



## Palau

### Country Reports on Human Rights Practices - [2004](#)

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Palau is an independent nation in free association with the United States. The Constitution provides for executive, judicial, and legislative branches and free and fair elections. The President, the Vice President, and members of the legislature, the Olbil Era Kelulau, are elected for 4 year terms. In free and fair elections held on November 2, President Tommy E. Remengesau, Jr. was reelected, and Camsek Chin was elected Vice President. The country is organized politically into 16 states. The Council of Chiefs, consisting of the highest traditional chiefs from each state, advises the President on traditional laws and customs. The judiciary is independent.

The Ministry of Justice oversees the national police force. The country also has a Marine Law Enforcement Division that patrols its borders. Under the Compact of Free Association, the United States is responsible for the country's external defense. The civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed human rights abuses.

The small, market based, mixed economy was sustained largely by transfer payments from the United States. The population was approximately 19,980 according to a 2002 estimate. The Government employed approximately 30 percent of the work force. The rate of economic growth was 2.3 percent in 2002, the latest figure available. The consumer price index rose approximately 1 percent during the year. Wages and benefits generally kept pace with inflation. Traditional subsistence agriculture and fishing diminished as persons continued to move to urban areas in search of employment. An increasing number of Chinese farmers operated vegetable farms that competed with indigenous farmers. The U.S. dollar is the national currency.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Traditional customs sustain a value system that discriminates between persons on the basis of social status and sex. Domestic violence and child neglect continued to be problems. Societal discrimination and some abuse against certain foreign workers, who accounted for nearly 28 percent of the population and 69 percent of the paid work force, also were serious problems. There were reports of persons being trafficked to the country from the People's Republic of China (PRC), the Philippines, and Taiwan.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

###### 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 government officials employed them.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. However, during the year, the country's sole prison continued to suffer from overcrowding resulting from increased convictions and mandatory sentences for firearms and drug related offenses. The prison had separate quarters for men, women, juveniles, and pretrial detainees.

Members of the Palau Red Cross Society, which is affiliated with the International Federation of Red Cross and Red Crescent

Societies, have visited the prison. Government health and sanitation officials also inspected the prison regularly.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Bureau of Public Safety within the Ministry of Justice is the country's primary law enforcement agency, and performs both police and emergency response functions. It has a force of approximately 145 officers. Law enforcement personnel received training both locally and in other countries. The police generally were considered effective. Since 2000, the overall crime rate has fallen, and investigations, prosecutions, and convictions for drug offenses have increased. Police corruption and impunity were not major problems. An internal affairs officer within the bureau investigates reports of police misconduct. There also is a special prosecutor within the Ministry of Justice, with authority to investigate reports of misconduct by government employees.

Warrants for arrests are prepared by the Office of the Attorney General and signed by a judge. Detainees had prompt access to family members and lawyers. If a detainee could not afford a lawyer, the Public Defender or a court appointed lawyer was available. There was a functioning system of bail.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of 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 submitted by the Judicial Nominating Commission. Appointments are for life.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Government has an independent special prosecutor and an independent public defender system.

There were no reports of political prisoners.

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

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

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 generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction.

The Government did not limit Internet access.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

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

The Government required religious organizations to obtain charters as nonprofit organizations from the Office of the Attorney General. This process was not protracted, and the Government did not deny any groups charters during the year.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

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

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

The Constitution prohibits forced exile, and the Government did not use it.

The law does not provide for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees. The issue of cooperation with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees never has arisen.

### 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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Constitution provides for executive and legislative branches. The legislature, the Olbiil Era Kelulau, consists of 2 houses: The 9 member Senate and the 16 member House of Delegates. Legislators are elected by popular vote every 4 years. The President and Vice President also are elected every 4 years, and there is no limit on the number of their terms, except that the President may serve only two consecutive terms. Although there have been political parties in the past, there were none during the year. On November 2, President Tommy E. Remengesau, Jr. was reelected, and Camsek Chin was elected Vice President.

Government corruption was a problem, which the Government took some steps to address. The Special Prosecutor has the authority to investigate allegations of corrupt practices. In October, an employee of the Koror State Government was charged with cashing for his personal use \$30,000 in checks intended for the state government. The case was still pending at year's end. In 2003, the Special Prosecutor charged many legislators (7 senators and all 16 delegates) with misuse of government funds. The legislators agreed to pay restitution, including civil penalties. In 2003, a state governor served 6 months in jail for misuse of state funds.

In July 2003, the Chairman of the Palau State Public Land Authority, a paramount chief, was convicted of assaulting a foreign national legal advisor with a baseball bat and sentenced to 3 years' imprisonment, with 2 years suspended. The attorney had criticized the chief's conduct as Land Authority Chairman. In June, the President granted a conditional pardon to the chief that commuted the remaining prison sentence and removed the conviction from the public record, although he let stand other conditions of the original sentence, including damages awarded to the victim. The President stated that he considered the views of traditional and political leaders in deciding to grant the pardon. At year's end, the chief remained Chairman of the Land Authority.

The Constitution provides for the right of citizens to examine government documents and observe official deliberations of any government agency, and the Government generally respected this provision in practice.

There are no legal impediments to women's participation in government and politics. Women constituted 14 percent of state government legislators, down from 16 percent at the end of 2003. There were no women in the Olbiil Era Kelulau, and no women served as state governors during the year. No women were elected to office in the November elections. One of the three associate justices of the Supreme Court was a woman. There were 2 members of minorities in the 16-member House of Delegates.

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

A number of domestic and international human rights groups generally operated without government restraint, investigating and publishing their findings on human rights issues. Government officials were cooperative and responsive to their views.

### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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 observed these provisions.

#### Women

There were many incidents of violence against women, primarily domestic abuse. Alcohol and illegal drug abuse increasingly contributed to this problem. According to the Office of the Attorney General, the Government's Public Health Office, and women's groups, only a few such cases are reported to the authorities. Although assault is a criminal offense, women were reluctant to prosecute their spouses.

The law prohibits rape, including spousal rape, and such crimes were not common.

Prostitution is illegal; however, it was a problem. There were reports of women being trafficked to the country from the PRC, Taiwan, and the Philippines to work in karaoke bars as hostesses and prostitutes (see Section 5, Trafficking). There were no prosecutions for prostitution during the year.

Sex tourism is illegal, and it was not a problem. Sexual harassment is illegal and did not appear to be a major problem.

No information was available on the disposition of two cases alleging sexual harassment that were brought in 2003.

The 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 human resources and clinical services. There were no reported instances of unequal pay for equal work or sex related job discrimination.

Since 1993, local women's groups have organized an annual women's conference that focuses on women's and children's issues, including health, education, drug abuse, prostitution, and traditional customs and values. Government officials, including the President, Vice President, ministers, and traditional chiefs, have participated in the conference to discuss these issues. The 11th Annual Women's Conference held in April continued its focus on previously discussed issues and problems.

#### Children

The Government provided a well funded system of public education and medical care for children. There was no difference in the treatment of girls and boys in educational opportunities, or in the availability of scholarships to attend postsecondary education abroad. Education was mandatory from ages 6 to 17; it was free and universal. Of the 94 percent of school age children who attended school, 97 percent finished elementary school, and 78 percent completed high school. Girls and boys received equal treatment in health care services.

Although there have been a few instances of child abuse, cases have been prosecuted successfully by the Office of the Attorney General. Children's rights generally were respected, although there were reports of instances of child neglect, which was a byproduct of the breakdown of the extended family. Commercial sexual exploitation of children was neither accepted within society nor practiced.

The Annual Women's Conference held in April included discussion of children's issues, such as education and the problem of drug abuse among youth (see Section 5, Women).

#### Trafficking in Persons

Neither the Constitution nor the law specifically prohibits trafficking in persons; however, there are laws against slavery, fraud, and prostitution. There were reports of women and some men being trafficked to the country from the PRC, Taiwan, and the Philippines to work in karaoke bars as hostesses and prostitutes, as domestics in private homes, and on construction sites (see Section 6.c.).

The Divisions of Immigration and Labor are involved in combating trafficking; however, the Government lacked the resources and expertise to address the problem in practice. There was no formalized assistance available for victims, and victims normally were detained, jailed, or deported if they committed a crime such as prostitution. There were no NGOs that specifically addressed trafficking.

#### Persons with Disabilities

The National Code includes a Disabled Persons' Anti Discrimination Act and a Programs and Services for Handicapped Children Act, and the Government enforced the provisions of these acts. There was no discrimination reported against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. Most government and business buildings had such access. The public schools have established special education programs to address problems encountered by persons with disabilities.

#### National/Racial/Ethnic Minorities

The law prohibits noncitizens from purchasing land or obtaining citizenship. The rapid increase over the past several years in foreign workers, who, according to 2002 figures, constituted nearly 28 percent of the population and 69 percent of the work force, was viewed negatively by a majority of citizens. Foreign residents were subjected to some forms of discrimination and were targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. Foreign residents made credible complaints that crimes against noncitizens were not pursued or prosecuted by authorities with the same vigor as crimes against citizens.

Certain foreign nationals experienced generalized discrimination in employment, pay, housing, education, and access to social

services, although the law prohibits such discrimination. While precise data was lacking, there continued to be anecdotal reports of the abuse of foreign workers by employers (see Section 6.e.).

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right of all persons to assemble peacefully and to associate with others for any lawful purpose, including the right to join and organize labor unions. However, there were no active labor unions or other employee organizations; the majority of businesses were small-scale, family-run enterprises employing relatives and friends.

### b. The Right to Organize and Bargain Collectively

There is no law concerning trade union organization, including collective bargaining, although there are no legal impediments to either. Wages in the cash economy were determined by market factors.

The Constitution does not provide for the right to strike, and the Government has not addressed this issue.

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 prohibit specifically forced or compulsory labor by children; however, there were no reports that such practices occurred.

Instances were reported of foreign workers, particularly domestic helpers and unskilled laborers, who were forced to accept jobs different from those for which they were recruited. The freedom of foreign workers to leave employment situations not to their liking may be hindered by verbal threats or the withholding of passports and return tickets to the country in which they were recruited.

### d. Prohibition of Child Labor and Minimum Age for Employment

The Constitution states that the Government shall protect children from exploitation. There is no minimum age for employment. Children typically were not employed in the wage economy, but some assisted their families with fishing, agriculture, and other small scale family enterprises. By regulation, no foreigner under the age of 21 may be admitted into the country for employment purposes, and the Government enforced this regulation effectively.

### e. Acceptable Conditions of Work

The law sets the minimum wage at \$2.50 per hour. Foreign workers are not included under the minimum wage law. It generally was assumed that legislators specifically exempted foreign contract workers from the minimum wage law to ensure a continued supply of low cost labor in industries that the legislators often control. The national minimum wage provided a decent standard of living for a worker and family. Anecdotal evidence indicated that unskilled workers for commercial firms (usually foreigners) were paid only \$1.50 to \$2.00 per hour. However, foreign workers usually were provided, in addition to their wages, basic accommodations and food at no or nominal cost. Although these wages were low, the country continued to attract large numbers of foreign workers from the Philippines and the PRC. There were more than 4,980 foreign nationals with work permits in the country; of these, 59 percent were from the Philippines, 9 percent from the PRC, and 7 percent from Southeast Asia.

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

Reports of mistreatment of foreign workers by their employers continued during the year. The foreign workers most likely to be abused were those who worked under contracts as domestic helpers, farmers, waitresses, beauticians, hostesses in karaoke bars and massage parlors, construction workers, and other semiskilled workers, the majority of whom were from the Philippines, the PRC, and Taiwan. The most commonly reported abuses included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, substandard food and housing, and, at times, physical abuse. In a number of instances, local authorities took corrective action when alerted by social service and religious organizations to which foreign workers had turned for assistance. Nonetheless, foreign workers often were reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.