



## U.S. DEPARTMENT of STATE

### Palau

#### Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 6, 2007

Palau is a constitutional republic with a population of approximately 20,900. The country is organized politically into 16 states. The president, the vice president, and members of the legislature (the Olbiil Era Kelulau) are elected for four year terms. There were no political parties. In generally free and fair elections held in November 2004 President Tommy E. Remengesau, Jr. was reelected, and Elias Camsek Chin was elected vice president. The civilian authorities generally maintained effective control over the security forces.

The government generally respected the human rights of its citizens. Problems were reported in a few areas, including government corruption, domestic violence, trafficking in persons, and discrimination against, and some abuse of, foreign workers.

#### 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 that the government or its agents committed arbitrary or unlawful killings.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

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

##### Prison and Detention Center Conditions

Conditions in the country's sole prison, although primitive, generally met international standards, but overcrowding worsened during the year, aggravated by a growth in the inmate population as a result of increased convictions and mandatory sentences for drug related offenses and other crimes. The few female prisoners were housed in separate cells but were permitted to mingle with male inmates during daylight hours.

No visits by independent human rights observers were requested or made during the year.

###### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

##### Role of the Police and Security Apparatus

The National Police, a force of approximately 160 officers within the Bureau of Public Safety, maintains internal security and performs both police and emergency response functions. Koror State and Peleliu State also have marine police ("rangers") who patrol their respective state waters. Typically law enforcement personnel receive training both locally and abroad. The police generally were considered effective. Police corruption and impunity were not major problems, and an internal affairs officer within the bureau investigates reports of police misconduct. There also is a special prosecutor with authority to investigate reports of misconduct by government employees.

##### Arrest and Detention

The law requires warrants for arrests. Warrants are prepared by the Office of the Attorney General and signed by a judge. The law provides for a prompt judicial determination of the legality of detention, and this was observed in practice. Detainees were informed promptly of the charges against them and 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 law provides for an independent judiciary, and the government generally respected judicial independence in practice.

The judiciary consists of the Supreme Court, the Land Court, and the Court of Common Pleas. The constitution also provides for a national court, but other courts absorbed its caseload and it was inactive. The president appoints judges to the Supreme Court from a list submitted by a judicial nominating commission. Appointments are for life.

Trial Procedures

The law 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.

Trials are public and are conducted by judges; there are no juries. Defendants enjoy a presumption of innocence and a right of appeal. They can question witnesses, present evidence on their own behalf, and access government-held evidence in their cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters for lawsuits involving allegations of human rights violations. Remedies were available and enforced.

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

The law 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 law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

The law 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.

Societal Abuses and Discrimination

There were no reports of societal abuse or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not use it.

#### Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum.

There were no cases during the year involving the issue of cooperation with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### Elections and Political Participation

The legislature consists of two houses: the nine-member Senate and the 16-member House of Delegates. Legislators are elected by popular vote every four years: senators on a national basis, and delegates on a state basis. The president and vice president also are elected every four years, and there is no limit on the number of terms they may serve, 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. In November 2004 President Tommy E. Remengesau, Jr., was reelected, and Elias Camsek Chin was elected vice president. The Council of Chiefs, consisting of the highest traditional chiefs from each state, advises the president on traditional laws and customs.

There are no legal impediments to women's participation in government and politics. There were no women in the 25-member national legislature. There were women candidates in the 2004 general elections, but none were elected. Women constituted 14 percent of state legislators. There were two women serving as state governors during the year. Two of the three associate justices of the Supreme Court were women.

There were two members of minorities in the 16-member House of Delegates.

#### Government Corruption and Transparency

Government corruption was a problem, which the government took some steps to address.

The special prosecutor has authority to investigate allegations of corrupt practices. In May the governor of Ngiwal State was convicted of grand larceny, forgery, and other offenses for diverting over \$11,000 in state funds (the US dollar is the national currency) to his personal use and for other misconduct. The special prosecutor had brought charges against him in June 2005. Following his conviction the legislature removed him from office. In June he was sentenced to nine years' imprisonment (later reduced to two and a half years) and began serving his sentence in July. He was also fined \$10,000 and ordered to pay \$23,000 in restitution.

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

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

A number of domestic and international groups concerned with human rights, including the Palau Red Cross Society and many church groups, generally operated without government restriction. Government officials were cooperative and responsive to their views. During the year there were no known allegations or investigations by such groups of human rights abuses.

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

The law prohibits discrimination on the basis of sex, race, place of origin, language, social status, or clan affiliation, and the government generally observed these provisions.

#### Women

The Ministry of Health's Office of Victims of Crimes reported 89 incidents of domestic violence in fiscal year 2005 (October 1, 2004 to September 30, 2005, the latest statistics available), a continuation of an upward trend in domestic violence cases over the past few years. According to the Office of the Attorney General, the Ministry of Health, and women's groups, only a relatively small number of cases were reported to the authorities. Alcohol and drug abuse increasingly contributed to this problem. Although assault is a criminal offense, punishable by up to six months in jail or a fine of up to \$100, and the police responded when such cases were reported, women were reluctant to prosecute their spouses. The government conducted public education efforts to combat domestic violence.

Rape, including spousal rape, is a crime punishable by a maximum of 25 years' imprisonment, and such crimes were uncommon. There was one conviction for rape during the year.

Prostitution is illegal, but it was a problem. There were reports of women being trafficked to the country from the People's Republic of China (PRC), Taiwan, and the Philippines to work in karaoke bars as hostesses and prostitutes (see section 5, Trafficking). There was one conviction for trafficking for prostitution during the year.

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

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. There were no reported instances of unequal pay for equal work or sex related job discrimination.

Local women's groups organized an annual women's conference that focused 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, participated in the conference to discuss these issues. The 13th annual women's conference held in March continued to focus on these subjects.

#### Children

The government provided a well funded system of public education 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 free, universal, and mandatory from ages six to 17. Of the 94 percent of school age children who attended school in 2005, 97 percent finished elementary school and 78 completed high school. Girls and boys received equal treatment in health care services.

The Office of Victims of Crimes reported 31 incidents of child abuse in fiscal year 2005, compared with 21 in fiscal year 2004 (the latest statistics available). The Office of the Attorney General has prosecuted such cases successfully. On November 1, a male nurse was sentenced to five years' imprisonment for molesting a 10-year-old patient. However, the sentence subsequently was reduced to one year, which he was serving at year's end.

Children's rights generally were respected, although there were isolated reports of child neglect. Commercial sexual exploitation of children was neither accepted within society nor practiced.

The annual women's conference (see section 5, Women) held in March included discussion of children's issues, such as education and drug abuse among youth.

#### Trafficking in Persons

An antitrafficking law prohibits such practices, with penalties of up to 10 years' imprisonment and a fine of up to \$50,000 for exploiting or otherwise profiting from a trafficked person; up to 25 years' imprisonment and a fine of up to \$250,000 for trafficking involving force, fraud, or deception; and up to 50 years' imprisonment and a fine of up to \$500,000 for trafficking involving a child "by any means for the purpose of exploitation." There are also laws against slavery, fraud, and prostitution. There have been 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.

In April two men from the PRC were convicted under the antitrafficking law of exploiting a trafficked person and attempted bribery. In August they were deported to the PRC after paying a \$12,000 fine. The men had trafficked a PRC national woman into the country and subsequently tried to bribe immigration officers to allow them to proceed with the woman to Guam without proper visas. The trafficked woman also was deported to the PRC.

In August a local restaurant owner, his wife, and two PRC nationals were charged with trafficking in persons, exploiting trafficked persons, prostitution, money laundering, assault and battery, and other offenses after they allegedly forced two Filipina women into prostitution and threatened the women to keep them from notifying the authorities. The case was still pending at year's end.

The Divisions of Immigration and Labor and the Office of the Attorney General 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. No nongovernmental organizations specifically addressed trafficking.

#### Persons with Disabilities

The law includes the Disabled Persons' Anti Discrimination Act and the Programs and Services for Handicapped Children Act, which cover both persons with mental disabilities and persons with physical disabilities, and the government enforced the provisions of these acts. No discrimination was reported against persons with disabilities in employment, education, access to health care, or the provision of other state services. The government provides a monthly stipend of \$50 for persons with disabilities. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. The public schools have established special education programs to address problems encountered by persons with disabilities.

There were no government restrictions on the right of persons with disabilities to vote or participate in civic affairs.

The government agency Ngak Mak Tang ("Everyone Matters") has responsibility for protecting the rights of persons with disabilities.

#### National/Racial/Ethnic Minorities

The law prohibits noncitizens from purchasing land or obtaining citizenship. A majority of citizens viewed negatively the rapid increase over the past several years in foreign workers, who, according to estimates during the year, constituted nearly 30 percent of the population and 46 percent of the work force. 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 the authorities did not pursue or prosecute crimes against noncitizens with the same vigor as crimes against citizens.

Noncitizens are officially excluded from the minimum wage law (see section 6.e.). In addition some 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 unavailable, 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 law 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 or collective bargaining. Wages in the cash economy were determined by market factors.

The law 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 law prohibits slavery or involuntary servitude except to punish crime. Although the law does not prohibit specifically forced or compulsory labor by children, there were no reports that such practices occurred.

Some foreign workers, particularly domestic helpers and unskilled laborers, reportedly were forced to accept jobs different from those for which they were recruited. Employers sometimes verbally threatened or withheld passports and return tickets of foreign workers desiring to leave unfavorable work situations.

In August a local restaurant owner, his wife, and two PRC nationals were charged with trafficking in persons and other offenses after allegedly forcing two Filipina employees into prostitution (see Section 5).

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

The law 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 age 21 may be admitted into the country for employment purposes, and the government generally enforced this regulation effectively.

##### e. Acceptable Conditions of Work

The law sets the minimum wage at \$2.50 per hour, but 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 (usually foreigners) for commercial firms 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 gratis or at nominal cost. Although these wages were low, the country continued to attract large numbers of foreign workers from the Philippines, Vietnam, and China. During the year there were more than 4,000 foreign nationals with work permits in the country; of these, 65 percent were from the Philippines, 7 percent from Vietnam, and 6 percent from the PRC.

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.

Although there are occupational and safety standards, 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. Anecdotal evidence suggested that noncitizens would likely lose their employment if they removed themselves from occupational situations that endangered health or safety. There were no reports to the government of violations of occupational health or safety standards during the year.

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, Vietnam, and the PRC. The most commonly reported abuses included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and substandard food and housing. There have, at times, been complaints of physical abuse. In a number of instances local authorities took corrective action when alerted by social service and religious organizations. Nonetheless, foreign workers often were reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.