

PALAU 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Palau is a constitutional republic with a 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. On November 3, voters elected Surangel Whipps Jr. president 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. Members of the security forces generally did not commit abuses.

There were no reports of significant human rights abuses.

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

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The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison and detention center conditions were inadequate and did not meet the international standards.

Physical Conditions: The country's only jail, in Koror, with a capacity of 58, held 86 prisoners as of September; 82 were men. There are separate prison cells for male and female prisoners.

Administration: There were no reports of mistreatment. The Office of the Ombudsman, vacant since 2016, is not independent.

Independent Monitoring: There were no requests for human rights observers to visit prisons.

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 or the Office of the Special Prosecutor 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, family members, or the person's employer. Authorities must release

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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.

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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.

Foreign Travel: Due to COVID-19, the country closed its borders in March, and no commercial flights were permitted to enter the country.

e. Status and Treatment of Internally Displaced Persons

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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.

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: On November 3, voters elected Surangel Whipps Jr. as president in a generally free and fair election.

Participation of Women and Members of Minority Groups: No laws prohibit or limit the participation of women or members of minority groups in the political process, and they did participate. In the November 3 election, two women were elected--one to the 13-seat Senate, and one to the 16-seat House of Delegates.

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: The Office of the Special Prosecutor continued to receive reports of corruption and mismanagement of public funds.

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On July 27, the government charged Leon Gulibert, president of the Angaur State legislature, with nine felonies and 15 misdemeanors for misconduct in office, ethics violations, assault, sexual harassment, terrorist threats, nonpayment of wages, tax violations, and filing false and fraudulent tax returns. The case has yet to go to trial.

The case of the former governor of Ngiwal State, Ellender Ngirameketii (son-in-law of former president Thomas Remengesau Sr.), who was arrested in July 2019 and charged with misconduct in office, falsifying financial disclosure statements, and understating payments for security services provided by his company to the government, continued. The trial was delayed because of travel restrictions during the COVID-19 pandemic.

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 including precampaign statements 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, but the position has remained vacant since 2016. 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 of women, including spousal rape, is a crime punishable by a maximum of 25 years' imprisonment, a substantial fine, 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), Semesemel Klengeakel Organizations (Strengthening Family) helped families at high risk of domestic violence with counseling 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 fine, or both. On July 27, the president of the Angaur State legislature, Leon Gulibert, was charged with sexual harassment among other offenses (see section 4).

Reproductive Rights: Couples and individuals generally have the right to decide the number, spacing, and timing of their children, and to manage their reproductive health. They had access to the necessary information and the means to do so, free from discrimination, coercion, and violence. The Ministries of Health and Education coordinated efforts to provide sex education, sexual health, and family planning services, including to victims of sexual violence. Public health clinics offered women's health services such as annual examinations while providing, along with private medical facilities, access to contraception and prenatal care. The Health Ministry encouraged women, including those residing in outlying or isolated states, to seek prenatal care, childbirth, and postpartum care at Belau National Hospital in Koror, the only facility with the trained professionals and skilled attendance for delivery and postpartum care. Many women who could not travel to the main island visited community health centers in the outlying states for these services.

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Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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: Citizenship derives from one's parents; either parent may convey citizenship. Authorities registered births immediately. Authorities register a child born to foreign national parents as a citizen of the parents' countries.

Child Abuse: By law a mandatory reporter (physician, dentist, intern, health assistant, medical officer, nurse or practical nurse, schoolteacher or other school official, day-care worker, law enforcement officer, and any other person authorized to provide care or well-being of a child) must report incidents of child abuse. Failure to report is a misdemeanor punishable by not more than one-year's imprisonment, a fine, or both. Child abuse is punishable by up to five years' imprisonment, a fine, or both.

Child, 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 girl, and girls 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 substantial fine, or both. Child sexual abuse is a felony with penalties being substantial fines, 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

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<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. Issues regarding persons with disabilities are coordinated with the Ministry of Education as well as the Ministry of Health. Nongovernmental organizations like Omekesang and Palau Parent Network also collaborate with these ministries in providing additional assistance to persons with disabilities.

Qualified disabled adults are able to vote. An authorized representative of the voter needs to file a request by the disabled voter for an absentee ballot to enable an authorized person from the Election Commission to go to the voter's home and take his or her vote with a witness.

Members of National/Racial/Ethnic Minority Groups

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

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crimes committed against noncitizens with the same vigor as crimes against citizens.

Acts of Violence, Criminalization, 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 commensurate with those for other laws involving denials of civil rights, such as 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 include imprisonment, fines, or both. By allowing fines in lieu of imprisonment, these penalties were not commensurate with those for analogous serious crimes, such as kidnapping. 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 some employers forced foreign workers, particularly domestic helpers, unskilled construction laborers, and workers in the tourism industry, to

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accept jobs different from those for which they had signed contracts and to accept less pay than stipulated in the contracts. There were also reports of fraudulent recruitment onto fishing boats, with fishermen subsequently facing conditions indicative of forced labor. Filipino, Bangladeshi, Nepali, Chinese, Thai, and Korean immigrants who pay thousands of dollars in recruitment fees and immigrate to the country for the types of jobs noted above are the most vulnerable to these arrangements. Employers sometimes verbally threatened, or withheld passports and return tickets from, foreign workers seeking to leave unfavorable work situations.

The government reported only four victims of forced labor compared with seven in 2018. An international organization explained that few cases were identified or investigated because migrant workers feared that complaints would result in job termination and deportation.

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 commensurate with those for other analogous serious crimes, such as kidnapping. There were no reports children worked in the formal economy, but some assisted their families with fishing, agriculture, and small-scale family enterprises.

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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. No formal or documented reports of employment discrimination were reported, but if there is discrimination with regards to unfulfilled contractual terms of employment, an employee may go to the Bureau of Labor for assistance.

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. Penalties were commensurate with laws related to civil rights, such as election interference.

e. Acceptable Conditions of Work

The minimum wage (which applies only to citizens) is above the poverty line for both government and private-sector employment. Farmers and domestic helpers are exempted from the minimum wage.

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. 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 minimum wage laws were commensurate with those for similar crimes, such as fraud.

The Bureau of Labor and Human Resources has established some regulations regarding conditions of employment for foreign workers, who are entitled to one

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day off per week, consisting of 10 continuous hours without work between 6 a.m. and 6 p.m. The bureau may inspect workplace conditions 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. 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. There were approximately 7,000 foreign workers including Filipinos who make up 60 percent of the country's total workforce. Local workers were employed in the government sector, while foreign workers, particularly from the Philippines, worked in the private sector, mainly in tourism.

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. Inspectors have the authority to make unannounced inspections and initiate sanctions. Penalties for violations of acceptable conditions of work rules include a range of monetary fines per violation and imprisonment; these were commensurate with those for crimes like negligence.

In July, President Remengesau signed an executive order authorizing government stipends to frontline workers impacted by the COVID-19 pandemic, as compensation for time and activities that “entail an increased risk of exposure to COVID-19.”

Investigations by an Immigration and Labor Monitoring Task Force resulted in the departure of some workers who had overstayed their visas, were working without

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permits, or were involved in unsolvable disagreements with their employer. There were no reports of significant industrial accidents.