

PALAU 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Palau is a constitutional republic. Voters elect the president, vice president, and members of the legislature (House of Delegates) for four-year terms. In 2016 voters re-elected Tommy E. Remengesau, Jr. president for a four-year term in a generally free and fair election.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

The government took steps to prosecute officials who committed abuses, although it did not punish any officials for involvement in human trafficking offenses.

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

a. Arbitrary Deprivation of Life or 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 of 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, housed 76 inmates, all male as of December.

There was one report of a death (suicide by hanging) in prison.

Administration: Authorities investigated 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, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The Ministry of Justice maintained effective control over the national police and marine police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces.

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 receive visits from counsel, a family member, or 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 were no credible reports that the government monitored private online communications without 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 www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the United Nations 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.

Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has no established system for providing protection to refugees. The government provided some protection against the 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.

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 Tommy E. Remengesau, Jr. president and elected Raynold Oilouch vice president in a generally free and fair election.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

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. There were isolated reports of government corruption, and the government took steps to address them.

Corruption: In 2016 an immigration official pled guilty to charges of misconduct and criminal conspiracy to commit forgery. According to the Ministry of Justice, the immigration officer violated conditions of her probation by leaving the country without permission of the court. There was an outstanding warrant for her arrest.

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 President's Office has an Office of the Ombudsman to which any citizen may complain.

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 25 years' imprisonment, a fine of \$50,000 (national currency is U.S. dollar), or both. Domestic violence is a criminal offense. The law is enforced when police respond to calls of domestic violence; however, many people are reluctant to call police in these situations. The most recent government-sponsored research project on violence against women indicated that approximately 35 percent of women experienced physical or sexual violence or both since the age of 15. There are no shelters for victims of rape and domestic violence. There was a domestic violence counselor available through the Bureau of Public Health. The government conducted public education efforts to combat abuse against women and children.

Sexual Harassment: Sexual harassment is illegal and punishable by a maximum one-year's imprisonment, a \$1,000 fine, or both. There were reported cases of sexual harassment during the year.

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 constitution provides women and men equal parental rights, privileges, and responsibilities. The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. 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 years for a man and 16 years for a woman, and women younger than 18 years must obtain parental permission. Underage marriage was not common.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children, and the law was enforced, with nine men convicted during the year in the same case of sexual assault and promoting prostitution of minors. The age of consensual sex is 17 years. Sexual assault of a minor younger than 15 years 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. The law does not specifically address child pornography.

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.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 www.state.gov/j/tip/rls/tiprpt/.

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 separate 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, pay, housing, education, and access to social services, although the law prohibits

such discrimination (see section 7.d.). 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.

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 contract, or were paid less than the original agreement. 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 of foreign workers desiring 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 www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age of employment for citizens is 16 years, and the minimum age for noncitizens is 21 years, excluding entertainers applying for temporary identification certificates. The law requires the government to protect children from exploitation. The Bureau of Labor and Human Resources is responsible for enforcing laws and regulations related to child labor. 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, HIV-positive status, or other communicable diseases. There were no 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 by law (which applies only to citizens) is \$3.50 per hour. There was no official estimate of the poverty income level. The law does not include informal-sector work, such as domestic work, some categories of agricultural work, nongovernmental organization workers, foreign workers, employees who are students, or temporary or probationary work of students and youths younger than 21 years.

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 was one major industrial accident during the year in which workers were injured or killed.

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 and laws. The number of inspectors was not sufficient 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 related to acceptable conditions of work include a range of monetary fines per violation and imprisonment, which were not sufficient to deter violations.

Wages for domestic helpers employed in private households generally were lower than the minimum wage. The country continued to attract foreign workers from the Philippines, China, Bangladesh, the Republic of Korea, and Japan. An Immigration and Labor Monitoring Task Force established in 2017 resulted in the departure of workers due to overstay, working without permits, or unsolvable disagreements between employee and employer.

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, and Bangladesh.