

# **Palau 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Palau during the year.

Significant human rights issues included credible reports of serious government corruption.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **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, including extrajudicial 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, and Other Related Abuses**

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

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

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

**Abusive Physical Conditions:** The country's only jail, in Koror, had no infirmary. Police escorted ill prisoners to the emergency room at the national hospital and guarded them there.

**Administration:** There were no known allegations by prisoners or others of mistreatment.

**Independent Monitoring:** There was no system of independent monitoring.

## **d. Arbitrary Arrest or Detention**

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

## **Arrest Procedures and Treatment of Detainees**

The law required warrants for arrests, and officials observed the law. The law provided for a prompt judicial determination of the legality of detention, a requirement authorities observed. Authorities informed detainees promptly of charges 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 made available. There was a functioning system of bail.

An arrested person had the right to remain silent and to speak to and receive visits from counsel, family members, or the person's employer. Authorities were required to release or charge those arrested within 24 hours and had to inform detainees of these rights.

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

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

## **Trial Procedures**

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

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibited arbitrary or unlawful interference with privacy, family, home, or correspondence, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provided for freedom of expression, including for members of the press and other media, 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 media members.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

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

The constitution provided 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 and the Right to Leave the Country**

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

## **e. Protection of Refugees**

**Access to Asylum:** The law did not provide for granting asylum or refugee status. The government provided some protection against expulsion or return of potential 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 provided 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**

**Abuses or Irregularities in Recent Elections:** National elections in 2020 were widely reported to be fair and free of abuses and irregularities.

**Participation of Women and Members of Marginalized or Vulnerable Groups:** No laws prohibited or limited the participation of women or members of marginalized or vulnerable groups in the political process, if they were citizens. Women in elected office included: the vice president, two (of 16) governors, two (of 29) federal legislators, and 34 (22 percent of

total) state legislators. Some elder matriarchs believed women held political power via their traditional role in choosing candidates for office and so women did not need to run for office. Younger women, however, argued that because women clan leaders preferred to select men over women to run for office, women's voices were diluted in the political process.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were numerous reports of government corruption. The Office of the Special Prosecutor, an independent entity, was authorized to prosecute all acts of corruption in the government.

**Corruption:** The Office of the Special Prosecutor received multiple reports of corruption and mismanagement of public funds.

In May media reported that the Office of the Special Prosecutor conducted an online survey of employees from the private sector and national and state governments regarding corruption; 86.7 percent of respondents said they witnessed some form of corruption.

On August 4, the Office of the Special Prosecutor charged House of Delegates Speaker Sabino Anastacio with misconduct in public office for leasing land without a business license and failing to pay taxes on the lease.

On August 11, local media reported that Aimeliik State Public Land Authority Chairman Clarence Sriderio Renggulbai leased land in September 2022 to a Chinese national without proper approvals and received direct payment.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were often cooperative and responsive to their views.

**Government Human Rights Bodies:** The Office of the President included an Office of the Ombudsman, but it was vacant since 2016. The special prosecutor position, with sole authority to prosecute corruption cases, became vacant in August.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape of women, including spousal rape, was a crime punishable by a maximum of 25 years' imprisonment, a substantial fine, or both. Domestic violence was a criminal offense. The government



enforced laws on rape and domestic violence effectively when incidents were reported. Many persons, however, were reportedly reluctant to call police in these situations due to societal pressure. A nongovernmental organization (NGO), Semesemel Klengeakel (Strengthening Family), helped families at high risk of domestic violence with counseling sessions and services, working closely with the Ministries of Justice and Health. The Palau Red Cross, the Division of Human Services, and religious institutions provided temporary shelter to victims.

**Other Forms of Gender-based Violence or Harassment:** According to UN Women, the law did not protect women from sexual harassment in the workplace. Each ministry was responsible for managing and tracking cases of work-related harassment; there was no central depository of this information.

**Discrimination:** The law provided the same legal status and rights for women and men and those laws were generally respected. The inheritance of property and of traditional rank, however, was matrilineal. The law protected women from job discrimination and provided for equal pay for equal work. There were no reports of unequal pay for equal work or gender-related job discrimination; women occupied 33 percent of senior management positions in private sector companies.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services, including emergency contraception and postexposure prophylaxis, for survivors of sexual violence.

## **Systemic Racial or Ethnic Violence and Discrimination**

While the constitution outlined the fundamental rights of every citizen, it did not explicitly protect racial or ethnic minorities from violence or discrimination. Authorities did not pursue or prosecute crimes committed against foreigners with the same vigor as crimes against citizens.

The constitution afforded citizenship only to ethnic Palauans. Members of other communities such as Filipinos or Bangladeshis, including those born in the country and long-term legal residents, were not citizens. Such noncitizens made up approximately one-third of the country's resident population.

The law prohibited noncitizens from purchasing land, and there were no provisions for naturalization. Some foreign nationals experienced discrimination in employment, pay, housing, education, and access to social services, although the law prohibited such discrimination.

## **Children**

**Child Abuse:** The law prohibited child abuse and made it punishable by up to five years' imprisonment, a fine, or both. By law any person authorized to

provide care for a child was required to report suspected incidents of child abuse. Failure to report was a misdemeanor punishable by not more than one year's imprisonment, a fine, or both. Observers said child abuse was a serious problem and was underreported because it was a taboo topic in traditional culture.

**Child, Early, and Forced Marriage:** There was no minimum age for marriage between two citizens. The minimum age for marriage between a citizen and a noncitizen was 18 for a man and 16 for a girl, and girls younger than 18 had to obtain parental permission. Underage marriage was not common.

**Sexual Exploitation of Children:** The law did not explicitly prohibit child pornography; it did prohibit the commercial sexual exploitation of children, and the law was enforced. The age of consensual sex was 17. Sexual assault of a child younger than age 15 and child sexual abuse were felonies subject to maximum imprisonment of 25 years, a substantial fine, or both.

## Antisemitism

There were reportedly fewer than 20 persons in the Jewish community.

There were no reports of antisemitic incidents.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** No law criminalized consensual same-sex sexual conduct between adults. There were no reports of neutral laws being disproportionately applied to lesbian, gay, bisexual, transexual, queer, or intersex (LGBTQI+) persons.

**Violence and Harassment:** There were no reports of violence based on sexual orientation, gender identity and expression, or sex characteristics, but NGOs working to promote the rights of LGBTQI+ persons indicated such acts sometimes went unreported or were misreported.

**Discrimination:** The law did not protect LGBTQI+ persons from discrimination. The constitution defined marriage as between a man and a woman. The NGO Living All Inclusive in Belau (LAIIB) reported bullying of LGBTQI+ individuals and discrimination in the health-care system and stated stigma against LGBTQI+ persons in traditional culture prevented them from seeking redress for discrimination. Some traditional leaders aimed public derogatory remarks at LGBTQI+ persons.

According to LAIIB, HIV treatment in state-run facilities focused more on abstinence and the harm of same-sex activity than on providing treatment

for HIV, although private clinics run by foreigners were less judgmental.

**Availability of Legal Gender Recognition:** Legal gender recognition was not allowed, and there were no mechanisms for individuals to change their name or gender identity.

**Involuntary or Coercive Medical or Psychological Practices:** There were no reports of “conversion therapy” practices or intersex normalization surgeries.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no such restrictions. Several public figures supported LGBTQI+ rights and LAIIB hosted several public events supporting the LGBTQI+ community.

## **Persons with Disabilities**

Persons with disabilities could access education, health services, public buildings, and transportation on an equal basis with others. The law included a provision for access to government buildings for persons with disabilities; the government generally enforced this in new facilities, although most older government buildings were not accessible. Most public schools had programs to address the educational needs of students with disabilities, including mainstreaming them with other students.

Employment discrimination against persons with disabilities was prohibited.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the right of all persons to join and organize labor unions and to bargain collectively; no laws regulated trade union organization. The law neither provided for nor prohibited the right to strike, and the government did not address this issue. There was no law barring antiunion discrimination.

There were no active labor unions or other employee organizations.

### **b. Prohibition of Forced or Compulsory Labor**

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 law prohibited all the worst forms of child labor. The minimum age of employment for citizens was 16; for noncitizens it was 21, excluding entertainers applying for temporary identification certificates. The law required the government to protect children from exploitation. The Office

of Labor Compliance was responsible for enforcing child labor laws and regulations. The government effectively enforced the law, and penalties were commensurate with those for analogous serious crimes, such as kidnapping. There were no reports of children working in the formal economy, but some assisted their families with fishing, agriculture, and small-scale family enterprises. There were no confirmed reports during the year of the worst forms of child labor.

#### **d. Discrimination (see section 6)**

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided for a minimum wage for government and private-sector employment above the poverty income level. The minimum wage did not apply to foreign migrants working as agricultural laborers or domestic workers, to students, to temporary or probationary work by students, or to persons younger than 21.

The workweek for public employees was 40 hours a week. For private sector employees the workweek depended on the terms of the contract; the legal minimum time off was one day per week. Foreign workers in the private sector were entitled to one day off per week, consisting, however, only of 10 continuous hours without work between 6 a.m. and 6 p.m.

**Occupational Safety and Health:** The law required employers to adopt

reasonable and adequate occupational safety and health (OSH) rules; it did not set safety and health standards and rules were not regularly followed with heavy equipment and transportation. No law protected workers who filed complaints about hazardous conditions. Foreign workers could have self-censored complaints due to fear they would lose their job if they removed themselves from situations endangering their health or safety. There were no statistics available regarding OSH violations. The government did not take a proactive approach to inspecting labor conditions.

**Wage, Hour, and OSH Enforcement:** The Office of Labor Compliance had eight labor officers/inspectors responsible for enforcing minimum wage laws, regulations regarding working conditions of foreign employees, and verifying the adequacy of firms' safety standards. The government did not effectively enforce the law. Although migrant workers could raise complaints to a labor dispute resolution board, they rarely did so. When complaints were raised, employers would usually quickly repatriate the worker to their home country to avoid further investigation.

Penalties for violations of wage laws or OSH rules were commensurate with those for similar crimes such as fraud and negligence. Penalties include fines or imprisonment but were rarely applied against violators.

Noncompliance with minimum wage requirements entailed a civil penalty in addition to repayment of back due taxes, social security contributions, and wages (with interest also levied on unpaid wages).



Inspectors had the authority to make unannounced inspections of workplaces and employer-provided housing. Inspections could also be based on the specific complaint of an employee. They were able to initiate sanctions, but the number of inspectors was insufficient to enforce compliance and penalties were rarely applied against violators.

There were continued reports of the mistreatment of foreign workers by employers. Noncitizens were especially at risk of labor abuses. Migrant workers were commonly employed in the tourism sector; those most likely to be abused included domestic and farm workers, waitresses, cashiers, beauticians, hostesses in karaoke bars and massage parlors, and construction and other semiskilled workers, the majority of whom were from the Philippines and Bangladesh. Local workers were largely employed in the government sector.

According to the International Labor Organization, in 2021 the informal economy accounted for more than half of all jobs in the country. The government was unable to consistently enforce labor laws in the formal and informal sector.