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Palau

Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 8, 2006

Palau is a constitutional democracy with a population of approximately 20,900. The constitution provides for executive, judicial, and legislative branches. The president, the vice president, and members of the legislature, the Olbiil Era Kelulau, are elected for four-year terms. There are no political parties. In free and fair elections held in November 2004, 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 civilian authorities generally maintained effective control over the security forces.

The government generally respected the human rights of its citizens; however, there were problems in a few areas. The following human rights problems were reported:

- government corruption
- domestic violence
- trafficking in persons
- discrimination and some abuse against 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

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.

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 Bureau of Public Safety within the Ministry of Justice has a force of approximately 145 officers and performs both police and emergency response functions. 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, with authority to investigate reports of misconduct by government employees.

Arrest and Detention

Warrants for arrests 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.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision 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; however, other courts absorbed its caseload and it is inactive. The president appoints judges to the Supreme Court from a list submitted by the 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

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. However, in November, under instructions from the Office of the Attorney General, police seized a bag of outbound mail without a court order in connection with a criminal investigation. The mail later was released to the sender and sent to its original destination.

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 and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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 was no known Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2005 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 refugee status or asylum 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 November two Burmese men entered the country on visitor permits and requested asylum. Since the country has no law providing for asylum and the two men had no connections to the country, the government decided to return the men to the Philippines, their prior destination before entering Palau. In December both men returned to Manila after the expiration of their visitor permits.

The government coordinated with the Office of the UN High Commissioner for Refugees (UNHCR) in the case of the two Burmese men who requested asylum. There were no other cases during the year involving the issue of cooperation with the UNHCR 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 held on the basis of universal suffrage.

Elections and Political Participation

The legislature, the Olbiil Era Kelulau, consists of two houses: the 9-member Senate and the 16-member House of Delegates. Legislators are elected by popular vote every four years. The president and vice president also are elected every four 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. In November 2004 President Tommy E. Remengesau, Jr. was reelected, and Camsek Chin was elected vice president.

There are no legal impediments to women's participation in government and politics. Women constituted 14 percent of state government legislators. There were no women in the Olbiil Era Kelulau, and no women served as state governors during the year. There were some women candidates, but no women were elected to office in the 2004 elections. Two of the three associate justices of the Supreme Court were women. A woman served as the bureau director for cultural affairs in the Ministry of Community and Cultural Affairs.

There were 2 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 June the special prosecutor charged the governor of Ngiwal State with grand larceny, forgery, and other offenses for allegedly diverting at least \$25 thousand in state funds to his personal use and for other alleged misconduct. The case was still pending at year's end. In October 2004 an employee of the Koror State government was charged with cashing for his personal use \$30 thousand in checks intended for the state government. During the year the employee entered into a plea agreement with the Office of the Attorney General to serve two years in jail and pay a five thousand dollar fine.

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 human rights groups generally operated without government restraint, investigating human rights issues and publishing their findings. 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, religion or belief, social status, or clan affiliation, and the government generally observed these provisions.

Women

The Office of Victims of Crimes under the Ministry of Health reported 54 incidents of violence against women in the 2004 fiscal year (October 1, 2003 to September 30, 2004), an estimated 10 percent increase from the previous 12-month period. Most involved domestic abuse. Alcohol and illegal drug abuse increasingly contributed to this problem. According to the Office of the Attorney General, the Ministry of Health, and women's groups, only a relatively small number of cases are reported to the authorities. Although assault is a criminal offense

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.

The law prohibits rape, including spousal rape, and such crimes were not common. There was one conviction for rape during the year.

Prostitution is illegal; however, 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 it 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.

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 12th annual women's conference held in March 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 free, universal, and mandatory from ages 6 to 17. 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.

The Office of Victims of Crimes reported 21 incidents of child abuse in fiscal year 2004. The Office of the Attorney General has prosecuted such cases successfully. In November a man was sentenced to 10 years in prison for molesting 2 underage girls. 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 held in March included discussion of children's issues, such as education and drug abuse among youth (see section 5, Women).

Trafficking in Persons

An antitrafficking law adopted in May provides for penalties of up to 25 years' imprisonment and a fine of up to \$250 thousand for trafficking involving force, fraud, or deception; penalties of up to 50 years' imprisonment and a fine of up to \$500 thousand for trafficking involving a child "by any means for the purpose of exploitation"; and penalties of up to 10 years' imprisonment and a fine of up to \$50 thousand for exploiting or otherwise profiting from a trafficked person. 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 December a PRC national was convicted under the new antitrafficking law on two counts of exploiting a trafficked person. She recruited two Chinese women ostensibly to work as waitresses, but the women instead were forced into prostitution. The defendant was sentenced to six months in jail, with a possible three-month reduction in the sentence if restitution was paid to the victims. The victims were repatriated to the PRC at their own request.

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. No nongovernmental organizations specifically addressed trafficking.

Persons with Disabilities

The National Code 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 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.

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 69 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.

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 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 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, although there are no legal impediments to either. 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. The law does not prohibit specifically forced or compulsory labor by children; however, 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.

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 enforced this regulation effectively.

e. Acceptable Conditions of Work

The law sets the minimum wage at \$2.50 per hour. (The US dollar is the national currency.) 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. During the year there were over 6,500 foreign nationals with work permits in the country; of these, 76 percent were from the Philippines, 13 percent from the PRC, and 11 percent from South and 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. Nonetheless, foreign workers often were reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.

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