed to the Government of Palau to sign and ratify CRPD and further strengthen public awareness on disability and the Convention. At the same time, they have brought persons with disabilities and their families to share and gather information on some of the growing concerns on disability issues and developments/further strengthen public awareness.

58. The Ministry of Community and Cultural Affairs has been organizing the ongoing national forum meetings and workshops on the Palau National Disability Policy, legislation and the CRPD. On January 2015, the Pacific Islands Forum Secretariat and the Pacific Disability Forum with the Ministry of Community & Cultural Affairs and OMEKESANG, facilitated a consultation workshop on the review of the draft National Disability Policy, consultation on the reporting obligations and process of the CRPD, and a consultation on the new Pacific Disability Rights Framework. The goal of this workshop was to finalize the draft of National Disability Inclusive Policy for official government endorsement and fulfilling the international commitment to CRPD.

59. The Ministry of Community & Cultural Affairs and OMEKESANG have produced a brochure on the newly drafted National Disability Inclusive Policy which is at its final stage. The brochure was aimed at increasing awareness on the rights of persons with disabilities and disability inclusive developments in Palau. It also aimed to share and spread more awareness on the policy and for the community to provide input on the policy.

60. OMEKESANG had also promoted the strong partnership with the Embassies of Japan, Republic of China, and United States. One good example of the relationship with the Embassy of United States and Palau International Coral Reef Center (PICRC) promoting for accessibility to all people. OMEKESANG had the opportunity to collaborate with the US Embassy and Palau International Coral Reef Center (PICRC) on ensuring the accessibility of the center. They provided views and thoughts to PICRC on having a wheelchair accessible pathway around the center area. Media coverage stories were covered through the newspapers and websites promoting the PICRC as accessible and friendly environment. They also had the opportunity to work with the USDA Rural Development Grant and Loan programs to address the lack of accessibility in residential housing. A recent successful recipient of the housing loan program is a woman with physical disability. This strong partnership has been an integral component in promoting awareness on the rights of persons with disabilities in Palau and instrumental in changing and creating legislation and policies on the rights of persons with disabilities.

61. OMEKESANG have had active participation with many consultations, meetings and workshops for advocating the integration and inclusiveness of disability aspect in different national policies and strategies. They have been continuing their partnership with the Ministry of Health participating as one of the members of Healthcare Coalition, for Emergency Medical Services for Children (EMSC) and perform their roles in the Advisory Committee for Public Health and Preventive Health Block Grant. They have also been attending and fulfilling their functions as another member of the Ad-Hoc Committee for finalization of the National Climate Change Policy.

62. National Disabilities Awareness Week is an annual program held every third week of April that promotes disability awareness. Reference Article VIII. Currently, public awareness health campaigns (including HIV/ AIDS, malarial prevention) are not accessible via braille, sign languages or assertive devices.

## **Article 9 Accessibility**

63. The Disabled Person's Anti-Discrimination Act has a provision for access to government buildings by persons with disabilities. Section 508 states that the Ministry of Public Infrastructure, Industries and Commerce shall designate at least one (1) parking space close to the main entrance to each national government building open to the public.

Additionally, for newly constructed national government buildings, the Ministry of Public Infrastructure, Industries and Commerce shall construct doorways wide enough to accommodate wheelchairs, wheelchair ramps to allow access to the first floor of the building and one (1) male and one (1) female toilet facility with oversized doorways and safety rails.

64. There is a lack of assistive devices, rehabilitation centres and provision of hearing aids which limits accessibility. Access to information is another key challenge as due to technical resources information is not available in Braille, sign language interpretation, or in accessible formats. Without access to transportation, information and communication, and other services, persons with disabilities would not have equal opportunities for participation in their respective societies.

## **Article 10**

### **Right to life**

65. In the Constitution of the Republic of Palau, Article 4, §6 states that: “The government shall take no action to deprive any person of life, liberty, or property without due process of law nor shall private property be taken except for a recognized public use and for just compensation in money or in kind.”

66. Furthermore, abortion is a felony offense which carries a sentence of up to five years imprisonment under 17 PNCA §1310.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

67. The National Emergency Management Office (NEMO) under the Office of the Vice President is responsible for the effective coordination of disaster preparedness activities, working in partnership with National Emergency Council (NEC) working groups, all government departments, sectors, NGOs, churches, the private sector, community groups and regional partners.

68. In the National Disaster Risk Management Framework under Disaster Preparedness, the framework guarantees that: “Effective disaster preparedness activities are designed to ensure that vulnerable communities have the knowledge and understanding of the hazards and risks, to which they may be exposed to, in order to take appropriate actions to save lives, protect properties and the environment. The resources and systems needed to cope with the effects of a disaster should also be maintained in a state of readiness in order for them to be efficiently mobilized and deployed when needed.”

69. Under the Warning & Alert Systems of the National Disaster Risk Management Framework it further states that: “In order to minimize the impact of disasters on vulnerable individuals and communities and ensure an effective emergency response, it is critical to have reliable and effective warning and alerting system in place. Knowing when to act and what to do will save lives and properties.”

70. Standard Emergency procedures however address the needs of vulnerable groups that include persons with disabilities, women, children and the elderly. This needs to be strengthened to ensure that in times of emergency, the specific needs of persons with disabilities are properly met and they are also fully included in the recovery, relief and reconstruction process.

## **Article 12**

### **Equal recognition before the law**

71. Palau Constitution Article 4 Section 5 states: “Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion

or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations. No person shall be treated unfairly in legislative or executive investigation.”

72. There is a court procedure for persons with disability to file a petition for guardianship and/or conservatorship. Although there is no specific law on guardianship and/or conservatorship addressing people with disabilities, if there are any case laws available in the United States then that process is followed.

73. There is no specific venue for persons with disabilities to be informed of their Constitutional rights. This is an area that can be improved upon by adding the information to the curriculum at public and private elementary and secondary schools as well as the Palau Community College.

### **Article 13**

#### **Access to justice**

74. In the Palau Constitution Article 4 Section 7 states that: “A person accused of a criminal offense shall be presumed innocent until proven guilty beyond a reasonable doubt and shall enjoy the right to be informed of the nature of the accusation and to a speedy, public and impartial trial. He shall be permitted full opportunity to examine all witnesses and shall have the right of compulsory process for obtaining witnesses and evidence on his behalf at public expense. He shall not be compelled to testify against himself. At all times the accused shall have the right to counsel. If the accused is unable to afford counsel, he shall be assigned counsel by the government. Accused persons lawfully detained shall be separated from convicted criminals and on the basis of sex and age. Bail may not be unreasonably excessive nor denied those accused and detained before trial. The writ of habeas corpus is hereby recognized and may not be suspended. The national government may be held liable in a civil action for unlawful arrest or damage to private property as prescribed by law. Coerced or forced confessions shall not be admitted into evidence nor may a person be convicted or punished solely on the basis of a confession without corroborating evidence.”

75. So far there has been no cases of persons with disabilities trying to access the court system, however, if there should be any cases, the court will accommodate their needs. The Supreme Court is accessible for persons with disabilities via designated parking spaces and ramps for wheelchair access. Reasonable accommodation is also provided to persons with disabilities seeking to access services located on the 2nd floor of the Supreme Court.

76. Enforcement measures for the Disabled Person’s Anti-Discrimination Act can be increased with the promulgation of rules and regulations. Complaints of violations of the Act can be made to the Office of the Ombudsman. The Office of the Ombudsman is part of the Executive Branch of government and it is tasked with assisting individuals with grievances regarding services, programs or activities of the Government.

77. The Palau Code includes provisions for the use of an insanity defense for persons who are deemed insane at the time they committed a criminal offence. 18 PNCA §901.

78. Persons arrested for crimes are considered innocent until proven guilty under the law. They are also provided with a number of other rights, including the right to remain silent. Persons with disabilities are afforded these same rights. There are accommodations in the Koror Jail for inmates who suffer from mental illness. These inmates can be transferred to the Belau National Hospital for treatment. The Director of the Bureau of Public Safety indicated that there are currently no inmates at the Koror Jail with physical disabilities. However, if an individual with physical disabilities is incarcerated, accommodation will be put in place to assure freedom of movement and protection from other inmates in the general population.

79. The Citizenship Act includes accommodations for persons with disabilities. 13 PNCA §139, 140 The Act includes a provision whereby persons with disabilities who are

precluded from being present in open court to take the oath of allegiance or renunciation may do so at another location.

80. Compliance with the requirements of this Article can be improved by establishing provisions for reasonable accommodations in the legal process to ensure effective participation for persons with disabilities in the Justice system.

## **Article 14**

### **Liberty and security of person**

81. Article IV, §4 of the Palau Constitution establishes that: “Every person has the right to be secure in his person, house, papers and effects against entry, search and seizure.” Furthermore, pursuant to Article IV of the Constitution, the national government shall take positive action to protect the safety and security of persons and property. These Constitutional provisions apply to all persons, including those with a disability.

82. Article IV, §6 of the Palau Constitution states that: “The government shall take no action to deprive any person of life, liberty, or property without due process of law nor shall private property be taken except for a recognized public use and for just compensation in money or in kind.” This Constitutional provision applies to persons with a disability.

83. The Palau Code limits the authority of the government to involuntarily commit individuals with mental illnesses. The Trial Division of the Supreme Court must conduct a hearing where at least two (2) witnesses testify, one of which must be a medical professional, in order to have a person committed either to the care of a relative or placed in a medical facility. 34 PNCA §531.

84. The 72-Hour Detention and Evaluation Act provides for emergency commitments, but it is limited to 72 hours unless a Court Order is obtained. There are also limits on the use of physical restraints and psycho-surgical treatment. Furthermore, individuals subject to commitment have a right to counsel and written copies of the rights afforded to them during their stay in the evaluation facility. 34 PNCA §551.

85. For persons with disabilities who have been deprived of their liberty are provided with reasonable hospital accommodation such as the Involuntary Admission “72-Hour Mental Hold”, where clients deemed as “dangerous to self or others”, the physician/psychiatrist completes a 72-Hour Mental Hold protocol. The official form is placed in front of the client’s chart (copies will be forwarded to Attorney General & Public Defendant) Further evaluation by a Physician within 72 Hours will be conducted and order one of the following when the 72 Hour expires: Temporary Confinement and to Complete form to request court date; Change to Voluntary Status; Discharge Against Medical Advice; Discharge Home.

86. Each person held under a 72-hour detention has the following personal and medical rights. Personal rights (34 PNC §559) 1.) to make 2 phone calls within 2 hours of being detained and then 2 phone calls every twenty-four hours during the detention. 2.) To receive and send sealed correspondence without censoring, opening, or delay by the Hospital. 3.) To have letter writing materials, including local postage and staff members will assist you in writing and mailing correspondence, if needed. 4.) To have frequent, convenient opportunities to meet with visitors including attorneys, clergy, or physicians. 5.) To not be fingerprinted unless otherwise required by law. 6.) To not be photographed except for identification and administration purposes. Any photos are confidential and not released except by Court Order. 7.) If the person declines to exercise the rights listed above, the Hospital staff shall make reasonable efforts to notify his or her guardian or family of the 72-hour detention. 8.) The rights listed above will be denied only for good cause by mental health professionals and any denial shall be entered into his or her treatment record and made available to him or her and his or her attorney. Personal property rights (34 PNC§560) Hospital Staff members shall take reasonable care to preserve and safeguard personal property of persons admitted. Right to counsel (34 PNC§561) Have the right to counsel at the earliest possible opportunity and have the right to contact a private attorney. If a person admitted cannot afford a private attorney, he/she has the right to contact the office of the

public defender. If the attorney says its necessary to have the right to have an interpreter present when appropriate. The person admitted have the right to contest involuntary detention and any matter which may develop as a result of the detention. If detained longer than 72 hours, a person has the right to a hearing before a judge, with an attorney and qualified interpreter present. Medical rights (34 PNC§562) To medical, social and rehabilitative services as your condition may require to bring about your eventual release. To be free from unnecessary or excessive medication. Medication is administered only by order of a physician. Medication is not administered as punishment, for staff convenience or in quantities which impair treatment. To receive information about medication that is prescribed and the nature of the mental illness or behavior requiring the medication. Freedom from restraint (34 PNC§563) A person will not be physically restrained unless there is a present imminent threat of physical harm to self or others. No physical restraint or isolation shall be for more than two (2) hours; after two (2) hours, an attending physician may continue physical restraint or isolation only after observing and evaluating the situation. Bathroom privileges will be given every hour and shall be bathed at least every 24 hours if with physical restraint or in isolation, unless for good cause, the attending physician orders otherwise. Freedom to refuse surgery (34 PNC§564) Have the right to refuse non-emergency surgery. A court appointed conservator may consent to surgery on your behalf. Have the right to refuse psycho-surgical treatments such as lobotomy, electroconvulsive treatment or other unusual or hazardous treatment. Such procedures will only be done after your express informed consent following an opportunity to consult with counsel, an independent physician, or family members. Notice of rights (34 PNC§565) A person is entitled to a written copy, in English and Palauan, of all patient's rights. If a patient is unable to read, these rights shall be read to the patient. A written copy of these rights, in both the English and Palauan languages shall be posted in a common area.

## **Article 15**

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

87. Article IV, §10 forbids torture, cruel or degrading treatment or punishment and excessive fines and §11 prohibits slavery or involuntary servitude except to punish crime.

88. There is no medical or scientific experimentation on persons with disabilities.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

89. Article IV of the Palau Constitution addresses "freedom from exploitation, violence, and abuse" under the following sections:

- §5 Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations. No person shall be treated unfairly in legislative or executive investigations;
- §6 The government shall take no action to deprive any person of life, liberty, or property without due process of law nor shall private property be taken except for a recognized public use and for just compensation in money or in kind;
- §10. Torture, cruel, inhumane or degrading treatment or punishment, and excessive fines are prohibited;
- §11 Slavery or involuntary servitude is prohibited except to punish crime. The government shall protect children from exploitation.

90. The Palau National Code Annotated (PNCA) identifies and defines crimes that fall under exploitation, violence, and abuse along with applicable punitive measures. Sexual

and trafficking offenses are explicitly laid out in the PNCA. While it doesn't specifically address persons with disabilities, the measures apply to every person regardless of age, sex, gender, class, social and traditional standing.

91. Chapter 8 of the Family Protection Act of 2012 covers offenses against minors and persons with disabilities as "Offenses Against the Family and Against Incompetents." The offenses and punitive measures are elaborated under the following sections:

- '801. Endangering the welfare of a minor in the first degree;
- '802. Endangering the welfare of a minor in the second degree;
- '803. Endangering the welfare of an incompetent person;
- '804. Custodial interference in the first degree;
- '805. Custodial interference in the second degree;
- '806. Abuse of family or household members; penalty;
- '807. Harassment by stalking;
- '808. Customary or traditional reconciliation; no bar to criminal prosecution.

92. Under the Family Protection Act Section 822, persons with disabilities including minors are able to file Protective Orders against abusers through the following mechanisms:

(a) Any family or household member on the member's own behalf or on behalf of a family or household member who is a minor or who is an incapacitated person or who is physically unable to go to the appropriate place to complete or file the petition; or

(b) Any agency of the Republic of Palau on behalf of a person who is a minor or who is an incapacitated person or a person who is physically unable to go to the appropriate place to complete or file the petition on behalf of that person.

93. Previously, the Victims of Crime Assistance Office (VOCA) offered counselling services and advocacy for victims and survivors of abuse. However, this office is no longer in existence since 2015 after the coordinator retired. The Community Guidance Center ran by the Ministry of Health offers counselling to anyone seeking help, albeit there is no specialized program for victims and survivors of abuse including persons with disabilities. Thus, this report recognizes the gaps in social protection services, recovery and re-integration programs.

94. There are children, girls and women, boys and men, and older persons with disabilities living in remote areas with less access to public services. Ensuring the inclusion of these groups in national policies and programs will greatly reduce the risk of violence, exploitation and abuse of all women and men, boys and girls who continue to be at risk, as well as prevent discrimination in access to services. Thus, our Government will need to pay particular attention to the needs of women and men, girls and boys facing greater disadvantages and will need to make sure they benefit from programs and services.

## **Article 17**

### **Protecting the integrity of the person**

95. There is no forced sterilization of persons with disabilities in Palau. Additionally, abortion is not legal in Palau. In the Palau National Code (PNC) 17 Section 201 defines that "Every person who shall unlawfully cause the miscarriage or premature delivery of a woman, with the intent to do so, shall be guilty of abortion and upon conviction thereof shall be imprisoned for a period of not more than five years."

## **Article 18**

### **Liberty of movement and nationality**

96. Article IV, § 9 states that a citizen of Palau may enter and leave Palau and may migrate within Palau.

97. The minimum requirements for free and compulsory birth registration are in place. The restrictive aspects of the Constitution do not impact significantly on the child's right to birth registration.

98. The law requires that every birth in Palau be registered within one week of delivery. A name for the child is required at the time of registration as per Palau National Code (PNC 34.40). For many years now, every birth in Palau has taken place within the health system. Compliance with the birth registration law is, therefore, close to 100%. Due to restriction under Palauan law to nationality, land ownership and other rights to person of non-Palauan descent and/or citizenship, parental information is of great importance since the information recorded in birth registration is the most common means for a person to establish rights as a citizen and as a member of his or her respective clan(s).

## **Article 19**

### **Living independently and being included in the community**

99. Article 4, §6 states that the government shall not deprive anyone of life, liberty or property without due process of law. There are various house loans and land lease opportunities available to all including persons with disabilities to start the building of their homes and be able to live on their own. The processes for these opportunities are the same as any other people applying. There are some persons with disabilities who have been given these opportunities.

## **Article 20**

### **Personal mobility**

100. Persons with disabilities are able to live freely and provided mobility in the community. There are laws in place providing their access to services and participate in the various community events. Though there is still a challenge for accessing the assistive devices, families and care givers need more awareness to accept and understand disability in order to provide full support to their child or relatives who are persons with disabilities. When the wider community understands disability, persons with disabilities are able to exercise their rights and make their own decisions to participate and mobilize in the society.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

101. The Constitution of the Republic of Palau in Article IV Section 2 states that: "The government shall take no action to deny or impair the freedom of expression or press. No bona fide reporter may be required by the government to divulge or be jailed for refusal to divulge information obtained in the course of a professional investigation."

102. Article IV Section 2 of the Constitution guarantees the basic rights of the people of Palau stating that the government shall take no action to deny or impair the freedom of expression or press. The Constitution stipulates that no bona fide reporter may be required by the government to divulge, or be jailed for refusal to divulge information obtained in the course of a professional investigation. This right is widely respected in Palau. The press and public including persons with disabilities have not experienced any restriction in access.

103. Persons with disabilities are given the opportunity to express their opinions and views on public events and issues. They can write stories of events or press release to the newspapers and media without cost. They can draft stories and news without discrimination on the basis of their nationality and types of disability. OMEKESANG had contributed many stories, press releases, and disability related news to media such as newspapers, radios, and televisions.

104. The Constitution further states in Article VI, Section 12 that: "a citizen has the right to examine any government document and to observe the official deliberations of any agency of government."

## **Article 22**

### **Respect for privacy**

105. The 72-Hour Detention and Evaluation Act states that information concerning persons detained for seventy-two (72) hour evaluation and treatment shall not be disclosed without consent or court order authorizing disclosure. Additionally, prospective employers are not allowed to ask individuals if they have ever been detained for seventy-two (72) hour evaluation and treatment. 34 PNCA §566. Pursuant to 41 PNCA §960, no medical information obtained by the Social Security Administration may be released without consent or court order. The release of information by an employee of the Administration is a criminal offense punishable by imprisonment and a fine.

## **Article 23**

### **Respect for home and the family**

106. Article IV, § 13 of the Palau Constitution states that: “the government shall provide for marital and related parental rights, privileges and responsibilities on the basis of equality between men and women, mutual consent and cooperation. Parents or individuals acting in the capacity of parents shall be legally responsible for the support and for the unlawful conduct of their minor children as prescribed by law.”

107. As Article IV of the Constitution of Palau again declares the right of anyone to life, liberty and security so that also gives persons with disabilities the right to access health services including family planning, reproductive health, and other public health care services. Also, the same article declares freedom of press and expression so persons with disabilities are entitled to those rights in deciding what they want to do for themselves.

108. Section 13 of Article IV indicates that the government shall provide for marital and related parental rights, privileges and responsibilities on the basis of equality between men and women, mutual consent and cooperation. Parents or individuals acting in the capacity of parents shall be legally responsible for the support and for the unlawful conduct of their minor children as prescribed by law.

109. The families of persons with disabilities provide assistance and support to maternal mothers while in the process of raising their children. Additionally, the Public Health in collaboration with partners assist all new mothers by visiting them in homes during post-natal stages and at such stages when they and their children need to be monitored. Such assistance also applies to persons with disabilities. In rare cases where the mother of the child is unable to care for the child because of the severity of her disabilities, families will take responsibility for the child.

## **Article 24**

### **Education**

110. Article IV of the Constitution of Palau states that the “national government shall provide free public education for citizens and education shall be compulsory. Free public education is provided by the national government for grades one (1) to twelve (12). Furthermore, compulsory school attendance is required under law for children ages 6–17. A parent or guardian can be fined up to \$100.00 for permitting a child to be absent from school without good cause. 22 PNCA § 159.

111. RPPL 3–9 August 1989, allows children with disabilities ages 0–21 the right to free appropriate education. Additionally, the Individuals with Disabilities Education Act (IDEA) 2004 is a supplement grant from the US for the education program for Children and youth with disabilities aged 3–21 who have the right to free appropriate public education.

112. In general education program there are different teams or committees that identifies, intervene, evaluate and develop plans for a student who might need special education and related services.

113. Currently there are approximately 87 children with disabilities in the program and each have an individual education plan (IEP), where their goals and objectives are aligned with the general education curriculum with students at the same grade level.

114. Both the IDEA and the RPPL 3–9 mandates that schools and materials are accessible and that individualized reasonable accommodation and support required by students with disabilities is provided to ensure effective education and full inclusion. Availability of specific skills training for services for children with disabilities or teachers related service providers is an on-going capacity building to improve special education services. The on-going specific skills training and professional development for staff and students and parents is mandated by law and assured by the US federal grant procedures. All these are reported annually for compliance and improvement of performance status of students with disabilities.

115. The Career and Technical Education (CTE) program is a school instructional program with the goal of motivating students to participate in courses and work related activities that will lead to graduation with a high school diploma, and industry recognized credential or prepared to enter post-secondary education in related degree program. It is a career-oriented program with direct involvement of local employer to provide students with major step towards the required skills employers need. All students including special education students that have transitioned to regular education classroom are enrolled in an integrated curriculum with a minimum of three academic classes and one vocational technical course in block-scheduling format each semester during high school. The CTE program includes Job Shadowing in the 10th grade, Career Mentoring in the 11th grade and Career Practicum in the 12th grade.

116. After high school, children with disabilities are encouraged to further their education and Palau Community College (PCC) strives to incorporate inclusive education as an accredited institution that receives US Federal Grant Assistance from the USDOE.

117. In post-secondary education, PCC provides reasonable accommodations for persons with disabilities which has been provided to some students and at the same time allows for the same application process to all students. There was 1 student attending PCC during the school year 2016–2017 and she completed her studies this year May 2017. After the age of 21, there are no other education opportunities for persons with disabilities in Palau.

#### Special Education Child Count SY 2016–2017

| <i>School</i>      |           |           |           |
|--------------------|-----------|-----------|-----------|
| District I         |           |           |           |
| Gbh                | 2         | 7         | 9         |
| Melekeok           | 0         | 4         | 4         |
| Ngaraard           | 3         | 0         | 3         |
| District II        |           |           |           |
| Airai              | 1         | 3         | 4         |
| Aimeliik           | 1         | 1         | 2         |
| Meyuns             | 3         | 4         | 7         |
| Ngarchelong        | 1         | 2         | 3         |
| District III       |           |           |           |
| Koror              | 10        | 10        | 20        |
| Peleliu            | 2         | 2         | 4         |
| Angaur             | 0         | 0         | 0         |
| District IV        |           |           |           |
| Phs                | 9         | 15        | 24        |
| Early childhood    | 3         | 4         | 7         |
| <b>Grand total</b> | <b>35</b> | <b>52</b> | <b>87</b> |

**Special Education SY 2016–2017**

| <i>Gender</i> | <i>Disability</i>            | <i>Quantity</i> |
|---------------|------------------------------|-----------------|
| Female        | Autism                       | 1               |
| Female        | Hearing Impairment           | 1               |
| Female        | Intellectual Disability      | 2               |
| Female        | Multiple Disability          | 3               |
| Female        | Orthopedics Impairment       | 1               |
| Female        | Other Health Impairment      | 2               |
| Female        | Specific Learning Disability | 20              |
| Female        | Speech & Language Impairment | 3               |
| Female        | Visual Impairment            | 2               |
|               |                              | 35              |
| Male          | Autism                       | 4               |
| Male          | Developmental Delay          | 1               |
| Male          | Intellectual Disability      | 2               |
| Male          | Multiple Disability          | 4               |
| Male          | Orthopedics Impairment       | 1               |
| Male          | Other Health Impairment      | 2               |
| Male          | Specific Learning Disability | 32              |
| Male          | Speech & Language Impairment | 5               |
| Male          | Visual Impairment            | 1               |
|               |                              | 52              |
| <b>Total</b>  |                              | <b>87</b>       |

118. All schools have to be inclusive which is to place students with disabilities in general education classroom with their non-disabled peers. However, this does not apply to all students with disabilities, which is the main purpose behind a student's annual Individualized Education Plan (IEP) where individual student's needs are addressed by an IEP team consisting of parents, Special and Regular Education teachers, School Principal and other related service providers.

## **Article 25 Health**

119. Article VI of the Constitution of Palau states that the "national government shall take positive action to promote the health and social welfare of the citizens through the provision of free or subsidized health care." National Healthcare Financing Act provides universal health insurance. There's also an existing Mental (Behavioral Health Division) for mental health referral programs for persons with intellectual and psychosocial disabilities. A Social and Spiritual Services is established under the Behavioral Health Division of the Ministry of Health. There is absence of law regarding order of guardianship. Currently, there is no existing rehabilitation facilities in Palau. Plan for Community Based Rehabilitation training for CBR workers will be placed. The Bureau of Public Health of the Ministry of Health plans to pay special attention to the following thematic areas in the next 5 years. These themes will guide the bureau through its internal and external collaborative work:

- NCD and Risk Factors;
- Substance Use (Tobacco, Alcohol and other Substances);

- Injury and Violence;
- Mental and Behavioral Health;
- Safe Reproductive and Sexual Health;
- Emerging and Reemerging Infections;
- High Level of Immunization across life Span;
- Work Places and communities promoting health (through work place practices, child care services and regulations and legislations);
- Climate change and resilient health system;
- Other significant issues (Gender mainstreaming, disability, cultural sensitivity and discrimination).

120. All aspects of the Health System can impact on persons with disabilities. The public health services are non-discriminatory, transparent and is constantly evolving to meet the changing needs of the community. It's Four Core Business Processes are: Primary Care, Risk Disease Prevention, Health and Wellness Promotion, Rehabilitation, Healing and Recovery.

121. According to the Profile of Non-Communicable Disease Risk Factors, among young people in Palau age 18–24 (released online March 2015), a slightly modified WHO STEPS instrument was used, including a structured behavioral risk factors questionnaire, physical measurements and blood examinations. From a total of 356 participants, nearly half of the population is obese/ overweight. Prevalence of Hypertension is higher in men (17.6%) than women 1.7%. About 3.5% have raised blood glucose levels, and 5.2% have impaired fasting blood glucose levels. 36% were observed to have raised cholesterol levels and more than 70% of the young people were current users of tobacco, The National Disability Policy states greater awareness needs to be created, particularly in rural and remote areas of how disabilities can be prevented through early identification and intervention, improved community health practices, and work place safety as the costs of delivering rehabilitation and other services are high.

122. Infants and young children with disabilities require access to early intervention services, including early detection and identification (birth to three years old). Failure to provide early detection, identification and intervention to infants and young children with disabilities and support to their parents and caretakers results in secondary disabling conditions which further limit their capacity to benefit from educational opportunities and increases health and welfare costs to the state in the long term. The Head Start program provides early screening for disabilities and includes some children with disabilities in their centers once they reach the age of 3 years. Early identification and intervention should be a combined effort of the Ministry of Health (MOH), Ministry of Education (MOE), and the Ministry of Community and Cultural Affairs. Many people commented on the need for enhanced coordination between stakeholders.

123. The Ministry of Health system prioritizes primary health care, therefore centers on protecting mothers and children, preventing epidemics and combating diseases. Maternal and Child care are conducted early on through Prenatal Care, where vaccinations and thorough screening and counseling are done – free of cost at the Community Health Center. Multivitamins and Supplements are provided as well. This is to protect against potential disabilities and monitor growth and development of mother and child, pre- and post-pregnancy.

124. There is an Interagency Memorandum of Agreement between MOH, MOE, Headstart and MOJ however, this needs to be updated and redefine partnerships with participating agencies. Challenge Gaps for the Rights of Children with Disabilities: There are some diagnosis that are excluded from the list of Special Education's list, for which further education for such children are maintained with the mainstream schooling. There are no measures in place to train doctors and other health professionals on the rights of persons with disabilities. However, after the ratification of the CRPD by the Government of Palau, trainings for doctors and other health professionals will be set forth in order to

promote and protect the rights of persons with disabilities. The Public Health Director has yet to meet with Doctors with Specialty Clinics to expand the early detection, screening and referral to treatment for persons with disabilities.

125. The Ministry of Health has yet to formalize a standard Voluntary Admission with Patients' Rights Form for admissions for individuals with intellectual or mental disabilities. The hospital uses a standard form for informed consent, and health professionals document them in charts about possible procedures and informed consent.

126. Regulations implement 34 PNC 331 as amended RPPL No. 7–13, Section 19, where in the Ministry of Health is mandated to establish a new MOH Medical and Other related Fee Schedule of 2006, it is designed to take positive action to provide fair and equitable cost of health care services to the People of Palau in a fiscally responsible manner.

*“Individuals with severe physical disabilities” means individuals who are homebound, wheelchair bound, or blind and who are unemployable due to their physical disabilities and require assistance for their daily care” and “division of behavioral Health Registered patients” means the individuals whose names are listed as having been examined and determined by the Division of Behavioral Health to be in need of constant observation and medical attention.”*

127. The Ministry of Health in accordance with Section 19 of Republic of Palau Public Law No. 7–13, these rules and regulations to implement Medical and Related Fee Schedule 2006.

*“Part 5. 1 Behavioral Health Patients: A registered patient of the Division of Behavioral Health shall pay a 5% of the cost of medical and other health care services.*

*Part 5.2 Behavioral Health Patient Drugs: A registered patient of the division of Behavioral Health shall pay \$1.00 for drugs per item.*

*Part 6.1 Individuals with Severe Physical Disabilities: shall pay 5% of the cost of medical and other health care services received.*

*Part 6.2 Prescription Drugs: A severely disabled individual shall pay \$1.00 for drugs per item. The National Health Insurance Policy has no provision for people with disabilities, as their policies applies to everyone. Ex; 80% is covered by Employer, 20% is covered by the patient.”*

128. There is currently an ongoing work to update the Schedule Fee, and consultancy efforts for cost analysis and further inclusion for person with disabilities will take place. Internally at the MOH, for Children with Disabilities: there is a “Disability Card Policy” within the Ministry that covers free consultation, treatment and medications for Out Patient care evaluations by the Pediatricians and as approved by the Director of Public Health. The Disability Card Policy also applies for free consultation and evaluation for Behavioral Health clients by the Psychiatrist, however there seems to be inconsistency with the Pharmacy as medicines are given under the Fee Schedule of 2006 (instead of free). This element of the in-house policy will have to be reviewed. For In-depth and In-patient treatments of persons with disabilities, they are covered by the National Health Insurance Policy, as well as the above mentioned Fee Schedule of 2006.

129. There is a plan to work with National Health Insurance to provide a “package” suited for persons with disabilities.

130. Affordable and quality healthcare for the elderly and the disabled is a moral and legal imperative, which has been reflected in the Republic of Palau's Constitution and the National Healthcare Financing Act. On 17 February 2016, the Honorable Palau President Remengesau signed the law RPPL 9–57, which allocates ten percent of the revenues derived from import tax on alcoholic beverages and excise tax on tobacco to pay for the healthcare coverage subscription costs of non-working citizens who are either over the age of 60 or people with disabilities. Additionally, the bill allocates ten percent of revenues acquired from this tax to fund the newly established Non-Communicable Disease Fund.

131. As a result from the National Disability forum, the partners and stakeholders identified data collection and information as one of the main priorities. The development of support on registering and centralizing disability data and information and identifying core indicators and data set were the proposed actions.

## Article 26 Habilitation and rehabilitation

132. Currently, there is no Rehabilitation Center to cater for each different types of Disabilities (Physical, Sensory, Intellectual, and Psychosocial Disability), However, the Ministry of Health caters for “acquired physical disability” thru rehabilitation therapy /physical therapy in the Physical Therapy (PT) section of the Hospital. For Psychosocial Disability, a program on Psychosocial Rehabilitation under the Behavioral Health Division is in the process, to guide persons with psychosocial disability, gain tools for supportive employment (via WIA), life skills and social skills training, relapse prevention and peer support are the main goals of the program.

133. Participation in habilitation and rehabilitation services and programs are voluntary upon evaluations and dialogues with key individuals. The promotion and trainings for professionals and staff working in habilitation and rehabilitation programmes are being developed. Different Specialties such as ENT, Ophthalmology are regularly invited to evaluate and provide specialty services for persons with disabilities. Specialty services /operations are carried out via partnership with off island hospitals (Schriners, Triplers, Taiwan Hospitals). International Funding sources assist in providing assistive devices such as hearing aids.

| <i>Disability</i>                           | <i>ICD10</i> | <i>Age<br/>0-5</i> | <i>Age<br/>6-14</i> | <i>Age<br/>15-20</i> | <i>Age<br/>21-30</i> | <i>Age<br/>31-40</i> | <i>Age<br/>41-50</i> | <i>Age<br/>51+</i> | <i>Total</i> | <i>Male</i> | <i>Female</i> |
|---|--------------|--------------------|---------------------|----------------------|----------------------|----------------------|----------------------|--------------------|--------------|-------------|---------------|
| Autistic Disorder<br>299.00                 | F84          | 0                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 0            | 0           | 0             |
| Behavior Problems<br>V40.0                  | F98.9        | 0                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 0            | 0           | 0             |
| Cleft Palate 749.00                         | Q35          | 3                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 3            | 0           | 3             |
| Cerebral Palsy 343.8                        | G80          | 1                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 1            | 0           | 1             |
| Deafness/Speech/<br>Hearing 389.9 or 315.34 | H91          | 0                  | 0                   | 0                    | 0                    | 0                    | 0                    | 2                  | 2            | 1           | 1             |
| Down Syndrome 758.0                         | Q90          | 1                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 1            | 0           | 1             |
| Hemiplegic 342.00                           | G81          | 0                  | 1                   | 0                    | 0                    | 0                    | 0                    | 2                  | 3            | 2           | 1             |
| Hydrocephalus 331 or<br>741                 | G91          | 0                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 0            | 0           | 0             |
| Intellectual Disability<br>319              | F81.9        | 0                  | 0                   | 0                    | 0                    | 0                    | 1                    | 0                  | 1            | 1           | 0             |
| Schizophrenia 295.00                        |              | 0                  | 0                   | 0                    | 4                    | 6                    | 6                    | 10                 | 26           | 18          | 8             |
| Pervasive DD 299.90                         | F84.9        | 0                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 0            | 0           | 0             |
| Speech Problems v41.2                       | F80          | 0                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 0            | 0           | 0             |
| Talipes 754.7                               | Q66.8        | 0                  | 0                   | 0                    | 0                    | 0                    | 0                    | 0                  | 0            | 0           | 0             |

| Disability                 | ICD10 | Age<br>0-5 | Age<br>6-14 | Age<br>15-20 | Age<br>21-30 | Age<br>31-40 | Age<br>41-50 | Age<br>51+ | Total     | Male      | Female    |
|----------------------------|-------|------------|-------------|--------------|--------------|--------------|--------------|------------|-----------|-----------|-----------|
| Visual Impairment<br>369.9 | H54   | 0          | 0           | 0            | 0            | 0            | 0            | 0          | 0         | 0         | 0         |
| <b>Overall total</b>       |       | <b>5</b>   | <b>1</b>    | <b>0</b>     | <b>4</b>     | <b>6</b>     | <b>7</b>     | <b>14</b>  | <b>37</b> | <b>22</b> | <b>15</b> |

## Article 27

### Work and employment

134. The Disabled Person's Anti-Discrimination Act prohibits discrimination in employment. It also provides for the initiation of affirmative action practices for persons with disabilities seeking employment in the National Public Service System. 33 PNCA §3034,3037.

135. The Disabled Person's Anti-Discrimination Act precludes employment discrimination. Section 3036 of the Act allows for a cause of action in Court for damages, including up to \$1,000 in punitive damages for violations. Furthermore, there is authorization in the law to promulgate rules which can establish a preference for persons with disabilities who seek employment with the National Public Service System.

136. In our collaborative work with Special Education, lack of services are identified and we assist in finding solutions to meet those needs for students with disabilities. One of them is the lack of services for the blind. PPE will be hosting a workshop of Tactile Graphics for the visual impaired during the month of September 2015 with a professor from Poland who has conducted such trainings in various parts of the world.

137. Additionally, PPE also serves youth with disabilities. We conduct job skills training, Individualized Educational Plan (IEP) training which is very important as they enter high school and have to have a say in their plan as they learn to advocate for themselves. As a resource center, we provide them internet access and training as part of preparation for after high school.

138. In a recent workshop conducted by Belau Employers & Educators Alliance (BEEA) and Belau Family School & Community Association (BFSCA), in which PPE is a member of, I learned that our legislature has added to our Palau National Scholarship 2 more priority fields, Education and Special Education to the current 3 priority fields of Medicine, Law and Engineering. I believe with continued collaborative work with other agencies, change can happen; and if I may, I would like to share this quote by Bill East, Jr., Ed.D. from National Association of State Directors of Special Education (NASDE):

*"There will never be enough laws, policies, processes or documents to force change. Change is best realized through the relationships we build with those people and groups that have a common interest toward solving a persistent problem or seizing an opportunity."*

## Article 28

### Adequate standard of living and social protection

139. Article VI of the Constitution of Palau states that the national government shall take positive action to protect the safety and security of persons and property and to promote the health and social welfare of the citizens through the provision of free or subsidized health care.

140. The Republic of Palau's social security system was created to ensure a measure of security for persons in their old age or during disability. The Social Security Act defines disability as the "inability to engage in any substantial gainful employment by reason of any medically determinable physical or mental impairment which can be expected to

result in death or which has lasted or can be expected to last, for a continuous period of not less than 12 months. 41 PNCA §702 (a) (7). The Act provides a monthly benefit for persons with disabilities. 41 PNCA §754.

141. The National Healthcare Financing Act and the Severely Disabled Assistance Fund was established to take positive action to promote the health and social welfare of the citizens of the Republic of Palau through the establishment of a health care finance system that provides free or subsidized health care for citizens of the Republic of Palau. The Disabled Person's Anti-Discrimination Act prohibits discrimination in employment. 41 PNCA §902. This is accomplished with medical savings accounts and universal health insurance coverage.

#### **Palau Severely Disabled Assistance Fund**

142. The Government of Palau established a Palau Severely Disabled Assistance Fund enacted by RPPL 6–26 administered by the Ministry of Community and Cultural Affairs through the Bureau of Youth Applied Arts & Career. This fund was created as a response to the first national disabilities convention on August 2nd 2001 which identified approximately 325 Palauan citizens with severe disabilities without full employment.

143. The purpose of this fund is:

(a) To provide monthly assistance to individuals in the Republic of Palau who are homebound, wheel chair bound and or blind;

(b) Following an amendment of RPPL 6–26, in 2007 RPPL 7–25 increased the stipend from USD 50.00 to USD \$75.00 per month for those requiring 24 hours care and increased the stipend from USD 30.00 to USD \$50.00 for those who are wheel chair bound and blind;

(c) In 2016 RPPL 9–55 further amended the increase from USD \$75.00 per month to USD 100.00 for those requiring 24 hours care and increased the stipend from USD 50.00 to USD \$75.00 for those who are wheel chair bound and blind.

(i) The law further states that the Minister of Community & Cultural Affairs may increase the monthly stipend if it is determined that there are available funds in the program;

(ii) Eligibility criteria to receive these assistances are; person with disability must be homebound, wheelchair-bound and blind. A committee appointed by the President of the Republic of Palau is delegated the responsibility to screen applicants, do home visits and provide annual report to the National Congress and the President's Office. For FY 2016, the National Congress appropriated \$295,625.00 to the Palau Severely Disabled Funds Program. The program continues to receive and process applicants.

#### **Palau Severely Disabled Assistance Fund**

##### *Overall Status Report*

|                     |        |            |
|---------------------|--------|------------|
| Recipients          |        | 253        |
| Eligible Recipients | Male   | 143        |
|                     | Female | 110        |
| <b>Total</b>        |        | <b>253</b> |

##### **By Category**

##### *Recipients*

|            |        |     |
|------------|--------|-----|
| Homebound  | Male   | 123 |
|            | Female | 95  |
| Wheelchair | Male   | 13  |

| <i>Recipients</i> |        |            |
|-------------------|--------|------------|
|                   | Female | 13         |
| Blind             | Male   | 7          |
|                   | Female | 2          |
| <b>Total</b>      |        | <b>253</b> |

### **Age Group**

| <i>Age</i>   | <i>1-9</i> | <i>10-14</i> | <i>15-34</i> | <i>35-54</i> | <i>55 and up</i> |            |
|--------------|------------|--------------|--------------|--------------|------------------|------------|
| Female       | 10         | 9            | 23           | 38           | 30               | 110        |
| Male         | 14         | 4            | 31           | 57           | 35               | 141        |
| <b>Total</b> | <b>24</b>  | <b>13</b>    | <b>54</b>    | <b>95</b>    | <b>65</b>        | <b>251</b> |

## **Article 29**

### **Participation in political and public life**

144. The Palau Constitution has a suffrage provision in Article VII. However, it establishes that persons who are “mentally incompetent” as determined by a Court may not vote. The Voting Rights Act of 1981 provides accommodations for individuals with physical disabilities who would otherwise be precluded from voting because they cannot attend a designated polling site. Persons who are homebound or hospitalized can request the Election Commission to provide them ballots in their respective places for them to vote. Persons with disabilities may run for office at their own discretion. Currently, in one of the state governments of Palau, 2 men with disabilities ran for legislature and won their election.

145. Persons with visual impairments receives assistant from the Election Commission to cast their votes during elections. The Palau Election Commission has a list of persons with disabilities that are eligible to vote and would go to their homes to ensure they cast their votes.

## **Article 30**

### **Participation in cultural life, recreation, leisure and sport**

146. The Division of Aging under the Ministry of Community and Cultural Affairs provides recreation activities, health and well-being programs in partnership with the Ministry of Health. Programs are geared towards the aging or elderly population aged 55 and over and includes women and men with disabilities.

147. The Koror Complete Streets Pilot Project is coordinated by the Palau Office of Climate Change. Complete Streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Complete Streets make it easy to cross the street, walk to shops, and bicycle to work. The Koror Complete Streets Pilot Project will help create liveable communities for various types of users, including children, people with disabilities, and older adults. Complete Streets improve equity, safety, and public health, while reducing transportation costs and traffic woes.

## IV. Specific provisions for women and children

### Article 6

#### Women with Disabilities

148. The Republic of Palau government recognizes that the advancement of women is a crosscutting issue in all its work. The Government also recognizes that further work is needed to ensure all women benefit from the economic and social changes. There exists a Family Protection Act 2012 that seeks to ensure that all matters related to family violence are consistent with the Republic of Palau's commitments to human rights.

149. RPPL No. 8-51, 2012 offers protection and create effective remedies to deter acts of family violence, expand and strengthen the ability of police officers to assist family violence victims, enforce the law effectively against family abusers, and establish family violence as a serious crime which will not be excused or tolerated, by bringing to bear strong law enforcement and appropriate legal penalties for acts of family violence and abuse, and for other related purposes.

150. The Act was further strengthened in July 2014 when five government agencies signed a Memorandum of Understanding to put in place the different roles and responsibilities of the agencies in implementing the Act. This interagency effort has been active under the leadership of Ministry of Community and Cultural Affairs and Palau Judiciary.

151. The Palau Family Protection Act and the accompanying MOU is consistent with the Republic of Palau's commitments to human rights and gender equality, and specifically to:

(a) Enact provisions consistent with the United Nations Convention on the Elimination of Discrimination against Women; and

(b) Enact provisions consistent with the United Nations Convention on the Rights of the Child; and

(c) Enact provisions consistent with the United Nations Convention on the Rights of Persons with Disabilities.

152. The Republic of Palau is signatory to the CEDAW and through the Division of Gender under the Ministry of Community and Cultural Affairs is currently working on the Palau National Gender Mainstreaming Policy. Although in draft form, one objective that has been identified is to align national plans to implement Government's international and regional commitments on gender equality, women's empowerment to include women and girls with disabilities.

153. The draft Palau National Disability Inclusive Policy priorities on women and girls with disabilities calls for increased efforts towards gender mainstreaming and advocacy on the rights of women and girls with disabilities. There is a need for targeted study on gender and disabilities which can inform the policies and programs.

154. Mechesil Belau is an organization that has been instrumental in bringing together women's traditional organizations and non-governmental organizations each year to address women's and community issues. Together, these partners have built an effective social network to build capacity among women within the community. Traditional women's groups exist in all States, including the outer atolls and islands that are linked through the Internet and offices in the urban centers to ensure the full involvement of women in developing and implementing programs.

155. The constitution of the Republic of Palau declares that Fundamental Human Rights are to be enjoyed by both gender. Despite the constitutional provisions, there still exists persistent gender inequalities. For example, one woman out of four (25.2%) have experienced physical and/or sexual violence by a partner in their lifetime. Over 8% experienced such violence in the 12 months prior to being interviewed during the Palau Family Health and Safety Study (Palau Family Health and Safety Study – October 2014). Additionally, there is a strong need for improved gender disaggregated statistics across all

sectors to track progress on gender equality. This would support the development of an evidence-based rationale for relevant policy dialogue, analysis and programming.

## Article 7

### Children with disabilities

156. Children with disabilities have the right for free appropriate public education as stipulated in the Individuals with Disabilities Education Act (IDEA) 2004 and the RPPL 3–9 August 1989. At age 16, a youth with disability obtains the right to make decisions regarding special education services the youth may need in education. Data of children with disabilities is shared between programmes and agencies for in-depth studies and follow up activities to ensure development and delivery of appropriate services needed by an individual child with disability. There are currently 87 students receiving special education services.

#### Special education SY 2016–2017

| <i>Gender</i> | <i>Age</i> | <i>Disability</i> | <i>Description of Disability</i> |
|---------------|------------|-------------------|----------------------------------|
| F             | 10         | 8                 | Autism                           |
| F             | 9          | 3                 | Hearing Impairment               |
| F             | 10         | 2                 | Intellectual Disability          |
| F             | 16         | 2                 | Intellectual Disability          |
| F             | 11         | 13                | Multiple Disability              |
| F             | 21         | 13                | Multiple Disability              |
| F             | 18         | 13                | Multiple Disability              |
| F             | 6          | 7                 | Orthopedics Impairment           |
| F             | 10         | 10                | Other Health Impairment          |
| F             | 5          | 10                | Other Health Impairment          |
| F             | 13         | 11                | Specific Learning Disability     |
| F             | 14         | 11                | Specific Learning Disability     |
| F             | 14         | 11                | Specific Learning Disability     |
| F             | 7          | 11                | Specific Learning Disability     |
| F             | 13         | 11                | Specific Learning Disability     |
| F             | 13         | 11                | Specific Learning Disability     |
| F             | 11         | 11                | Specific Learning Disability     |
| F             | 13         | 11                | Specific Learning Disability     |
| F             | 13         | 11                | Specific Learning Disability     |
| F             | 13         | 11                | Specific Learning Disability     |
| F             | 13         | 11                | Specific Learning Disability     |
| F             | 12         | 11                | Specific Learning Disability     |
| F             | 12         | 11                | Specific Learning Disability     |
| F             | 16         | 11                | Specific Learning Disability     |
| F             | 7          | 11                | Specific Learning Disability     |
| F             | 15         | 11                | Specific Learning Disability     |
| F             | 18         | 11                | Specific Learning Disability     |
| F             | 20         | 11                | Specific Learning Disability     |
| F             | 20         | 11                | Specific Learning Disability     |
| F             | 19         | 11                | Specific Learning Disability     |
| F             | 21         | 11                | Specific Learning Disability     |
| F             | 12         | 4                 | Speech & Language Impairment     |

| <i>Gender</i> | <i>Age</i> | <i>Disability</i> | <i>Description of Disability</i> |
|---------------|------------|-------------------|----------------------------------|
| F             | 12         | 4                 | Speech & Language Impairment     |
| F             | 5          | 4                 | Speech & Language Impairment     |
| F             | 10         | 5                 | Visual Impairment                |
| F             | 4          | 5                 | Visual Impairment                |

| <i>Gender</i> | <i>Age</i> | <i>Disability</i> | <i>Description of Disability</i> |
|---------------|------------|-------------------|----------------------------------|
| M             | 10         | 8                 | Autism                           |
| M             | 9          | 8                 | Autism                           |
| M             | 6          | 8                 | Autism                           |
| M             | 15         | 8                 | Autism                           |
| M             | 4          | 1                 | Development Delay                |
| M             | 8          | 2                 | Intellectual Disability          |
| M             | 8          | 2                 | Intellectual Disability          |
| M             | 10         | 13                | Multiple Disability              |
| M             | 12         | 13                | Multiple Disability              |
| M             | 13         | 13                | Multiple Disability              |
| M             | 17         | 13                | Multiple Disability              |
| M             | 4          | 7                 | Orthopedic Impairments           |
| M             | 15         | 10                | Other Health Impairment          |
| M             | 19         | 10                | Other Health Impairment          |
| M             | 12         | 11                | Specific Learning Disability     |
| M             | 15         | 11                | Specific Learning Disability     |
| M             | 7          | 11                | Specific Learning Disability     |
| M             | 15         | 11                | Specific Learning Disability     |
| M             | 6          | 11                | Specific Learning Disability     |
| M             | 16         | 11                | Specific Learning Disability     |
| M             | 12         | 11                | Specific Learning Disability     |
| M             | 9          | 11                | Specific Learning Disability     |
| M             | 13         | 11                | Specific Learning Disability     |
| M             | 14         | 11                | Specific Learning Disability     |
| M             | 13         | 11                | Specific Learning Disability     |
| M             | 6          | 11                | Specific Learning Disability     |
| M             | 13         | 11                | Specific Learning Disability     |
| M             | 9          | 11                | Specific Learning Disability     |
| M             | 11         | 11                | Specific Learning Disability     |
| M             | 12         | 11                | Specific Learning Disability     |
| M             | 10         | 11                | Specific Learning Disability     |
| M             | 12         | 11                | Specific Learning Disability     |
| M             | 12         | 11                | Specific Learning Disability     |
| M             | 12         | 11                | Specific Learning Disability     |
| M             | 14         | 11                | Specific Learning Disability     |
| M             | 15         | 11                | Specific Learning Disability     |
| M             | 19         | 11                | Specific Learning Disability     |

| <i>Gender</i> | <i>Age</i> | <i>Disability</i> | <i>Description of Disability</i> |
|---------------|------------|-------------------|----------------------------------|
| M             | 17         | 11                | Specific Learning Disability     |
| M             | 17         | 11                | Specific Learning Disability     |
| M             | 19         | 11                | Specific Learning Disability     |
| M             | 16         | 11                | Specific Learning Disability     |
| M             | 20         | 11                | Specific Learning Disability     |
| M             | 18         | 11                | Specific Learning Disability     |
| M             | 18         | 11                | Specific Learning Disability     |
| M             | 21         | 11                | Specific Learning Disability     |
| M             | 17         | 11                | Specific Learning Disability     |
| M             | 18         | 4                 | Speech & Language Impairment     |
| M             | 6          | 4                 | Speech & Language Impairment     |
| M             | 6          | 4                 | Speech & Language Impairment     |
| M             | 7          | 4                 | Speech & Language Impairment     |
| M             | 5          | 4                 | Speech & Language Impairment     |
| M             | 8          | 5                 | Visual Impairment (BLIND)        |

157. Laws and policies in place for rights of children with disabilities in Education but it does not reflect on what goes on in schools most of the time. A well-defined and structured process between agencies for better collaboration and on-going support to children with disabilities and their families is needed.

158. Children with special needs are defined as persons between the ages of 0 and 21 years of age who need special assistance in education and related services beyond those required by most other children due to long term physical, developmental, behavioural or emotional conditions. There are approximately 300 such children currently on the registry in the Health Department, 189 of whom also receive special education services. Of the children served by special education, 15 are severely disabled, requiring either service in their homes or in a specialized education facility.

159. Services for children with disabilities are coordinated by an Interagency Task Force headed by the Ministry of Health with membership from Special Education, Head Start, Behavioural Health, Vocational Rehabilitation, Physical Therapy, Out Patient Clinic and Palau Parents Network. The purpose of the Task Force is to provide seamless child services extending from birth to childhood. Under the Palau Constitution (Art V), persons with disabilities are designated as a vulnerable group entitled to special consideration by government. The Handicapped Children's Act of 1989 (22 PNC § 4) requires the National Government to "provide education services to all children to enable them to live free and productive lives ... (and) to provide full education opportunities and necessary support services to each handicapped child in order that the child acquires the skills and knowledge necessary to lead a fulfilling and productive life as a citizen of the republic."

160. The Handicapped Children Act (PNCA 402) provides for:

- "Multidisciplinary interagency program of early intervention services for handicapped infants and toddlers and their families;
- Coordination of services;
- Enhance the capacity of all service agencies and the community's schools to provide relevant and quality services to handicapped children;
- Pre-service training to teachers, parents, and administrators of programs serving handicapped children;
- Procedural fairness and the basic rights of individuals;
- Free appropriate public education to the handicapped children of the "republic";
- Health and family services to handicapped and at risk infants and toddlers;

- Early intervention services to infants and toddlers”.

161. The PNC goes on to note that “the child must be assessed in all areas related to the suspected disability.” (PNCA 406, 3, G). The Act also designates mainstreaming as the strategy of choice for delivering services to the disabled, establishes the Interagency Task Force on Children with Special Needs and guarantees that, if Federal funds for Special Education services phase out, the Olbiil Era Kelulau will appropriate replacement funds from local revenues.

## **V. State party obligations**

### **Article 31**

#### **Statistics and data collection.**

162. There was no information on disability collected on the 2014 Belau Health Survey.

163. The Ministry of Education’s Special Education Program conducts an annual Parents Survey that checks for parents’ awareness and knowledge of their children’s disabilities and their involvement in their education.

164. The Special Education Program also conducts a child count on a monthly basis as children enter and exit the Special Education Program throughout the year. This child count is reported at the end of every year.

165. The Office of Planning and Statistics in 2015 attempted to capture data on disability through the 2015 Census of Population, Housing & Agriculture. Questions were taken from the Washington Group and included in the census. An analysis is planned for this year with the Pacific Community (Secretariat of the Pacific Community). Please see attached Palau 2015 Census of Population, Housing & Agriculture Table 16a, 33a, 48a, 62a, 75a and 88a, as Annex 1.

### **Article 32**

#### **International cooperation**

166. The Republic of Palau recognizes the support of international partners that have been indispensable in our effort to increase the quality of life for persons with disabilities. Palau has and continues to engage in North-South and South-South cooperation in an effort to implement the Convention. Below are some highlights of such cooperation:

- Palau receives grants from the United States Department of Education for its national Special Education Program as well as for a parents training center, Palau Parents Empowered;
- As elaborated elsewhere in this report, Palau is party to the Pacific Regional Strategy on Disability (PRSD) – a regional effort that aims to strengthen the work of Pacific Island countries in implementing the Convention. This cooperation came out of the aforementioned Biwako Millennium Framework for Action of 2012. The PRSD has a regional progress-monitoring framework that puts Palau at 66% in achieving its goals.

167. Palau participates in several regional summits and frameworks as mentioned in section I of this report. They are:

- Proclamation On The Full Participation And Equality Of People With Disabilities In Asian And Pacific Region, 1993–2003;
- Palau as a member of the Pacific Islands Forum endorsed the UN ESCAP Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for persons with Disability in Asia and the Pacific in 2003;
- Palau as a member of UNESCAP adopted the new Asian and Pacific Decade of Persons with disabilities, 2013–2022 in 2012;

- In 2009, Palau endorsed the Pacific Regional Strategy on Disability 2010 to 2015 at a Pacific Forum Ministerial held in Cook Islands.

168. Palau also recognizes other international NGOs that have been generous in-kind and small-scale funding donors of basic needs such as wheelchairs as well as other personal items.

### **Article 33**

#### **National implementation and monitoring**

169. The Ministry of Community & Cultural Affairs is the Government's focal point for matters relating to the implementation of the Convention on the Rights of Persons with Disabilities. The Ministry just created in March 2017 a new Division of Disability which is yet to be staffed. There is also a plan to establish a disability coordination office to be housed at the Ministry of Health.

170. Executive Order No. 298 established the National Disability Coordinating Council (NDCC) to promote equal opportunities for all persons with a disability in the Republic of Palau. However, this Council has been inactive since its establishment and a request from the Human Rights Working Group through the Vice Chair has been made to the Office of the President to change the current members of the NDCC with more active persons doing disability work in Palau. The Office of the President is keen on looking into this recommendation in helping the Human Rights Working Group move forward with its human rights work especially on disability.

### **Conclusion**

171. The Ministry of Community and Cultural Affairs together with the whole Government of the Republic of Palau is committed in working towards addressing disability issues in Palau, develop a more equal and inclusive society, promote greater independence for awareness of the needs and rights of persons with disabilities and identify priority areas for action to dismantle barriers hindering the inclusion and full participation of persons with disabilities in the political, social and economic life. It is our goal to work towards an inclusive society where all persons with disabilities in Palau live free and to fulfil their full potential to live as self-sufficient and contributing members of Palau communities and for the well-being of the Republic.

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