

PALAU 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Palau is a constitutional republic with the national government consisting of executive, legislative, and judicial branches that are independent of each other. Voters elect the president, vice president, and members of the legislature for four-year terms. In 2016 voters re-elected President Tommy E. Remengesau Jr. for a four-year term in a generally free and fair election.

The national police and marine police are responsible for law enforcement and maintenance of order; both report to the Ministry of Justice. Civilian authorities maintained effective control over the security forces.

There were no reports of significant human rights issues.

The government took steps to investigate and prosecute officials who committed abuses such as corruption.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports or disappearances by or on behalf of government authorities.

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 and Detention Center Conditions

Prison and detention center conditions did not meet international standards.

Physical Conditions: The country's only jail, in Koror, with a capacity of 58, held 94 prisoners as of November; all but four were men. There are separate prison cells for male and female prisoners.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrests, and officials observed the law. The Office of the Attorney General prepares warrants and a judge signs them. The law provides for a prompt judicial determination of the legality of detention, a requirement authorities observed. Authorities informed detainees promptly of charges against them and provided 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 is a functioning system of bail.

An arrested person has the right to remain silent, and to speak to and to receive visits from counsel, family members, or their employer. Authorities must release or charge those arrested within 24 hours and authorities must inform detainees of these rights.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Judges conduct trials and render verdicts. Defendants enjoy a presumption of innocence, the right to be informed promptly and in detail of charges, to a fair and public trial without undue delay, to be present at their trial, to consult with an attorney of choice (or have one provided at public expense), and to adequate time and facilities to prepare a defense. Defendants are entitled to free interpretation services as necessary from the moment charged through all appeals. Defendants may question witnesses and present evidence on their own behalf. They cannot be compelled to testify or confess guilt, and they have the right to appeal. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through domestic courts.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there no credible reports that the government monitored private online communication without the appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's International Religious Freedom Report at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status. The government provided some protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2016 voters re-elected President Tommy E. Remengesau Jr. as president and elected Raynold Oilouch vice president in a generally free and fair election.

Participation of Women and Minorities: No laws prohibit or limit the participation of women or members of minorities in the political process and they did participate. In 2016 two women were elected to the 13-member Senate, and two women were elected to the 16-seat House of Delegates. There were two women in the seven-member cabinet, the ministers of state and of community and cultural affairs.

Section 4. Corruption and Lack of Transparency in Government

Government corruption was a problem, and the government took some steps to address it. The law provides criminal penalties for corruption by officials. The Office of the Special Prosecutor, an independent entity, is authorized to prosecute any corruption in the government.

Corruption: As of November the special prosecutor has three continuing investigations into cases of government corruption. In July the governor of Ngiwal State, Ellender Ngirameketii (son-in-law of former interim president Thomas Remengesau Sr.), was arrested and charged with misconduct in office and falsifying financial disclosure statements, understating payments for security services provided by his company to the government.

Financial Disclosure: The government requires elected and some appointed public officials to file annual financial disclosure statements; candidates for office must file a similar statement with the Ethics Commission. These statements are available for public inspection. There are administrative and criminal sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the President has an Office of the Ombudsman to which any citizen may complain. The government held numerous meetings and training sessions on human rights topics during the year. The special prosecutor held outreach sessions in hamlets throughout the country to inform community members of their right to complain to her office anonymously. She also created a web site for citizens to lodge complaints, which has received complaints that have been investigated.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including spousal rape, is a crime punishable by a maximum of 25 years' imprisonment, a fine of \$50,000 (the country uses the U.S. dollar as its currency), or both. Domestic violence is a criminal offense. The law is enforced when police respond to calls of domestic violence; however, many persons are reluctant to call police in these situations due to societal pressure. A nongovernmental organization (NGO), "Semeseemel Klengeakel Organizations" (Strengthening Family) helped families at high risk of domestic violence with counselling sessions and services, working closely with the Ministries of Justice and Health.

Sexual Harassment: Sexual harassment is illegal and punishable by a maximum of one year's imprisonment, a \$1,000 fine, or both.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights for women and men. The inheritance of property and of traditional rank, however, is matrilineal. There were no reports of unequal pay for equal work or gender-related job discrimination. The government generally enforced the law effectively.

Children

Birth Registration: At least one parent must be a citizen of the country in order to transmit citizenship to a child. Birth registration occurs immediately, and there were no reports of failure to register. Authorities register a child born to foreign national parents as a citizen of the parents' countries.

Early and Forced Marriage: There is no minimum age for marriage between two citizens. The minimum age for marriage between a citizen and a noncitizen is 18 for a man and 16 for a woman, and women younger than 18 must obtain parental permission. Underage marriage was not common.

Sexual Exploitation of Children: The law does not explicitly prohibit child pornography, but it does prohibit the commercial sexual exploitation of children, and the law was enforced. The age of consensual sex is 17. Sexual assault of a minor younger than age 15 is a felony and is subject to a maximum imprisonment of 25 years, a \$50,000 fine, or both. Child sexual abuse is a felony with fines up to \$50,000, imprisonment for up to 25 years, or both.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were reportedly fewer than 20 persons in the Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical or mental disabilities. The law covers persons with mental and physical disabilities, and the government enforced these acts. The law includes a provision for limited access to government buildings for persons with disabilities, and the government generally enforced this provision. Most public schools had programs to address the education needs of students with disabilities that included mainstreaming them with other students.

National/Racial/Ethnic Minorities

The law prohibits noncitizens from purchasing land, and there are no provisions for naturalization. Some foreign nationals experienced discrimination in employment (see section 7.d.), pay, housing, education, and access to social services, although the law prohibits such discrimination. Authorities did not pursue or prosecute crimes committed against noncitizens with the same vigor as crimes against citizens.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws addressed sexual orientation and gender identity. There were no reports of violence or discrimination based on sexual orientation or gender identity.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all persons to assemble peacefully and to associate with others for any lawful purpose, including to join and organize labor unions and to bargain collectively; no laws regulate trade union organization. The law neither provides for nor prohibits the right to strike, and the government has not addressed this issue. There is no law concerning antiunion discrimination. The government enforced the laws, and penalties were sufficient to deter violations.

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. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties for forced labor offenses include imprisonment and fines, which were sufficient to deter violations. The Office of the Attorney General, the Bureau of Public Safety, and the Bureau of Labor and Human Resources (all within the Ministry of Justice) are responsible for enforcing the law. The government did not effectively enforce the law.

There were reports employers forced some foreign workers, particularly domestic helpers, unskilled construction laborers, and workers in the tourism industry, to

accept jobs different from those for which they had signed contracts and to accept less pay than stipulated in the contract. There were also reports of fraudulent recruitment onto fishing boats, with fishermen subsequently facing conditions indicative of forced labor. Employers sometimes verbally threatened, or withheld passports and return tickets from, foreign workers seeking to leave unfavorable work situations.

Abuses most commonly reported included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and substandard food and housing. There were also complaints of physical abuse. In several cases local authorities took corrective action when alerted by social service and religious organizations.

See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age of employment for citizens is 16, and the minimum age for noncitizens is 21, excluding entertainers applying for temporary identification certificates. The law prohibits all of the worst forms of child labor. The law requires the government to protect children from exploitation. The Bureau of Labor and Human Resources is responsible for enforcing child labor laws and regulations. The government effectively enforced the law, and the penalties were adequate to deter violations.

There were no reports children worked in the formal economy, but some assisted their families with fishing, agriculture, and small-scale family enterprises.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination with respect to employment or occupation based on race, sex, marital status, place of origin, religion, disabilities, or political grounds. The law protects women from job discrimination and provides for equal pay for equal work. The Bureau of Aging and Gender, under the Ministry of Community and Cultural Affairs, promotes workplace gender equality. The law does not prohibit discrimination with respect to employment or occupation based on sexual orientation or gender identity, or HIV or other communicable disease status. There were no formal or documented reports of employment discrimination.

The government effectively enforced these laws. The Office of the Attorney General and the Bureau of Labor and Human Resources handle cases of workplace discrimination against foreign workers.

e. Acceptable Conditions of Work

The minimum wage (which applies only to citizens) is above the poverty line. The minimum wage does not apply to the informal sector, including, for example, domestic service, some categories of agricultural labor, and NGO work. It also does not apply to foreign workers, employees who are students, or temporary or probationary work by students and persons younger than 21.

The Bureau of Labor and Human Resources has established some regulations about conditions of employment for foreign workers, who are entitled to one day off per week, consisting of 10 continuous hours without working between 6 a.m. and 6 p.m. The bureau may inspect the conditions of the workplace and employer-provided housing on the specific complaint of an employee, but enforcement was inconsistent, and working conditions varied. There were continuing reports of the mistreatment of foreign workers by their employers. The foreign workers most likely to be abused were those who worked under contracts as domestic helpers, farmers, waitresses, cashiers, beauticians, hostesses in karaoke bars and massage parlors, construction workers, and other semiskilled workers, the majority of whom were from the Philippines, China, Bangladesh, Japan, and the Republic of Korea.

Although the law states that employers shall adopt reasonable and adequate occupational safety and health rules, no law protects workers who file complaints about hazardous conditions. Foreign workers may self-censor complaints due to fear they could lose their job if they removed themselves from situations that endangered health or safety.

The Division of Labor had seven labor inspectors responsible for enforcing minimum wage laws, regulations regarding working conditions of foreign employees, and safety standards. The government did not effectively enforce the law. The number of inspectors was insufficient to enforce compliance. According to the law, employers are subject to a civil penalty for noncompliance with minimum wage requirements, in addition to the amount of taxes, social security contributions, and interest on unpaid wages. Penalties for violations of acceptable conditions of work rules include a range of monetary fines per violation and imprisonment, which were not sufficient to deter violations.

Investigations by an Immigration and Labor Monitoring Task Force resulted in the departure of some workers who had overstayed their visas, were working without permits, or were involved in unsolvable disagreements with their employer. The Division of Labor established an amnesty period for foreign workers lacking proper documentation to come forward and receive appropriate documentation. Approximately 50 workers took advantage of this option during the year.