

# **PALAU 2016 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. On November 1, 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.

The most significant human rights problems in the country were government corruption and discrimination against and abuse of foreign workers.

Other human rights problems were domestic violence and trafficking in persons.

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 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 government officials employed them.

### **Prison and Detention Center Conditions**

Prison and detention center conditions did not meet international standards, but the Ministry of Justice continued efforts to improve them.

Physical Conditions: Authorities detain male and female prisoners in separate areas, but permit them to mingle together during daylight hours.

There were no reports of deaths 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 the government generally observed these prohibitions.

#### **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 was 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.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A person arrested and detained is entitled to challenge in court the legal basis for arrest or detention. The person could also file a civil lawsuit for unlawful arrest or damage to private property.

#### **e. Denial of Fair Public Trial**

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

#### **Trial Procedures**

The law provides for the right to a fair 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 can question witnesses, present evidence on their own behalf, and access government-held evidence in their cases. 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 the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

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

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Internet access was available throughout the country. Although home service was expensive, the price for service at internet cafes allowed most citizens access. Internet access through mobile phones was available in theory, but due to extremely irregular coverage and slow, unreliable satellite-based internet service, smart phone use was limited.

#### **Academic Freedom and Cultural Events**

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

### **b. Freedom of Peaceful Assembly and Association**

The constitution provides for the freedoms of 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/](http://www.state.gov/religiousfreedomreport/).

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

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 the granting of 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 through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: On November 1, 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: There are no legal, cultural, or traditional obstacles to women's participation in government and politics, 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, and officials sometimes engaged in corrupt practices. There were isolated reports of government corruption.

Corruption: During the year an immigration official pled guilty to charges of misconduct and criminal conspiracy to commit forgery. Sentencing remained pending at year's end.

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

Public Access to Information: The law provides for the right of citizens and noncitizens, including foreign media, to examine government documents and observe official deliberations of any government agency. Except at the national level, government workers were hesitant to release information. The national government normally responded promptly to requests and imposed fees only for copying information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 \$50,000 fine, or both. (The U.S. dollar is the official currency.) Domestic violence is a criminal offense. Alcohol and drug abuse contributed to violence and crime against women and children. 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. Street patrol officers and police academy cadets received training to deal with domestic violence.

Sexual Harassment: Sexual harassment is illegal and punishable by a maximum one year imprisonment, a \$1,000 fine, or both. There were no reported cases.

Reproductive Rights: Couples and individuals generally have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so free from discrimination, coercion, or violence.

Discrimination: The law provides for the same legal status and rights for women as for 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.

## **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.

Child Abuse: Government and society generally respected children's rights, although there were isolated reports of child neglect.

The Office of Victims of Crimes, under the Ministry of Health's Office on Social Health, deals with victims of crimes. The Office of Victims of Crimes reported that most violence or abuse against children occurred in the home and generally involved family members. The Office of Victims of Crimes worked closely with police officers and the Office of the Attorney General to aggressively investigate and prosecute cases of violence against children.

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. Although no statistics were available on the prevalence of marriage by persons younger than 18 years, a nongovernmental organization (NGO) reported that underage marriage was not common.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children. The age of consensual sex is 17 years. Continuous 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. 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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

There were reportedly less than 20 members of the Jewish community in the country. 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/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical or mental disabilities. The Disabled Persons' Antidiscrimination Act and the Programs and Services for Handicapped Children Act cover persons with mental disabilities and persons with physical disabilities, and the government enforced the provisions of these acts. The government provides a monthly stipend of \$70 to \$100 for persons with disabilities. The law includes a provision for limited access to government buildings for persons with disabilities, and the government generally enforced this provision. No legislation specifically addressed transportation, communication, the judicial system, or the provision of other state services for persons with disabilities. 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.). Some citizens viewed foreign workers negatively. Foreign residents were subject to discrimination and were targets of petty and sometimes violent crimes, as well as other harmful acts against persons and property. Foreign residents made credible complaints 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 the right to join and organize labor unions; however, there are no laws regulating trade union organization. The law neither provides for nor prohibits the right to strike, and the government has not addressed this issue. There are no laws concerning collective bargaining or antiunion discrimination.

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 range from 10 to 50 years' imprisonment and a maximum fine of \$500,000, which were sufficient to deter violations. The Attorney General's Office, Bureau of Public Safety, and Bureau of Labor and Human Resources are responsible for enforcing the law, although authorities punished no offenders for forced labor crimes.

There were reports employers forced some foreign workers, particularly domestic helpers and unskilled laborers, to accept jobs different from those for which they signed contracts and some became victims of forced labor. 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/](http://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 provides that the government shall protect children from exploitation. By regulation no foreigner younger than 21 years may enter the country for employment purposes, and the government generally enforced this regulation. The Bureau of Labor and Human Resources is responsible for enforcing laws and regulations related to child labor.

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, 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 gender workplace equality. The law prohibits employment discrimination against persons with disabilities. The government effectively enforced these laws. The law does not prohibit discrimination with respect to employment or occupation based on sexual orientation and/or gender identity, HIV-positive status, or other communicable diseases. There were no reports of employment discrimination.

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**

Effective October 1, the law, which applies to citizens, increased the minimum wage from \$3.25 to \$3.50 per hour. The national minimum wage provided a decent standard of living for a worker and family. The law does not include informal-sector work, such as domestic work; some categories of agricultural work; NGO workers, foreign workers, employees who are students, and temporary or probationary work of students and youths younger than 21 years.

The law provides for overtime pay at the rate of time and one-half of the base salary for hours worked in excess of eight hours per day or 40 hours per workweek or work on holidays for government employees. The law establishes a standard workweek of 40 hours and paid holidays for government employees. The law prohibits excessive or compulsory overtime. The Bureau of Labor and Human Resources has established some regulations regarding 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.

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 employment if they removed themselves from situations that endangered health or safety.

The Division of Labor, which had three labor inspectors, enforced minimum wage laws, regulations regarding working conditions of foreign employees, and safety standards and laws. According to the law, employers are subject to a \$500 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 other violations related to acceptable conditions of work range from \$500 to \$2,000 per violation and a maximum imprisonment of six months, which were not sufficient to deter violations. There were no reports of violations of occupational health or safety standards.

In addition to their wages, foreign workers usually received basic accommodations and food gratis or at nominal cost. The minimum wage law stipulates that these

costs are deductible from wages paid. 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. There were an estimated 7,000 foreign nationals with work permits in the country; approximately 70 percent were from the Philippines, 10 percent from China, and 10 percent from Bangladesh.

Reports of mistreatment of foreign workers by their employers continued. 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 and China.