



2008 Human Rights Report: Palau

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Palau is a constitutional republic with a population of approximately 20,000. 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 November 4, Johnson Toribiong was elected president to succeed Tommy Remengesau, Jr., effective in January 2009. 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. Overcrowding remained a problem. The few female prisoners were held 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 civilian authorities maintained effective control over the National Police and marine police in Koror and Peleliu states, and the government has effective mechanisms to investigate and punish abuse and corruption. Corruption and impunity were not major problems.

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.

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 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. The law extends these rights to all citizens.

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.

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 chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Costs limited Internet access in homes. Internet access was available at schools, government offices, private businesses, Internet cafes, and hotels.

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.

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 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government was willing to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, but no cases involving such cooperation arose during the year.

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 the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government did not grant refugee status or asylum.

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

On November 4, voters elected a new Congress and elected Johnson Toribiong as president. The Council of Chiefs, consisting of the highest traditional chiefs from each state, advises the president on traditional laws and customs. Although there have been political parties in the past, there were none during the year.

There are no legal impediments to women's participation in government and politics. Two women were elected to the Senate in the November 4 general elections. Women constituted 16 percent of state legislators. Three women served as state governors during the year, and a third female associate justice was appointed to the Supreme Court. At year's end five of the country's nine judges were women.

There were two members of minorities in the House of Delegates.

Government Corruption and Transparency

Government corruption was a problem, which the government took some steps to address. The law provides criminal penalties for official corruption, and public officials are required to file annual financial disclosure statements with the Ethics Commission. The Office of the Special Prosecutor and the Office of the Public Auditor are responsible for combating government corruption.

In March the Office of the Special Prosecutor charged the governor of Melekeok State with 302 counts of embezzling state funds. A state employee was also charged with embezzlement. The charges were brought after the Office of the Public Auditor reported that the governor and the state employee withdrew more than \$190,000 (the U.S. dollar is the national currency) from the state bank account between 2002 and 2005 for their personal use.

Shortly after filing the charges, however, the special prosecutor submitted his resignation to the president, citing personal reasons, and asked the court to dismiss the case without prejudice since he would be unable to pursue it. In April the court did so. President Remengesau selected a foreign lawyer to be the new special prosecutor; however, the Senate did not confirm the president's candidate, and the position remained vacant at year's end.

In May more than 100 residents of Peleliu State signed a petition calling for the ouster of the state legislature's speaker and an audit of the legislature for alleged misuse of public funds by legislators. At year's end no action had been taken in response to the petition.

In August, during a weekly presidential press briefing, Senator Joshua Koshiba questioned President Remengesau about his acquisition of certain real estate, including a new house under construction, and new vehicles during his time in office. In the course of investigating the matter, the press discovered that the president was constructing a new home for which he had not obtained the required permits. The Environmental Quality Protection Board inspected the construction site and issued a stop order until permits were obtained. It also issued a notice of violation to the president and the construction company. Within a week the first lady submitted an application for the required permits, which were approved, and subsequently paid a \$1,000 fine for the violation.

The following cases were pending with the Office of the Attorney General at year's end: the February 2007 case of a Koror State legislator charged with grand larceny and false pretense, the July 2007 case of the house speaker charged with misuse of travel funds, and the August 2007 case of 23 current and former Kayangel State legislators charged with misuse of government funds.

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 generally operated without government restriction. Government officials were cooperative and responsive to their views.

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

Rape, including spousal rape, is a crime punishable by a maximum of 25 years' imprisonment. There was one case of attempted rape reported during the year; a suspect was charged and the case was pending in court at year's end.

The Ministry of Health's Office of Victims of Crimes reported 39 cases of domestic violence against women for fiscal year 2008 (October 2007-September 2008). Alcohol and drug abuse contributed to this problem. According to the Office of the Attorney General, the Ministry of Health, and women's groups, reported cases of domestic violence represented a relatively small percentage of cases of actual abuse. 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; however, women were reluctant to press charges against their spouses, and there were no shelters for victims of domestic violence. The government conducted public education efforts to combat domestic violence.

Prostitution is illegal, but it was 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.

In March local women's groups organized their 15th annual women's conference. The conference 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.

Children

The government provided a well funded system of public education for children.

In fiscal year 2008, there were 30 reported cases of child abuse. Of these, 21 were of sexual abuse, four of physical abuse, two of emotional abuse, and three of neglect. Five cases of sexual abuse were resolved in court; all five resulted in convictions. Other cases were pending. There were some sexual abuse cases that were not referred to the court because both parties were minors.

In May a man charged with repeatedly raping his 15-year-old stepdaughter was convicted and sentenced to 10

years' imprisonment.

In September a court sentenced a man to 25 years' imprisonment for crimes related to the sexual abuse of a minor: child sexual abuse, rape, carnal knowledge, and sodomy. These crimes occurred over a number of years.

Children's rights generally were respected, although there were isolated reports of child neglect.

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 were reports of women and some men being trafficked to the country from China and the Philippines to work in karaoke bars as hostesses and prostitutes, in private homes as domestics, and on construction sites.

In December 2007 a Taiwanese man successfully challenged his May 2007 conviction on charges of human trafficking and advancing prostitution, on the ground that his right to a fair trial was violated because he was not provided with interpretation services during his trial. He was released, and, although the Attorney General's Office stated it planned to appeal the court's decision, it had not done so by year's end. In November the court also reversed the convictions of the two Taiwanese women convicted in the same case. The women were also not provided with interpretation services during their trial. The court remanded the cases for a new trial. The ethnic Chinese witnesses in the case had already been repatriated, however, and by year's end the Attorney General's Office had not indicated whether it would retry the women.

The Divisions of Immigration and Labor and the Office of the Attorney General are responsible for combating trafficking; however, the government lacked the resources and expertise to address the problem in practice. There was no formal assistance available for victims, and victims normally were detained, jailed, or deported if they committed a crime such as prostitution. However, the government offered those victims who cooperated with the authorities in the May 2007 trafficking case the option of remaining in the country and pursuing different employment; five chose to do so.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The Disabled Persons' Antidiscrimination Act and the Programs and Services for Handicapped Children Act 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 provided 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 had special education programs to address problems encountered by persons with disabilities.

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 more than 31 percent of the population and approximately 51 percent of the work force. Foreign residents were subjected to 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 committed against noncitizens with the same vigor as crimes against citizens.

In addition some foreign nationals experienced discrimination in employment, pay, housing, education, and access to social services, although the law prohibits such discrimination.

Other Societal Abuses and Discrimination

There were no reports of cases of violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

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.

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

b. The Right to Organize and Bargain Collectively

There is no law concerning trade union organization or collective bargaining. Market forces determine wages in the cash economy.

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.

d. Prohibition of Child Labor and Minimum Age for Employment

The law states that the government shall protect children from exploitation. The Division of Labor is responsible for enforcing laws and regulations relating to child labor. 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 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 controlled. 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; wages for domestic helpers employed in private households were lower still. In addition to their wages, foreign workers usually were provided basic accommodations and food free or at nominal cost. The country continued to attract foreign workers from the Philippines, China, and Bangladesh. (Although the law prohibits importation of laborers from Bangladesh, this prohibition was not strictly enforced.) During the year there were more than 6,000 foreign nationals with work permits in the country; of these, 64 percent were from the Philippines, 14 percent from mainland China, and 7 percent from Bangladesh.

There is no legislation concerning maximum hours of work. 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 enforcement was sporadic. Working conditions varied in practice.

Although there are occupational and safety standards, the law does not specifically provide 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 situations that endangered health or safety. Since foreign workers generally are not permitted to change employers and must depart the country if their contract ends for any reason, noncitizens were reticent about reporting abuses. There were no reports to the government of violations of occupational health or safety standards during the year.

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.

Reports of employer mistreatment of foreign workers 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, China, and Bangladesh. 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.