

# **Convention on the Rights of the Child Shadow Report Submission: Children and Youths with Disabilities in Palau**

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Submitted by OMEKESANG Association

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# Convention on the Rights of the Child (CRC) Shadow Report Submission OMEKESANG Association, a Disabled Persons Organization in Palau

## I. Overview

OMEKESANG Association is a non-government organization founded in the late 90's by its first president, the late Michael Ongalibang. The purpose of the organization is to promote disability awareness; advocate and protect the rights and needs of persons with disabilities; to lobby for passage of laws that address the needs and concerns for persons with disabilities; to empower all persons with disabilities to become more active in their cause; to promote the development of support systems for children with special needs and their parents/families and for adults with disabilities; and to create a common bond between parents, consumers, service providers, and the community.

The CRC Shadow Report, compiled by OMEKESANG Association in collaboration with the Palau Parents Empowered (PPE). PPE is a resource center for parents of children and youths with disabilities. This report is recommended by the United Nations Office of High Commission on Human Rights (OHCHR) with the support from the United Nations Joint Presence Office in Palau, assess Palau Government progress towards implementation of UN Committee on the Rights of the Child (CRC). This report is submitted to the Committee on the Rights of the Child for its review of Palau with the following several recommendations for improvements in the implementation of Palau CRC Report.

## II. Issues Summary

### 1) *Constitution of Palau*

The Constitution of Palau contains the basic human rights which includes children and youths rights. However, OMEKESANG wishes to bring to the Committee's attention the following recommendations on how the State Party can fulfill its obligations under the CRC and improve the life chances of all children and youths in Palau.

#### **Basic Rights**

- a) The need to review and amend the Constitution and existing legislations to use the appropriate disability related terms.
- b) Legislative reform for non-compliant language of legislations needs to be amended in line with the definitions of the Convention on the Rights of Persons with Disabilities as a party to this Convention.

#### **Survival Rights**

- a) The need to review and reform the law, particularly the *Palau Severely Disabled Assistance Funds* to be comprehensive and equitable to all forms of disabilities without restrictions; and, to be clearly stated as a supplemental income stressing the importance of furthering education and employment.

#### **Development Rights**

- a) The need to review and amend the existing legislations for accessibility to include all contexts of access for persons with disabilities.

**Participation Rights:**

- a) Child self-esteem is built at the onset family setting otherwise a homely environment such as meal time or any family discussions. While Palau is traditionally a society in which only elders speak, tremendous progress has been made in opening up avenues for children and youth to be heard on matters that affect them.

**Protection Rights:**

- a) The need to improve networking and partnership in the implementing process of the Family Protection Act (FPA).
- b) The need to translate the FPA into simple English and local version for more community awareness and understanding in order to fully protect the rights of children and youths.
- c) The need to increase reporting, enforcement and funding of this Act.

2) *Palau National Reporting Committee on the UN Conventions on Human Rights and Human Rights Working Group*

OMEKESANG proposed to improve partnership and active participation of community organizations in this committee and working group representing the vulnerable groups, including all children and youths with disabilities. We recognize the basic human needs that each individual has; hence, the representation of marginalized society is mandated.

3) *Initial Implementation Report*

The need to review, reform, and update the passage of laws specifically for the **Handicapped Children's Act of 1989** (RPPL 3-9), Family Protection Act, and the Palau Severely Disabled Assistance Funds Act. Though RPPL 3-9 states that Palau should allocate local funds to the Special Education programs, however financial support have been provided entirely (100%) from the Office of Special Education Programs (OSEP), US Department of Education. We call on the Government of Palau to fully support Palau Special Education programs and services required by law.

Furthermore, we need to review and update the information and passage for children with special needs as statements mentioned in the report are out-of-date. This pertains to the Palau Parents Network and Interagency Task Force on Children with Special Needs.

We acknowledge the support of the Ministry of Health and Ministry of Education for the participation and inclusion of persons with disabilities in discussions and deliberations for Palau Health Direction Plan 2013-2023 and Education Masters Plan.

We recognize and congratulate the Government of Palau for the approval of the Palau National Youth Policy. We call on the Government to utilize and prioritize resources for ensuring the inclusion and participation of children and youths with disabilities in consultations and discussions to further implement this youth policy.

4) *Population*

This report started the work on drafting in 2014 and submitted to the UN CRC Committee in early 2016. It needs to be updated with accurate information based on the 2015 Palau Census on Population, Housing, and Agriculture Tables.

5) *International Human Rights Obligations*

We congratulate the Government of Palau for ratifying the two conventions, CRC & CRPD. We also recognize and praise the Government for signing all nine (9) human rights conventions in the hope that plans are in place to ratify these conventions in the near future. We see that there is a need to include our active roles and participation for endorsing the many disability international and regional frameworks and strategies.

6) *Palau Severely Disabled Funds Program*

This report needs to clarify the name of this particular law as the Palau Severely Disabled Assistance Funds; and, update the historical passage of this law. We request the Government of Palau to review and reform this law to be inclusive and equitable for better distribution of funds, to identify fund source for sustainability, and to consider this financial aid a supplement income for the eligible recipients.

### III. Conclusion

While 2016 was Year of the Youth, the same HE Tommy E. Remengesau, Jr. President of the Republic of Palau, at the onset proclaim this year 2017 as “Year of the Family” bringing the attention and focus back to the child (REN). We urge the Government of Palau to engage the participation of OMEKESANG and other NGOs in the implementation process of the CRC and other related human rights treaties.