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U.S. Department of State

Palau Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

PALAU

Formerly a United Nations trusteeship administered by the United States, Palau became an independent nation in free association with the United States on October 1, 1994. Under the Compact of Free Association, the United States is responsible for the Republic of Palau's defense. An archipelago of more than 300 islands in the Western Pacific, Palau has a total land area of 188 square miles and is organized politically into 16 states. More than two-thirds of its approximately 18,000 population resides in or near the temporary capital, Koror.

The democratically elected Government is modeled after that of the United States. The Constitution, which took effect in 1981, provides for free and fair elections, executive and legislative branches, and an independent judiciary. The legislature, the Olbil Era Kelulau, is composed of two equal houses, the 14-member Senate and the 16-member House of Delegates. The judiciary is independent.

Palau has no security forces, other than local police and civilian law enforcement personnel, all of whom are under the firm control of civil authorities. Palau also has a Marine Law Enforcement Division that patrols its borders with assistance from the Australian Government.

With a household median income of over \$12,000, Palau is a medium income country with a small, market-based economy largely sustained by transfer payments from the United States. The Government employs nearly half of the work force. Tourism and other service sectors account for most other paid employment. Tuna, harvested by foreign operated fleets, is the dominant export. Several small-scale operations, employing foreign workers, assemble clothing from imported materials for export.

Traditional subsistence agriculture and fishing is diminishing as people move to the city in search of employment. There is also an increasing number of Chinese farmers who operate vegetable farms that compete with indigenous farmers; most of the indigenous farmers are individual growers who work and sell what they produce from their own land.

Traditional customs sustain a value system that distinguishes between people on the basis of social status and sex. The loosening ties of the extended family and the increasing abuse of alcohol and other drugs are major contributing factors that lead to instances of domestic violence and child neglect. Societal discrimination against certain foreign workers, who account for nearly 30 percent of the population and 46 percent of the paid work force, is also a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary comprises the Supreme Court, the National Court, and the Court of Common Pleas. The President appoints judges to the Supreme Court and National Court from a list recommended by the Judicial Nominating Commission. Appointments are for life.

The Government includes an independent special prosecutor and an independent public defender system. The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice.

The Government has not formulated a policy regarding refugees, asylees, or first asylum and government practice remains undefined. However, there were no reports of forced expulsion of anyone having a valid claim to refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There are no legal impediments to women participating in government and politics. As a result of the 1996 general elections, a woman gained a Senate seat for the first time. Women hold office in 10 of the 16 state legislatures where they constitute 7 percent of the membership.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Palau has a history of openness to a variety of human rights groups without government restriction. Government officials have met with representatives of these groups and foreign officials regarding the civil rights of foreign minority workers. Government officials are generally cooperative and responsive to their views. The Palau Red Cross Society opened its office in 1996; having satisfied all requirements, the Society has applications pending for full membership in the International Federation of Red Cross and Red Crescent Societies.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of sex, race, place of origin, language, religion or

belief, social status or clan affiliation, and the Government generally respects these provisions.

Women

There are occasional allegations of violence against women, mainly related to domestic abuse. Alcohol and other drug abuse increasingly contribute to this problem. According to the Attorney General's office, the Government's Public Health Office, and women's groups, only a few such cases are reported to the authorities every year, but many more are believed to go unreported. Although assault is a criminal offense, women are reluctant to prosecute their spouses.

Inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. Women serve by presidential appointment as bureau directors for women's interests, human resources, and clinical services. No instances of unequal pay for equal work or sex-related job discrimination were reported to the office of the Attorney General.

Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. There is no societal pattern of abuse directed against children. Child prostitution is neither accepted within the culture nor practiced. There is no difference in the treatment of girls and boys in educational opportunities offered in Palau, or in availability of scholarships to attend postsecondary education abroad. Girls and boys receive equal treatment in health care services.

Child abuse is thought to be uncommon, and there have been few child abuse prosecutions. While children's rights are generally respected, there were reports of several instances of child neglect, a byproduct of the breakdown of the extended family.

People With Disabilities

The National Code includes a Disabled Persons Antidiscrimination Act and a Handicapped Children Act. There were no reported instances of discrimination against the disabled. There are no building codes or legislation requiring access for the disabled. The public schools have established special education programs to address problems encountered by those with disabilities.

National/Racial/Ethnic Minorities

Non-Palauans are prohibited from purchasing land or obtaining citizenship. The rapid increase in the number of foreign workers, who now constitute nearly 30 percent of the population and 46 percent of the work force, is viewed negatively by a majority of citizens. Foreign residents can be subject to some forms of discrimination and are targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. There have been credible complaints by foreign residents that crimes against non-Palauans are not pursued or persecuted by authorities with the same vigor as crimes against Palauan nationals. Certain nationalities experience generalized discrimination in employment, pay, housing, education, and access to social services, although such discrimination is prohibited by law. While precise data are lacking, there continue to be anecdotal reports about instances of abuse of workers' civil rights perpetrated against domestic helpers, bar girls, construction laborers, and other semiskilled workers, the majority of whom are from the Philippines, China, and Bangladesh. The most common abuses identified are misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and, sometimes, physical abuse. In a number of instances, local

authorities have taken corrective action when alerted by social service and religious organizations to whom foreign workers have turned for assistance. Nonetheless, foreign workers often are reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of all persons to assemble peacefully or to associate with others for any lawful purpose, including the right to organize and to bargain collectively. There are no active employee organizations.

b. The Right to Organize and Bargain Collectively

The Constitution does not provide for the right to strike, and the Government has not addressed this issue. There is no legislation concerning collective bargaining or trade union organizations, although there are no legal impediments to either. Wages in the cash economy are determined by market factors.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits slavery or involuntary servitude except to punish crime. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur. There were reported instances of foreign workers, especially domestic helpers and unskilled laborers, being forced to do jobs different from those for which they were recruited. Freedom of foreign workers to leave employment situations not to their liking may be hindered by physical barriers or the withholding of passports and return tickets to their country of recruitment.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution states that the Government shall protect children from exploitation, and children are protected by the general constitutional prohibition against forced and bonded labor (see Section 6.c.). There is no minimum age for employment. Children typically are not employed in the wage economy, but some assist their families with fishing, agriculture, and other small-scale family enterprises. The law requires compulsory education for children between 6 to 14 years of age, and the Government generally enforces this law. By regulation no foreigner under the age of 21 may be admitted into Palau for employment purposes.

e. Acceptable Conditions of Work

In July Palau passed its first minimum wage law. The law sets the minimum wage at \$2.50 per hour, effective January 1, 1999; foreign workers are exempt from the minimum wage law. This amount appears to be sufficient, given the level of economic development, to provide a worker and his family with a decent standard of living. Anecdotal evidence indicates that unskilled workers for commercial firms are paid only \$1.50 to \$2.00 per hour. However, foreign workers are usually provided, in addition to their wages, with basic accommodations and food at no or nominal cost. Although these wages are low, Palau continues to attract large numbers of foreign workers from the Philippines, China, and Bangladesh. There are more than 5,000 foreign nationals with work permits. However, as the number of foreign workers increases, there continue to be increasing numbers of reports of mistreatment of such

workers by their employers. These incidents of alleged mistreatment are common knowledge among the general public but rarely are reported to law enforcement authorities by the foreign workers themselves due to fear of their employers. Some types of mistreatment that foreign workers consistently complain about are: physical and verbal abuse; working overtime and on days off without pay; withholding monthly salary; deductions from salary for the amount of airfare; and substandard housing. Some workers also have complained that they are not given enough food. The foreign workers most likely to be abused are those who work under contracts and earn between \$100 and \$300 a month as domestic helpers, construction workers, farmers, waitresses, beauticians, and hostesses in karaoke bars and massage parlors. Under the terms of their contracts, they are also supposed to be provided room and board and air travel from their home country to Palau and back after the termination of their contracts. It generally is assumed that legislators specifically exempted contract workers in the July minimum wage bill to ensure a continued supply of low cost labor in industries that the legislators often control.

There is no legislation concerning maximum hours of work, although most businesses are closed on either Saturday or Sunday. The Division of Labor has prepared some regulations regarding conditions of employment for nonresident workers. The Division may inspect the conditions of the workplace and employer-provided housing on specific complaint of the employees, but actual enforcement is sporadic; working conditions vary in practice. There is no legislation specifically giving workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and there is no legislation protecting workers who file complaints about such conditions.

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