



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**List of issues to be taken up in connection with the  
consideration of the initial report of Macao, China  
(CCPR/C/CHN-MAC/1) adopted by the Committee at its  
105th session, 9 - 27 July 2012**

Addendum

**Replies of Macao, China to the list of issues\***

[21 February 2013]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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**Question 1**

1. The Initial Report is the first report submitted to the United Nations Human Rights Committee (hereinafter referred to as “the Committee”) through the Central People’s Government after the handover of the Macao Special Administrative Region (hereinafter referred to as “the Macao SAR”) to China in 1999. It was drafted and made in accordance with the guidelines on the form and content of reports (Document no. HRI/GEN/2/Rev.6) provided by the Committee, as such, it did not respond one by one to the concluding observations (CCPR/C/79/Add.115) made by the Committee in 1999. However, the adoption of the mean of making the Initial Report was only for complying with the guidelines on the form and content of reports but it does not imply that the Macao SAR did not respond or follow up with the opinions and recommendations made by the Committee. In fact, the Macao SAR’s replies to the concluding observations of the Committee are scattered in various parts of the Initial Report, for instance, in response to paragraph 7 of the concluding observations, please refer to paragraphs 11 to 14 of the Initial Report.
2. The actual situation of the Macao SAR’s follow-up of the 1999 concluding observations will be presented individually but as the content of paragraphs 8, 10, 11, 12, 13 and 14 of the concluding observations is basically repeating that of the List of Issues, therefore, we will not reply here again.
3. For the reply to paragraph 7 of the concluding observations, please refer to paragraphs 11 to 14 of the Initial Report. Regarding the Committee’s concern, it must be reiterated that neither human rights nor the law or legal provisions related to human rights cease to be in force after the handover.
4. The Committee suggested in paragraph 9 of the concluding observations that the Macao SAR should strengthen the training of lawyers and translators in the area of human rights. In fact, the Macao SAR and the European Union have signed an agreement on the “EU-Macao Cooperation Programme in the Legal Field”. Under the framework of this Agreement, the Legal and Judicial Training Centre held various legal training seminars for the Macao SAR magistrates, legal instructors, trainees for magistracy, lawyers, trainee solicitors, legal personnel in government departments and other interested parties in the area of human rights. Since 2005, a series of seminars in this field had already been organised, with the training topics covering, namely, “Human Rights, UN Covenants and Fundamental Rights” (2005), “Human Rights, UN Covenants and Fundamental Rights: Realisation of Human Rights - the Glorified Esperanto?” (2005), “Human Rights and International Law: A Global Challenge” (2006), “Cultural Diversity and Human Rights: A Good Match?” (2010), “Human Rights and Fundamental Freedom: The Rights of Privacy and Data Protection” (2011), the “System of Fundamental Rights” (2012), and so forth. Apart from the activities carried out under the “EU-Macao Co-operation in the Legal Field”, the Legal and Judicial Training Centre had also organised a number of other training activities on human rights including a seminar on the “System of Protection of Serious Violations of Human Rights in International Law” (2004), a seminar on the “Collection of Evidence and Fundamental Rights” (2007), and a seminar on “Fundamental Rights and Criminal Law - One Relationship ‘Complex’ in the Jurisprudence of the European Court of Human Rights” (2008). All these activities positively responded to the recommendations by the Committee.
5. In paragraph 15 of the concluding observations, the Committee was concerned about the issue of freedom of expression in Macao after the handover. It must be noted that the Committee’s concern or doubt does not exist. The Macao SAR upholds the freedom of press, speech and publication, and the freedom of press and speech is adequately safeguarded. Among which, Article 27 of the Basic Law sets out the freedom of speech, press and publication of Macao residents.

6. Law no. 7/90/M, the Press Law, is a law designated to guarantee the rights to gather, report and receive information of journalists. It also ensures the independence of journalists during their performance of duties. This law remains in force even after the handover. Please refer to paragraphs 433 to 440 of the Initial Report for the provisions of the Press Law.

7. On the other hand, it must also be pointed out that the media industry has continued to grow after the handover of the Macao SAR. In fact, the number of newspapers published in the Chinese language has increased from eight to ten, with one of them being a newly published free newspaper. The number of newspapers published in Portuguese has increased from two to three while all the three newspapers in English were founded after the handover. With regards to the broadcasting industry, one cable TV station and three satellite TV stations began services after the handover, bringing richer and more diverse information to the Macao citizens.

8. Apart from the increase in its number, the media institutions in Macao have also been constantly enhancing their role in monitoring the Government in respect of law enforcement. In recent years, the newspapers have been successively issuing special columns for commenting on current affairs and political issues, while the electronic media has been launching programmes with guests and residents discussing current affairs and political issues. These initiatives demonstrate that the press and the residents continue to enjoy freedom of press and speech after the handover.

9. The Committee expressed concerns about a lack of non-governmental organisations (NGOs) in Macao as noted in paragraph 16 of the concluding observations. Article 27 of the Basic Law ensures that Macao residents are entitled to freedom of association. Law no. 2/99/M and Articles 154 to 192 of the Civil Code regulate the legal system of association. Residents of the Macao SAR have the right to form or not form associations under unlimited circumstances. No public authority can, in any form, force individuals to establish, join or withdraw from any kind of association.

10. NGOs of any nature can apply to the Macao SAR Government for allowances according to the law. The Macao SAR Government encourages and supports NGOs with charitable, medical, educational or other charitable purposes, such as tax exemptions, financial subsidies and so forth. All these support measures show how the Macao SAR Government encourages the establishment of NGOs.

11. As of November 2012, there are 5,605 associations, which include human rights NGOs such as labour rights NGOs (the Macao Federation of Trade Unions, the Macao Workers' Rights Association, and so forth). As for the NGOs pertaining to the rights of women, children and elderly, there are the Women's General Association of Macao, the Macao Caritas, the Sin Meng Charity Association, the Against Child Abuse (Macao) Association, and so forth. With respect to NGOs in relation to disability issues, there are the Macao Association for the Mentally Handicapped, the Macao Association for the Mentally Handicapped Parents Association, the Macao Deaf Association, the Macao Association of Support for the Disabled, and so forth registered at the Identification Bureau.

## **Question 2**

12. As mentioned in paragraphs 34, 47 to 50 of the Initial Report, international treaties are applicable to the Macao SAR by means of "incorporation". Judicial organs can directly cite the relevant treaties as the legal basis for judgments. Furthermore, natural persons or legal persons can also directly invoke the aforementioned treaties for standing for their own rights and ascertaining relevant obligations.

13. For example, in Case no. 792/2010 of the Court of Second Instance (criminal appeal case), the suspects directly cited provisions of the Covenant to assert their own rights. The

suspects were accused of committing the crime of libel against the Director of the Judiciary Police. The suspects argued that, as a victim, the official participation of the Director of the Judiciary Police in the investigation of this case was a violation of Article 14 of the Covenant which states that “all persons shall be equal before the courts and tribunals”. The Court finally ruled that the allegation of the suspects was unfounded because the investigation and the indictment against the suspects as well as the interrogation were done by the Procuratorate and the original court respectively, but not by the aforementioned victim, the Director of the Judiciary Police. In addition, the Criminal Procedure Code does not prohibit the dual identity of the criminal police and the libel victim, who is the Director of the Judiciary Police in this case, from being involved in the criminal investigation of the related offence.

14. In relation to the data of complaints, from January 2009 to 30 November 2012, neither the Public Administration and Civil Service Centre (which is now called the Government Information Centre) nor the Labour Affairs Bureau had received any complaint concerning the violation of the Covenant.

15. As regards the exercise of the right to petition, the Macao SAR residents have been extensively exercising the right to petition under different formats of “request”, “application” and “appeal” to the Chief Executive, the Office of the Chief Executive and the Legislative Assembly pursuant to the right to petition granted by Law no. 5/94/M. The scopes of petition cover people’s livelihood, education, legal reform and other areas. From January 2001 to November 2012, the Legislative Assembly of the Macao SAR had received a total of 42 petitions, 29 of which were related to the requests for the formulation of or amendment to the existing law and 10 of the 42 petitions concerned the provisions of the International Covenant on Civil and Political Rights such as its Articles 2, 17 and 26, but there was only one petition that directly quoted the provision of the Covenant (Article 9(3)).

### **Question 3**

16. As an administrative region of China, the question of whether or not the Macao SAR has established an independent national human rights institution is inapplicable to it. Currently, the Macao SAR has not established any independent human rights institution yet but it should be emphasized that under the existing legal norms, system and structure, ample protection for human rights is guaranteed. As mentioned in paragraphs 29 to 46 of the Initial Report, the rights stipulated in the Covenant are implemented through the laws of the Macao SAR.

17. In order to enhance the public’s awareness of their own rights and the relevant legal protection, the Legal Affairs Bureau has been disseminating legal information of different areas through various forms, such as dissemination seminars, contests, bazaars and pamphlets, for instance, the publication of the booklet of the International Covenant on Civil and Political Rights could be obtained from all government departments, community centres, libraries and other locations for free. Please refer to paragraphs 51 to 57 of the Initial Report for details of the dissemination of law.

18. As for monitoring the implementation of the Covenant, it is worth mentioning that the CCAC (the Commission Against Corruption) had amended its Organisational Law in 2012. Apart from maintaining its function as an “ombudsman”, the Commission further increased its function in promoting the protection of human rights, freedom, security and legitimate interests as well as ensuring the justice, legality and efficiency of public administration.

19. Apart from the CCAC being an independent government institution that monitors the implementation of the Covenant, representatives from the civil community and NGOs have formed commissions in different areas, with an aim to promote and facilitate the

implementation of human rights, constituted to a series of regulatory mechanisms. Please refer to paragraph 71 of the Initial Report for the list of the aforementioned commissions.

20. The rights stipulated in the Covenant and other human rights conventions have been extensively disseminated in the Macao SAR through the aforementioned measures and such rights are safeguarded through the highly strict monitoring mechanism.

#### **Question 4**

21. In order to further respond to the international requirements related to anti-money laundering and counter-terrorist financing, the Macao SAR Government established the Financial Intelligence Office in 2006. Its major responsibilities are:

(1) to collect, analyse and provide information on suspicious money laundering and terrorist financing transaction reports to law enforcement authorities and to report the suspicious cases to the Public Prosecutions Office;

(2) to provide for, and receive from, entities outside the Macao SAR information regarding crimes relating to money laundering and terrorist financing in compliance with regional agreements or international law instruments applicable to the Macao SAR;

(3) to collaborate with competent entities in formulating anti-money laundering and combating terrorist financing guidelines;

(4) to develop and promote programmes for educating the general public on the prevention and suppression of money laundering and terrorist financing.

22. With respect to internal laws and regulations, the Macao SAR adopted legislations in accordance with the international standards to counter-terrorism and the financing of terrorism as well as reinforced its intelligence and data collection among its regional and foreign law enforcement counterparts.

23. Specifically, Law no. 3/2006 of 10 April, sets up the legal regime to prevent and suppress terrorism, including the criminalisation of terrorist acts committed by a single offender or by an organisation; the criminalisation of terrorist acts against a foreign state or international organisation; the extra-territorial jurisdiction for these crimes; the criminal liability of legal persons, and the criminalisation of the financing of terrorism. To prevent the financing of terrorism, a set of administrative measures were adopted through Administrative Regulation no. 7/2006, where it prescribes the prerequisites and contents of the duties regarding the prevention of the criminal offences of money laundering and the financing of terrorism (such as customer due diligence measures, waiving of bank secrecy, duty to report suspicious transactions) and establishes the supervisory system for compliance and the framework of the applicable penalties in case of non-compliance.

24. Moreover, the Macao SAR, as a member of the Asia/Pacific Group on Money Laundering, is regularly assessed on its efforts to tackle terrorism and the financing of terrorism. There is also a special force unit at the Public Police Security Force that deals with specific operational situations that threaten the public order and security of the Macao SAR to combat and detect terrorists and rescue hostages. This unit is specially trained to handle high-risk missions and exchanges information with neighbouring and foreign counterparts.

25. Legal cooperation in criminal matters is also important to counter-terrorism. The Macao SAR law enforcement authorities have created a direct communication system and an information exchange channel with Mainland China, the Hong Kong SAR and other countries or regions in order to enhance cooperation as well as closely cooperate with the Macao Sub-Bureau of the China National Central Bureau of INTERPOL.

26. In addition, in order to enhance international and regional cooperation to strengthen the efforts of combating crimes, the Financial Intelligence Office has signed memoranda of understanding or cooperation agreements with 11 financial intelligence units respectively, with the expectation of working closely in the area of collection, utilisation and analysis of the financial intelligence in relation to money laundering and terrorist financing and of establishing a mechanism of regular information sharing, typology study and personnel interaction.

27. It should be underlined within this context that there are no records or cases investigated of terrorism or the financing of terrorism in the Macao SAR.

28. In respect of legal safeguards and remedies, as explained in paragraphs 58 to 72 of the Initial Report, the legal system of the Macao SAR is founded on the principles of legality, equality before the law, non-discrimination and so forth and that all individuals can recur to judicial, quasi-judicial and non-judicial remedies to safeguard their fundamental rights. Any person suspected or accused of committing terrorism or the financing of terrorism in the Macao SAR shall be entitled to criminal procedural guarantees, the right to appeal, habeas corpus, the right to compensation for unlawful arrest, and the right to an equal, fair and public hearing and so forth.

29. On the other hand, apart from establishing a relief system for victims on the civil and criminal law, victims of terrorist crimes (who are considered victims of violent crimes under Article 1(2) of the Criminal Procedure Code) can also refer to Law no. 6/98/M, Law on the Protection of Victims of Violent Crimes, whereby victims can apply for a special financial compensation even if the offender's identity is not known or if, for any reason, the offender cannot be accused or convicted.

30. In the context of counter-terrorism, there are no cases of deportation or expulsion.

#### **Question 5**

31. First of all, it should be clarified that Law no. 9/2002, Legal Framework for Internal Security, only establishes the legal basis for internal security, that is, the establishment of principles, guidelines and fundamental measures necessary for the protection of internal security. It should also be noted that one of the principles established by that law is the principle of respect for the rights, freedom and protection of individuals.

32. According to Article 18 of Law no. 9/2002, if there is strong evidence of disturbance of internal security due to criminal activities, the Police Unitary Service can suggest to the judge in charge of criminal litigation to give an order for the execution of the monitoring of communications, including written, telephone and computer communications or other means of the monitoring of communications pursuant to Articles 172 to 175 of the Criminal Procedure Code. Therefore, the monitoring of communications prescribed in Article 18 of Law no. 9/2002 can only be used after receiving an order or authorisation from the judge.

33. Until now, the Macao SAR Government has never implemented the monitoring system of communications prescribed in Article 18 of Law no. 9/2002.

34. The coordination of Law no. 9/2002 and Law no. 8/2005 is achieved by the following two basic aspects:

35. First of all, in principle, the access to personal data is not allowed, except when there is a suspect of illegal activities, criminal offences, administrative offences and decisions relating to penalties, security measures, fines and accessory penalties. Even if personal data is legally obtained, it must comply with the relevant provisions: (1) the access to personal data shall maintain the standards of data protection and information security; (2) the access to personal data is deemed necessary for legitimate purposes; (3) the personal rights, freedom and guarantees do not take precedence over the responsible entity to achieve its

legitimate purposes; (4) in any case, the access to personal data shall be limited to what is necessary for specific purposes (Article 8 of Law no. 8/2005).

36. Secondly, the law also empowers the party involved to defend and adopt a variety of measures, for instance: (1) to submit a complaint to the competent authority responsible for supervising the collection, storage and use of personal data; (2) to adopt administrative or judicial measures; (3) to use the urgent judicial protection for appealing to the court against decisions made regarding personal data; (4) to invoke the provision of administrative infringements and crimes relating to the access of personal data – Articles 28 to 44 of Law no. 8/2005.

37. In conclusion, the measures presented are in full compliance with the provisions of the Basic Law, pursuant to which “the freedom and privacy of communication of Macao residents shall be protected by law. No department or individual may, on any grounds, infringe upon the freedom and privacy of communication of residents except that the relevant authorities may inspect communication in accordance with the provisions of the law to meet the needs of public security or of investigation into criminal offences” (Article 32 of the Basic Law).

#### **Question 6**

38. Regarding equality between men and women in employment, at the legal level, Decree-Law no. 52/95/M establishes regulations to guarantee equal opportunities and treatment in employment for men and women workers in labour relations. Its Article 9 provides that men and women employees are entitled to receive equal remuneration for work of equal value provided for the same employer. Following the same principle, Article 5(1) of Law no. 4/98/M on the Legal Framework for Employment and Labour Rights and Article 57(2) of Law no. 7/2008, the Labour Relations Law, establish the principle of equal remuneration for work of equal value. Aside from basic remuneration, the Labour Relations Law further establishes that, regarding working conditions, no employee shall be treated unequally due to gender or other grounds. In addition, it is worth mentioning that the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (ILO Convention no. 100) is applicable to the Macao SAR.

39. In fact, the statistical figures on working population, employed population and unemployed population by gender and age groups announced quarterly by the Statistics and Census Service show that the employment rate of women in the Macao SAR is not low at all. From the statistical data of the median monthly employment earnings of recent years, it can be seen that the remuneration for men and women employees in the public sector are similar, although, in practice, there are still gaps in the remuneration between men and women employees in private institutions. These gaps, however, do not generally exist in all industries and there are many objective factors causing the gaps, such as the physical differences between men and women, the development conditions of relevant industries, and so forth.

40. Moreover, since 2008, the Consultative Commission for Women’s Affairs has been conducting a survey, every two years, on the current status of women in Macao. Among others, the Report on the Current Status of Women in Macao 2008 and the Report on the Current Status of Women in Macao 2010 both reckoned the Macao SAR’s ranking on the Global Gender Gap Index so as to assess the inequality between men and women in Macao. According to the aforementioned Reports, in 2008, the ratio of men’s and women’s salaries was 0.8 and in 2010, the ratio was 0.78 while the world’s average ratios were 0.51 and 0.54 respectively, indicating that the figures achieved by Macao in those two years were higher than the global average figures. The Report on the Current Status of Women in Macao 2010 also pointed out that a considerable number of women gave up their full-time jobs and engaged in part-time works with fewer working hours in order to take care of their families

and consequently earned less, thus this may lower the average salary of female employees. From this, it shows that Macao women are willing to devote more time to family life which may be the reason for the existence of the gender pay gap.

41. On the other hand, in order to enhance the knowledge of the general public on the rights and interests relating to work, the Labour Affairs Bureau continues to disseminate and promote the Labour Relations Law. At the same time, it has also set up a dedicated consultation email address for employees to make inquiries or lodge complaints on issues related to labour relations. Besides following up complaints lodged by employees, the Bureau will also, upon receipt of information from other sources such as media reports or citizen opinions that the labour rights and interests of employees are infringed, take the initiative to contact the employers or employees concerned to understand the specific situations and file cases in time for investigation and follow-up.

#### **Question 7**

42. Law no. 9/2002 on the Legal Framework for Internal Security aims at safeguarding public order and tranquility, protecting personal and property safety, preventing and investigating crimes and controlling immigration so as to ensure stability of the society and the exercise of fundamental rights and freedoms.

43. According to Article 8 of Law no. 9/2002, whenever there is a case of emergency that poses a serious threat to the internal security, to ensure public order and tranquility, the Chief Executive may, subject to Article 40 of the Basic Law, determine the adoption of measures that involve the restriction of fundamental rights and freedom, provided that these measures are necessary, suitable and proportional to the end of maintaining or restoring the said security. The temporal limit for such measures is 48 hours. With respect to this, Article 40(2) of the Basic Law expressly stipulates that the rights and freedoms enjoyed by the Macao SAR residents shall not be restricted unless as prescribed by law, and that such restrictions shall not contravene the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to the Macao SAR. Therefore, all restrictions are limited to the scope permitted by the International Covenant on Civil and Political Rights. This means that any measure that may restrict or derogate fundamental rights and freedoms provided for in Article 4(2) of the Covenant may not be adopted.

44. In order to ensure that the legitimate rights and interests will not be restricted, Article 2 of the Legal Framework for Internal Security stipulates that the measures adopted to maintain internal security must respect the rights, freedoms and guarantees of persons and must abide by some fundamental principles of law (including the principle of equality, proportionality and non-discrimination), criminal law, criminal procedure law, organisational law of military and security departments and general police regulations, and the aforementioned measures shall be applied only when they are absolutely necessary to safeguard and ensure public security and tranquility.

45. Specifically, the law enforcement authorities may adopt the following restrictive measures pursuant to Article 17 of the aforementioned Law:

- To allow police surveillance of persons, buildings and venues for a limited period of time;
- to ask for the identification of a person whenever he/she is in a public place or under police supervision;
- to seize arms, munitions and explosives temporarily;

- to refuse the entry of non-residents into the Macao SAR or expel anyone who may pose a threat to internal security or is considered inadmissible to the Macao SAR or seen as a suspect with connections with transnational crime, including international terrorism;
- to close temporarily some venues or terminate the activities of some enterprises that are linked to organised crime or terrorism, and the judicial authority shall be informed of the adoption of such a measure.

46. As other persons whose rights are violated, if a person subject to the aforementioned measures considers his/her rights as being violated, he/she may, in accordance with law, access to law and initiate proceedings in court, access to lawyers to obtain legal aid, in order to protect his legitimate rights.

47. Last but not least, as stated in paragraphs 91 and 92 of the Initial Report, the Macao SAR Government is only responsible for maintaining the ordre public (internal security) of the Macao SAR. The power to declare a state of emergency in the Macao SAR, by reasons of war or turmoil which endangers national unity or security, belongs to the Standing Committee of the National People's Congress.

### **Question 8**

48. Rape is a crime against the sexual freedom of a person and it is provided for in Article 157 of the Macao Criminal Code. Rape includes both the copula with a person, by means of violence, as well as coercion to copulate with a third person. The penalty is 3 to 12 years of imprisonment. The same penalty is applicable to the person that, by means of violence, practises anal coitus with another person or coerces him/her to have it with a third person. Reference shall also be made to the crime of sexual coercion, that is, the coercion of another person, by means of violence, serious threat, or making the victim unconscious, or putting him/her in a position in which he/she may not offer resistance, to endure or practise, with the offender or a third person, a relevant sexual act. The penalty for this crime is 2 to 8 years of imprisonment (Article 158 of the Macao Criminal Code).

49. The relevant penalties shall be aggravated by one-third in its minimum and maximum limits when the crime is committed by an ascendant, a descendant, an adopter or an adoptee, a family member of the second degree or a guardian of the victim (Article 171 of the Macao Criminal Code).

50. Different services of the Macao SAR Government adopt different measures to combat those crimes. For instance, the Legal Affairs Bureau is in charge of the dissemination of the law and awareness programmes to the general public and in schools; the Health Bureau is liable to identify such cases at the hospitals and health centres and refer to the police for investigation; the Social Welfare Bureau is liable to provide social and psychological assistance, and shelter whereas the police is responsible for carrying out criminal investigation for prosecution as well as preventing and combating crimes.

51. The provision to punish the family member that commits the crime of domestic violence is provided for in Article 146(2) of the Macao Criminal Code, which provides that whoever physically and psychologically abuses the spouse, or the person in an analogous situation shall be punished with a penalty of 1 to 5 years of imprisonment. The penalty shall be aggravated if it concerns a serious offence to physical integrity of the victim (2 to 8 years of imprisonment) or results in the victim's death (5 to 15 years of imprisonment) (Article 146(3) and (4)). The crime against the physical integrity of a person is also provided for in Articles 137 and 138 of the Macao Criminal Code.

52. The Macao SAR Government is drafting a law specifically for the problem of domestic violence.

53. The Social Welfare Bureau runs a special unit, the Family Counselling Office, which comprises psychologists, jurists and social workers, providing pluralistic services to families at risk, particularly to women and their children who are victims of domestic violence. In addition to this, the Social Welfare Institute has Social Work Centres throughout the Macao SAR which handle these cases in loco, providing support services to the courts and to urgent cases on a daily and continuous basis. The Social Welfare Bureau maintains a close relationship with private social institutions and other entities with similar objectives, granting them support and cooperating with them.

54. The following information illustrates the cases related to rape, sexual coercion and domestic violence between 2008 and 2012 for investigation:

<i>Crime/Year</i>	<i>Case for Investigation</i>				
	2008	2009	2010	2011	Sept. 2012
Rape	19	17	19	21	16
Sexual Coercion	4	6	2	7	2
Domestic violence - woman victim	239	280	269	243	165
Domestic violence - man victim	18	14	27	17	17
Domestic violence - child victim	28	27	30	15	1

Source of information: Coordination Office for Security, 2012

55. With regard to emergency relief and protection for victims, the Social Welfare Bureau plays an important role in providing victims with support in many aspects:

*In the aspects of accommodation and daily care*

56. With respect to minors who are victims of sexual assault or abuse, the Bureau will, considering their safety, provide them with accommodation and daily necessities. Moreover, the Social Welfare Bureau sponsors two civil institutions to provide shelter for women and families subject to violence and provides monthly financial assistance for victims who are facing financial difficulties for leaving their families in order to protect the safety of the victims and allow them to live in a stable and safe environment.

*In the legal aspect*

57. In order to protect the safety of minors, the Bureau will submit to the Public Prosecutions Office reports on their situations and will, considering their specific situations, apply to the court for entrusting them to relevant institutions in accordance with the Legal Framework on Educational and Social Protection on Juvenile Justice. In case the abusers are the parents or guardians of the victims, the Bureau will apply to the court for guardianship measures that arrange for them appropriate guardians who will assist them to take care of their daily lives. On the other hand, the Bureau will also provide the victims and their family members with legal advice service in order to answer their questions on legal issues, such as issues on marriage and property in domestic violence cases.

*In the aspect of studies*

58. If the studies of victims are affected due to unfortunate incidents or if there is a need for them to change their learning environments, the Bureau will, through inter-departmental cooperation, assist the victims to handle issues with their studies so as to allow them to continue their studies in safe environments.

*In the aspect of treatment*

59. If necessary, victims may be provided with medical treatments, including psychological counselling services for them and their family members.

60. Regarding the formulation of legislation to regulate sexual harassment at workplaces, although the Macao SAR has not formulated any specific legislation on sexual harassment at the workplace, if an employer does not respect an employee or treat an employee in an impolite manner, including any sexual harassment behaviour, the employee may lodge a complaint with the Labour Affairs Bureau. If, during investigation, any offence such as rape or sex coercion is found, the Labour Affairs Bureau will refer the case to the criminal police authorities for follow-up so that a criminal charge will be initiated against the offender according to legal procedures.

**Question 9**

61. The principle of legality (Article 1 of the Macao Criminal Code), non-retroactivity (Article 2 of the Macao Criminal Code) and non bis in idem (Article 6 of the Macao Criminal Code), provided for in the general part of the Macao Criminal Code, are cornerstone principles of the Macao criminal legal system, as mentioned in the Initial Report in relation to Articles 9, 14 and 15 of the Covenant.

62. The non bis in idem principle is a general principle of criminal procedure guaranteed under the Macao SAR legal order. This principle, as enshrined in the Covenant, is self-executing and may be directly invoked before the courts. Article 6 of the Macao Criminal Code reflects such principle by stipulating that the Macao SAR criminal law is applicable to acts committed outside Macao only when the offender has not been tried in the place where the act was committed.

63. Also Article 20 of Law no. 6/2006 on Legal Cooperation in Criminal Matters with the title “Non bis in idem” states that “When cooperation request is granted which involves the transfer of competence over criminal proceedings in favour of a judiciary authority of a State or Territory, criminal proceedings cannot be filed or continued in the Macao SAR for the same facts that substantiated the request; neither shall the enforcement sentence, which has been transferred to another State or Territory judiciary authority, be enforced in the Macao SAR.”

64. There is nothing in Law no. 6/97/M that contradicts with such fundamental principles of criminal law.

**Question 10**

65. The Macao SAR Government promulgated a new law on the Educational Supervision Regime for Youth Offenders (Law no. 2/2007) on 30 March 2007. The aforementioned law has made a significant reform on the Juvenile Legal System of the Macao SAR. The new legal regime stresses on the adoption of non-punishment measures and the measure of internment is the last resort.

66. Four new measures which aim at assisting youth offenders with correction and social reintegration more appropriately have been introduced in the new legal regime. Firstly, police cautioning measure. This measure can be adopted prior to prosecution. Should the measure be adopted, the youth offender will be immunised from prosecution. Secondly, community service order. The order is a community-based measure and provides youth offenders with opportunities to serve the community. Thirdly, the Macao SAR Government introduced the concept of restorative justice to the new regime and restorative measures are officially applied in the law of the Macao SAR for the correction of youth offenders. The execution of the stated measures mainly includes conferences on restorative

justice, rehabilitation schemes and so forth, the purpose of which is to restore the relationship between the youth offender and the victim as well as mending the damage. Lastly, the new measure is the placement at a short-term home. The measure is not merely to provide training for the correction of youth offenders by making them stay at the short-term home but also allow them to maintain their studies and work.

67. Under the new legal regime, judges have more pluralistic measures to opt when judging youth offenders which can help the youth offenders to turn over a new leaf in a more efficacious manner. Furthermore, the judges must always adopt the measures of non-deprivation of liberty prior to the measures of deprivation, with the confinement being the last resort of the measure of deprivation of liberty.

68. The Social Reintegration Department subordinated to the Legal Affairs Bureau is responsible for providing community correctional services for youth offenders, which include psychological counselling, family relationship mediation, career counselling, back-to-school scheme, vocational training, anti-drug scheme and so forth. Furthermore, considering that the problem of drug-taking in the generation of youth is becoming worse, the Social Reintegration Department has drawn up several anti-drug programmes such as urine tests, seminars, detoxification programmes and so forth in order to assist the youth to stay away from drugs.

#### **Question 11**

69. In terms of juveniles, pursuant to the provision of Article 25 of Law no. 2/2007, the Educational Supervision Regime for Youth Offenders, juvenile offenders aged between 12 and 16 may be subject to internment measures if they have committed a criminal offence carrying a sentence of a maximum term of over 3 years of imprisonment or if they have repeatedly committed criminal offences or misdemeanours punishable by imprisonment. Article 96 of the aforementioned Law expressly points out that juvenile offenders, who guiltily infringe the obligations provided for in the aforementioned Law during the period of internment measures, may be subject to disciplinary measures referred to in that Law, with the placement of the offender in an individual bedroom being the most serious disciplinary action.

70. According to Order no. 91/DSAJ/2009 issued by the Director of the Legal Affairs Bureau in September 2009, if minors between 12 and 16 years old who are subject to internment measures in the Young Offenders Institute, as stipulated in Law no. 2/2007, are placed in individual bedrooms due to their violations of disciplines, they may continue to receive follow-up counselling required for their education during the day and participate in normal activities with others, such as attending classes or leisure-time activities. They will stay in individual bedrooms only during the night. Although the period of the sanction of staying in individual bedrooms may be up to a month, pursuant to Law no. 2/2007, it, in practical terms, generally lasts for 7 days and the number of days may be reduced for well-behaved minors.

71. The regime for disciplinary measures within the facility of the Macao Prison remains unchanged, as stated in paragraphs 214 to 226 of the Initial Report. Pursuant to Article 75(3) of Decree-Law no. 40/94/M, the imposition of disciplinary measures must always be in line with the seriousness of the offence and the prisoner's conduct and personality; the application of disciplinary measures must also be preceded by an investigation. Disciplinary measures vary according to the seriousness of the offence, with the solitary confinement of a prisoner being the most severe disciplinary measure which can be imposed just for a maximum period of 1 month with deprivation of the right to stay in open air as referred to in Article 75(1)(g) of Decree-Law no. 40/94/M. Regarding the disciplinary measure of the isolation in an ordinary cell as referred to in Article 75(1)(f) of the aforementioned Decree-Law, it means the isolation of the prisoner in the cell which he

has been staying. Although he/she is prohibited to participate in any group activity, he/she can still be in contact with other prisoners in the same cell.

72. It has to be pointed out that, pursuant to Order no. 19/SS/2009 issued by the Secretary for Security in March 2009, the Macao Prison would not adopt the isolation measure of solitary confinement to prisoners between 16 and 18 years of age in any situation.

73. To ensure that the aforementioned disciplinary measures will not be abused and to protect the rights of prisoners, pursuant to the provisions of Articles 77 and 82 of Decree-Law no. 40/94/M, the prison director should inform the prisoner in writing of the decision of the imposition of disciplinary measures and the respective grounds; regarding any measure of confinement to a disciplinary cell for over eight days, the prisoner may appeal in writing to the competent court if he is not convinced of such a measure.

74. Moreover, pursuant to Articles 80 to 83 of Decree-Law no. 40/94/M, prisoners enjoy the right to submit representations, complaints and appeals. Pursuant to Article 80(1) of the aforementioned Law, prisoners may address the prison director, prison staff and prison inspectors for issues related to their interests or their lives in prison or complain to them about any illegitimate order.

75. Furthermore, pursuant to the provisions of Articles 13 and 16 of Decree-Law no. 86/99/M, judges and prosecutors to whom prisoners may lodge complaints visit the prison once a month. All prisoners may also make requests in writing to the judicial authorities of the Macao SAR, the prison officials at the management level and the administrative superior of the Macao Prison, the Commission Against Corruption, the Legislative Assembly or the consuls of their countries and so forth.

#### **Question 12**

76. With regards to the translation of laws and judgments, it must be pointed out that, pursuant to the provision of Article 2 of Decree-Law no. 101/99/M, draft laws and proposed laws must be formulated in one of the official languages and accompanied by either a Chinese or Portuguese translation in order to be submitted to the Legislative Assembly. Article 4 of the same Decree-Law stipulates that laws and administrative regulations shall be published in both official languages. Therefore, all laws and administrative regulations contain both Chinese and Portuguese texts since the entry into force of the aforementioned Decree-Law.

77. Articles 8 and 9 of Decree-Law no.101/99/M also stipulate that any person has the right to use, orally or in writing, any of the official languages in the courts or judiciary organs. In deciding which language to use for litigation during judicial proceedings, major benefits regarding the protection of the right to choice and realisation of justice of the party involved shall be taken into consideration. The act of oral proceedings shall be conducted in the common language of the parties involved; if no common language can be used, translation must be provided. Especially during criminal proceedings, if the person required to participate in the proceedings does not know or is not fluent in Chinese or Portuguese, an appropriate interpreter shall be assigned and the person shall not be required to pay for such a fee (Article 82 of the Criminal Procedure Code).

78. For Judicial Year 2011/2012 (1 Sept 2011 to 30 August 2012), the Court of Final Appeal concluded 93 cases, among which a total of 80 cases (86.02%) were concluded in both Chinese and Portuguese languages, with only 13 cases with judgments or decisions being made in Portuguese as both parties involved did not comprehend the Chinese language. Annually, the remarkable judgments of the Court of Second Instance and the Court of Final Appeal will be compiled into the accredited "Compilation of Judgments of

the Macao SAR Court of Final Appeal” and “Compilation of Judgments of the Macao SAR Court of Second Instance” which are published in both Chinese and Portuguese languages.

79. In order to further improve the quality of translated laws and statutes and increase the number of translated judgments, the Public Administration and Civil Service Bureau held a total of 31 training courses from April 2000 to March 2012, with a total of 493 participants. Furthermore, in order to encourage more personnel to pursue a translation career, the Macao SAR Government adopted Law no. 14/2009 in 2009 under which a civil servant who performs the duty of legal translation will be paid an additional remuneration on a monthly basis.

80. In regards to training bilingual magistrates and lawyers, pursuant to Article 3 of Law no. 3/2001, aside from meeting other requirements, candidates for the “Admission Test for Entry-Level Training and Internship Course for Magistrates” must be familiar with the Chinese and Portuguese languages. As such, by completing the “Admission Test for Entry-Level Training and Internship Course for Magistrates”, the magistrates must possess both Chinese and Portuguese language capabilities. Since the establishment of the Macao SAR, the Legal and Judicial Training Centre (hereinafter referred to as the Training Centre) has organised, until now, three Entry-Level Training and Internship Courses for Magistrates, in which 25 qualified interns completed the course and recruited as local magistrates (14 judges, 11 prosecutors), and 12 interns will have completed the ongoing Fourth Entry-Level Training and Internship Course for Magistrates by July 2013.

81. In addition, the Macao Tertiary Education Fund, with the support of the Macao Foundation and the Education and Youth Affairs Bureau, annually loans at least 10 Macao SAR secondary school graduates to Portugal to do undergraduate studies in law. Besides, the University of Macao has launched a postgraduate programme for the improvement in the areas of legal practice and legal terminology. These law graduates possessing bilingual capabilities will be engaged in legal work areas including serving as magistrates, lawyers, law instructors, legal personnel of the public sector and so forth so as to fulfill the lack of local bilingual legal personnel.

82. As of November 2012, the three courts of the Macao SAR has a total of 40 judges (3 in the Court of Final Appeal, 9 in the Court of Second Instance, 28 in the Court of First Instance), while the Public Prosecutions Office has a total of 34 magistrates (1 Prosecutor General, 12 Assistant Prosecutors General, 21 Prosecutors), and there is a total of 249 lawyers in the Macao SAR.

### **Question 13**

83. The transfer of Macao SAR residents to regions or countries other than the People’s Republic of China (PRC) should abide by Law no. 6/2006, the Judicial Cooperation in Criminal Matters.

84. Law no. 6/2006 sets out several grounds for refusal of judicial cooperation in criminal matters. Therefore, the cooperation will be refused if inter alia the offence related with the request is punishable with (1) a penalty which may cause an irreversible damage to the physical integrity of the offender; (2) a penalty or measure involving the deprivation of liberty perpetually or for an indefinite period; (3) the death penalty. Nevertheless, the Macao SAR can consider ratifying the request concerning judicial cooperation in criminal matters if there are strong guarantees given by the Requesting State that the aforementioned penalties will not be imposed or the Requesting State consents to the conversion of those penalties beforehand by a Macao SAR court pursuant to the criminal law of the Macao SAR,.

85. The grounds for declining a request for judicial cooperation in criminal matters are actually applied in practice, for instance, Case no. 320/2010 of the Court of Final Appeal of

the Macao SAR made on 5 July 2012 is an example of the Macao SAR's refusal of the request made by the Republic of Korea for the transfer of an offender due to the involvement of death penalty. In fact, since the Republic of Korea did not provide any guarantee that death penalty would not be applied, the Macao SAR declined its request.

86. Law no. 6/2006 is not applicable to legal assistance in criminal matters within the territory of the PRC. When there is a specific case, the courts of the Macao SAR will judge according to the situation of the specific case. For instance, in Case no. 12/2007 of the Court of Final Appeal of the Macao SAR, since there is no regional law or local law regulating the transfer of offenders between Mainland China and the Macao SAR, public institutions cannot detain a person in respect of whom the INTERPOL has issued an arrest warrant in order to transfer him to Mainland China. The court, therefore, granted the writ of "habeas corpus" applied by the person concerned and ordered for his immediate release.

#### **Question 14**

87. In order to effectively combat the crime of trafficking in persons and protect victims, the Macao SAR Government has strengthened its efforts through measures and policies in 4 areas: legal stipulations, measures to prevent and combat activities of trafficking in persons, protection and assistance for victims to reintegrate into society and international or regional cooperation.

88. Firstly, in the aspect of international law, the International Convention for the Suppression of the Traffic in Women and Children, the Slavery Convention, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime are international law related to the combat against the crime of trafficking in persons that are applicable to the Macao SAR.

89. With respect to local legal stipulations, the criminal legal system on the fight against prostitution remains the same as mentioned in paragraphs 138 to 140 of the Initial Report. The Macao Criminal Code and Law no. 6/97/M, the Law against Organised Crime, provide for the crime of procurement, which effectively combat and punish acts such as the sexual exploitation and sexual slavery of women and prosecute offenders who place women in forced prostitution.

90. Moreover, in order to combat the crime of trafficking in persons in a more efficacious manner and strengthen the protection and assistance measures for victims, the Macao SAR established the Human Trafficking Deterrent Measures Concern Committee, an inter-departmental body with the function of coordination in 2007 and adopted Law no. 6/2008 on the Fight against Trafficking in Persons in June 2008. Please refer to paragraphs 144 and 145 of the Initial Report for the composition and functions of the Committee.

91. Law no. 6/2008 completed the penal stipulations of the Macao SAR on the combat against trafficking in persons. The Law defines the crime of "trafficking in persons" as follows: whoever offers, delivers, induces, recruits, accepts, transports, transfers, harbours or receives a person for the purpose of sexual exploitation, exploitation of labour or services of that person, slavery or practices similar to slavery, removal of organs or tissues of human origin, by means of violence, abduction, or serious threat, deception or fraud, abuse of authority as a result of a hierarchical, economic, labour or family relationship of dependency, abuse of psychic incapacity or of any other situation of vulnerability of the victim or obtaining the consent of a person having control over the victim will be sentenced to a penalty of 3 to 12 years of imprisonment.

92. Pursuant to the provisions of Law no. 6/2008, the penalties will be aggravated for the commission of the crime of trafficking in persons in the following situations: if the victim of the crime of trafficking in persons is a minor, the penalty of such a criminal act will be of 5 to 15 years of imprisonment; if the victim is a minor under 14 years old, or if the perpetrator acts as a form of living or with intent to profit, the penalty will be aggravated by one-third in its minimum and maximum limits, that is, the maximum penalty may reach 20 years of imprisonment.

93. In addition, Law no. 6/2008 provides that legal persons will be held criminally liable when the crime of trafficking in persons is committed on their behalf or in their collective interests and may be punished with a fine or even with judicial dissolution, as well as with accessory penalties such as the prohibition of the exercise of certain activities, the deprivation of the right to subsidies or subventions granted by public services or entities, the closing of the establishment, judicial injunction and publicity of the sentence and so forth.

94. Law no. 6/2008 stipulates that the crime of “trafficking in persons” includes all the behaviours of trafficking in persons from the Macao SAR to foreign countries, from foreign countries to the Macao SAR and within the Macao SAR. Furthermore, the Macao SAR established extraterritorial jurisdiction for the crime of trafficking in persons through the provision of Article 3 of the aforementioned Law.

95. Secondly, the Macao SAR Government has been adopting positive and specific measures to prevent and combat activities of trafficking in persons, including:

- Routine inspections at several black spots for sexual exploitation and labour exploitation;
- target raids at several black spots of potential TIP for labour exploitation (e.g.: construction sites, hotels, restaurants, employment agencies);
- target raids at several black spots of potential TIP for sexual exploitation (e.g.: saunas, massage parlours, night clubs, bars) and inviting persons working in those places to assist in the investigation and establishing a TIP victims identification mechanism to carry out criminal prosecution against perpetrators;
- stricter control at border checkpoints and visa requests (identification of potential victims);
- questionnaires (in several languages) for potential TIP victims of labour exploitation or sexual exploitation are distributed at the Immigration Department of the Macao SAR;
- identification of high-risk countries of origin (visitors or non-resident workers from such countries are given special attention at the border control points in order to detect eventual situations of trafficking);
- set-up of communication systems with neighbouring regions and reinforcement of the collection of intelligence;
- police cooperation with foreign counterparts, neighbouring regions and the Macao Sub-Bureau of the China National Central Bureau of INTERPOL and other organisations;
- organisation of different training activities to prevent and combat the crime of trafficking in persons, including training courses and workshops with the themes of the “Identification of Victims of the Crime of Human Trafficking through Behaviour and Psychological Indications”, the “Application of Tools for Assisting in the Identification of Victims of Human Trafficking”, the “Combat against Human

Trafficking” and “A Study of A Number of Legal Questions concerning the Crime of Human Trafficking”;

- assigning police officers to participate in international seminars and programmes, for instance, the “Anti-Human Trafficking” Programme held in Bangkok, Thailand in 2010, the Bali Process Conference held in Bali, Indonesia in 2011 and the Bali Process Technical Experts Meeting held in Kuala Lumpur, Malaysia in 2012;
- special training projects organised for female police officers, the staff of the Health Bureau and the Social Welfare Bureau so as to familiarise them with the techniques for handling women and children victims;
- seminars specially organised for magistrates, such as the International Seminar on Economic Crimes and the Economic Impact of Crimes held in Portugal in 2010, with in-depth discussions on the cooperation, difficulties and challenges of each country and international organisations as well as regional organisations in respect of combating economic crimes (including child pornography and trafficking in persons);
- in addition, two 24-hour reporting and assistance hotlines were set up for the convenience of collecting intelligence regarding trafficking in persons and providing assistance for the victims; one hotline is operated by the Public Security Police Force while the other one is operated by a local NGO (the Women’s General Association of Macao) sponsored by the Social Welfare Bureau.

96. In terms of strengthening the protection for victims of the crime of trafficking in persons, Articles 6 to 8 of Law no. 6/2008 stipulate the rights of victims and a series of measures to protect and assist them. If a victim is from another country, the Macao SAR Government will immediately inform the embassy, consulate or accredited representative of the country or region where the victim belongs to of the relevant news and will let the victim remain in the Macao SAR during the hearing of the case. In addition, the police will provide protection for the victim in order to safeguard his personal and property safety.

97. In order to protect the identity of victims from revelation, Article 4 of Law no. 6/2008 amended Articles 77 and 78 of the Criminal Procedure Code so that the procedural actions regarding the crime of trafficking in persons can be conducted in an undisclosed manner and the social media is banned from revealing the identity of the victims of the crime of trafficking in persons, of which the violators will be punished for the crime of disobedience.

98. Furthermore, the Macao SAR Government formulated a victim protection scheme, which includes the provision of an appropriate but temporary shelter in a confidential and free manner for the victims so as to ensure their personal safety. For this reason, the Macao SAR Government and NGOs (the Women’s General Association of Macao and the Good Shepherd Centre) provide assistance for the victims through cooperation. Besides the setting-up of shelters for women and minors, a shelter for men will also be opened in December 2012 to provide victims with necessary and appropriate psychological, medical, social and financial assistance, such as living expenses, travelling expenses for returning to places of origin and expenses for documentation, counselling and case follow-up, drug treatment, legal advice service and skills training, in order to help them reintegrate into society in the future.

99. The following information shows support services provided by the Social Welfare Bureau for victims between 2008 and 2012.

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*Support Project Provided by the Social Welfare Bureau /Year*

2008

2009

2010

2011

10/2012

<i>Support Project Provided by the Social Welfare Bureau /Year</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>10/2012</i>
Shelter (no. of persons)	19	2	11	7	12
NGO shelter for minors (no. of persons)	2	3	2	6	8
No. of counselling and follow-up	150	35	108	62	102
No. of psychological therapy	44	8	14	-	-
No. of medical treatment and health care referral	27	17	16	9	22
No. of detoxification treatment	-	6	-	-	-
No. of technical training	-	-	-	1	-
Financial assistance (MOP\$)	101,310	41,050	51,464	41,834.5	90,746

Source of information: Social Welfare Bureau 2012

100. With respect to international and regional cooperation, the Macao SAR signed the Agreement on Cooperation to Combat Trafficking in Persons with the Government of Mongolia on 18 October 2010. In order to assist and arrange for victims to return to their places of origin, the Macao SAR signed a cooperation agreement on the 'risk assessment and escort service for victims of trafficking in persons' with the Hong Kong Office of the International Organisation for Migration (IOM) in April 2011, whereby the IOM Hong Kong Office will conduct a risk assessment for victims and provide them with escort service to their places of origin while the Social Welfare Bureau will assume all the transportation costs in returning the victims to their places of origin. Furthermore, the police forces of the Macao SAR, Mainland China and the Hong Kong SAR conduct large-scale anti-crime joint operations every year, with a focus on combating crimes, including cross-border crimes such as the trafficking in persons.

#### **Question 15**

101. In the aspect of preventing and penalising sexual and economic exploitations, as mentioned in paragraphs 139 and 140 of the Initial Report, pursuant to Articles 163, 164 and 170 of the Macao Criminal Code, the crime of procurement is punishable by 1 to 10 years of imprisonment. The exploitation of prostitution is punishable under the context of organised crime as provided for in Article 8 of Law no. 6/97/M, the Law against Organised Crime. Regarding economic exploitation, as mentioned earlier, various labour laws and regulations safeguard the principle of equal remuneration for equal work. The Labour Relations Law protects all employees from unjustifiable exploitation. Its Article 6 prescribes that no employee or applicant for employment shall be unduly privileged, or discriminated against or deprived of any right or exempted from any duty on the grounds of, inter alia, his/her national or social origin, descent, race, colour, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership of associations, education or economic background. An employer is obliged to pay his employee a fair remuneration that is compatible with his work on a regular and timely basis and provide good working conditions. An employer is forbidden to degrade his employee's professional grade and reduce his employee's basic remuneration without any justification. Offenders may be punished with a fine of MOP20,000.00 to MOP50,000.00 (Articles 9, 10, 57, 62 and 85 of the Labour Relations Law).

102. In relation to the concerns raised by the Committee about sexual servitude and debt bondage, Article 153 of the Macao Criminal Code provides for the crime of slavery. Although such a crime does not directly imply sexual or economic exploitation, it covers all criminal offences whereby a person is diminished to the status or condition of a slave through different means of exploitation and is used by the offender, including becoming a slave due to debts. The perpetrator may be punished by 10 to 20 years of imprisonment.

103. Even if it is not serious enough to constitute the crime of slavery, a person, by exploiting the distress situation or the relationship of dependency of a debtor, causes himself or a third party, to be promised or granted clearly disproportionate pecuniary advantages, may be punished by a maximum of 5 years of imprisonment (Article 219 of the Macao Criminal Code).

104. At the level of law enforcement, the Macao SAR has always been committed to the combat against all crimes. The Judiciary Police works closely with the police authorities of neighbouring regions, such as Zhuhai, Guangdong or the Hong Kong SAR, to exchange intelligence and establish communication mechanisms. It also cooperates with the International Criminal Police Organisation in the area of organised crime and the crime of trafficking in persons. On the other hand, the Public Security Police Force works at the level of crime prevention. It conducts sampling surveys with visitors, especially young women, arriving at border checkpoints, in order to find out if they are being exploited of prostitution, threatened or persecuted. If there are indications that these female visitors are crime victims, they will be transferred to the Information Department for investigation and follow-up and, if necessary, to the Public Prosecutions Office. The Public Security Police Force also prosecutes and punishes offenders in accordance with law and appropriate legal procedures.

105. Concerning the protection for victims, as mentioned above (Question 1), the Government provides funds and technical assistance to women's shelters and NGOs of related areas every year, for them to provide shelters and consulting services for persons at risk and victims of violent crimes. At present, the two major NGOs for women, the Women's General Association of Macao and the Good Shepherd Centre, have set up women's shelters. In addition, the Judiciary Police, the Public Security Police and the Health Bureau have also set up 24-hour assistance hotlines for victims of violence.

106. According to practical experience, the objective of the crime of trafficking in persons is very often sexual exploitation. Thence, strengthening the combat against the crime of trafficking in persons absolutely helps prevent and suppress the crime of sexual exploitation. Please refer to the reply to Question 14 in the List of Issues for the laws supporting the combat against the crime of trafficking in persons and the corresponding practical measures.

#### **Question 16**

107. Regarding the compliance of the provisions of Law no. 2/2009, Law on the Protection of National Security, with those of Articles 19 (Freedom of Expression), 21 (Freedom of Peaceful Assembly) and 22 (Freedom of Association) of the Covenant, it must be said that this Law is fully compliant with the aforementioned articles. In fact, Law no. 2/2009 does not restrict those rights or introduce any offence to them.

108. The aforesaid rights are protected by the Basic Law and the Covenant, and Law no. 2/2009 will impose restrictions on these rights only when there is a violation of the law or when the exercise of these rights poses a threat to national security. It is, however, a normal consequence of the legal system and social life: in most cases, the protection of certain legal interests cannot be realised without sacrificing other interests or parts of both legal interests and other interests.

109. The Covenant itself also expressly stipulates that the aforementioned rights could be restricted for safeguarding national security, public safety and public order when necessary (Articles 19(3), 21 and 22(2) of the Covenant).

110. The concern of the Committee regarding the expression of “other grave illegal acts” is unfounded since Law no. 2/2009 presents a detailed list of behaviours covered by that concept, which means that “other grave illegal acts” solely refers to the behaviours prescribed in Article 2(3) of Law no. 2/2009. It shall be noted that the expression of “public and direct incitement” was not created by Law no. 2/2009, it was adopted by the current Articles 231 and 298 of the Macao Criminal Code instead. Therefore, a lack of clarity in the definition does not exist.

111. Regarding the doubt on the definition of “state secrets”, it is important to note that its scope is clearly provided by Law no. 2/2009: state secrets refer only to matters, documents, information or objects, which have to be kept confidential and which have been classified as related to national defence, external relations and other matters pertaining to the relationship between the Central Authority and the Macao SAR provided in the Basic Law (Article 5(5)). If necessary, the judicial organs may obtain documents certifying whether or not the aforementioned documents, information or objects are classified as state secrets from the Chief Executive of the Macao SAR or from the Central People’s Government through the Chief Executive.

112. In relation to the specific matter of national security, the same legislative techniques have been adopted by other jurisdictions with a legal system identical to the Macao SAR’s. In fact, the drafting of the law was made after a detailed comparative analysis of those other legal systems, with special consideration of the following provisions: (1) the provisions of Articles 81, 88, 93 to 99, 100, 125 and 125-A of the German Criminal Code; (2) the provisions of Articles 411-1 to 411-4, 411, 412-1, 413-10, 413-11, 431-6 and 433-10 of the French Penal Code; (3) the provisions of Articles 26, 27 and 28 of the Portuguese Code of Military Justice and of Articles 297, 308, 316, 325, 330 and 333 of the Portuguese Criminal Code; (4) and the provisions of Articles 241, 242, 243, 247, 256, 259, 283, 289 and 302 of the Italian Criminal Code.

113. So far, no individuals have been charged under this law. Neither has any criminal proceeding been initiated.

#### **Question 17**

114. Pursuant to the provision of Article 3 of the Nationality Law of the People’s Republic of China (hereinafter referred to as the Nationality Law of China), it is stated that “The People’s Republic of China does not recognise dual nationality for any Chinese national.” In order to settle the issue of the nationality of Macao residents, the memorandum of Annex II of the Joint Declaration of the Government of the People’s Republic of China and the Government of the Republic of Portugal on the Question of Macao (hereinafter referred to as the Sino-Portuguese Joint Declaration) declares that “The inhabitants in Macao who come under the provisions of the Nationality Law of the People’s Republic of China, whether they are holders of the Portuguese travel or identity documents or not, have Chinese citizenship. Taking account of the historical background of Macao and its realities, the competent authorities of the Government of the People’s Republic of China will permit Chinese nationals in Macao previously holding Portuguese travel documents to continue to use these documents for traveling to other states and regions after the establishment of the Macao Special Administrative Region. The abovementioned Chinese nationals will not be entitled to Portuguese consular protection in the Macao Special Administrative Region and other parts of the People’s Republic of China”. The Explanations of Some Questions by the Standing Committee of the National People’s Congress concerning the Implementation of the Nationality Law of the People’s Republic

of China in the Macao Special Administrative Region passed on 29 December 1998 further clarified the aforementioned standpoint and it is a significant legal document for handling the issue of Macao SAR residents' nationality.

115. Therefore, the rights of Chinese nationals of Macao who were originally holding Portuguese travel documents are not diminished after the handover and are entitled to the corresponding rights and freedom of Macao SAR residents pursuant to the Basic Law and relevant provisions.

#### **Question 18**

116. At present, the Macao SAR Government provides 15-year free education to students enrolled in the non-tertiary education institutions of formal education that are within the free-education system. Meanwhile, the Macao SAR Government also provides tuition subsidies to the Macao SAR residents who enroll in the non-tertiary education institutions that are beyond the free education system so as to guarantee the Macao SAR residents, including legal immigrants, their right to education in the economic aspect.

117. On the other hand, considering children's right to education, the Macao SAR Government allows visitors who are permitted to stay in the Macao SAR for over 90 days to enroll in any non-tertiary education institution in Macao during their legal stay. Currently, due to the fact that the aforementioned people are not Macao SAR residents, hence they are not entitled to any education allowance including free education.

118. As regards the measures for promoting integration of migrant students, the Macao SAR Government started organising a learning programme for newcomer students to Macao since 1997 and a relevant programme with a non-governmental organisation (the General Union of Neighbourhood Associations of Macao) since 2008. The content of the aforementioned programmes mainly aims at enhancing the self-confidence and language-learning ability of the newcomer adolescents and children to Macao and the programmes chiefly involve English courses, Cantonese courses and courses for familiarising the students with both traditional Chinese and simplified Chinese. The total numbers of students participating in the activities held during Academic Years 2010/2011 and 2011/2012 were 86 and 124 respectively.

#### **Question 19**

119. The execution of the act of corporal punishment on children, according to the circumstances of offences, is punishable pursuant to the different charges stated in the Macao Criminal Code, including the ordinary offence against physical integrity (Article 137), the serious offence against physical integrity (Article 138) and the aggravated offence against physical integrity (Article 139). Should the act of injury occur during the academic staff's performance of duties, the relevant penalty may be aggravated by one-third in its minimum and maximum limits under Article 140 of the Macao Criminal Code.

120. In addition, Article 146 of the Macao Criminal Code specially stipulates that the perpetrator of the following offences can be sentenced to imprisonment of 1 to 8 years: failure to care or assist the child whom he/she lawfully cares for or is in charge of, or has the responsibility to instruct or educate in accordance with his/her obligations; or the infliction of physical or mental abuse, or cruel treatment. Should the aforementioned facts lead to the death of the victim, the perpetrator can be sentenced to imprisonment of 5 to 15 years.

121. As regards the execution of disciplinary penalties on children in schools or educational institutions, the Student Discipline System for Government Educational Institutes ratified by Order no. 46/SAAEJ/97 explicitly prohibits schools from adopting any penalty that harms students' mental or physical integrity and their personal dignity as a

disciplinary penalty. In fact, the Education and Youth Affairs Bureau distributes the School Operations Manual that provides guidance for schools to launch various tasks every year. Concerning the elimination of all forms of corporal punishment, the School Operations Manual clearly requires schools to adhere to the following guidelines: (1) Infliction of any kind of mental or physical harm on students due to their differences in gender, race, cultural background, religious beliefs, family background, lifestyle, academic results, physical and mental development, and so forth is prohibited; (2) the execution of penalties that may harm students' mental, physical and spiritual health and personal dignity, such as hitting students, commanding students to harm themselves or each other, assigning students to stay in certain physically exhausting postures or motions, increasing homework as a form of punishment, ordering students to write school regulations or degrading words, executing confined isolation or social isolation, verbal humiliation, public humiliation, imposing non-compensatory fine, depriving physical needs and so forth, is prohibited.

122. In order to supervise the execution of the aforementioned guidelines, the Education and Youth Affairs Bureau, together with the Campus Crisis Management Teams, established a notification system. Should violations of the aforementioned guidelines be found, the schools must notify the aforementioned Bureau so that it can launch investigation and supervision tasks, correct problems in time, and impose penalties pursuant to law if the situations are found to be real.

123. Regarding the minors who are 12 but not yet 16 and who need to be under educational supervision due to their commitments of criminal offenses or misdemeanours, there are articles in Law no. 2/2007 that regulate the Young Offenders Institute's means of handling juvenile delinquents and clearly prohibit the adoption of educational supervision measures that harm students' physical integrity, health and dignity so as to protect the juveniles from experiencing any ill treatment and different kinds of corporal punishment.

124. In order to implement the related articles, the Young Offenders Institute has arranged a relevant pre-entry training programme for its new staff and has also provided regular internal trainings for other staff. Moreover, the administrative staff and other staff often meet for discussing various matters of operation so as to ensure that its staff can perform their duties in accordance with relevant laws.

#### **Question 20**

125. According to the information received, there are altogether 884 senior civil servants, including leaders, chiefs and office advisers in the structure of public administration of the Macao SAR. 606 of the aforementioned 884 senior civil servants were born in the Macao SAR, with a percentage of 68.6%.

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#### *Distribution of Places of Birth of Senior Civil Servants*

Place of Birth	Number of People	Percentage
Macao	606	68.6%
China	172	19.5%
Portugal	39	4.4%
Other Regions	67	7.6%
Total Number	884	100.0%

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Source of information: Public Administration and Civil Service Bureau 2012

Note: (1) The information, which excludes that of the personnel of the University of Macao, the Macao Polytechnic Institute, the Macao Foundation, the Civil Aviation Authority, the Macao Trade and Investment Promotion Institute and the Macao Monetary Authority, was provided up to 30 September 2012.

### Question 21

126. The Method for the Selection of the Chief Executive of the Macao SAR, which is provided for in Article 47 of the Basic Law and its Annex I, is an important part of the Macao SAR political structure. According to the aforementioned provisions, the Chief Executive will be elected by a broad representative Election Committee and appointed by the Central People's Government. The delimitation of the various sectors in the Chief Executive Election Committee, the organisations in each sector eligible to return Election Committee members and the number of such members returned by each of these organisations will be prescribed by an electoral law enacted by the Macao SAR in accordance with the principles of democracy and openness. In order to implement the provisions of the Basic Law, the Legislative Assembly of the Macao SAR formulated Law no. 3/2004, the Chief Executive Election Law, in April 2004. The Election Committee for the 2nd term and 3rd term Chief Executives was composed of 300 members.

127. Since the establishment of the 3rd term Government of the Macao SAR, the Government has been extensively listening to the society for opinions on the development of its political structure. The Chief Executive, in accordance with the Basic Law and the relevant explanations of the Standing Committee of the National People's Congress, submitted a report to the Standing Committee of the National People's Congress in February 2012, expressing the need to make appropriate modifications to the Method for the Selection of the Chief Executive in 2014 within the framework of the Basic Law, according to the practical situation of the Macao SAR.

128. The Standing Committee of the National People's Congress, after receiving the report submitted by the Chief Executive, adopted the Decision on the Methods for Forming the Legislative Assembly in 2013 and Selecting the Chief Executive in 2014 of the Macao Special Administrative Region, which provides that Article 1 of Annex I of the Basic Law about the Chief Executive being elected by a broadly representative Election Committee remains unchanged. With this prerequisite, the Method for the Selection of the Chief Executive of the Macao SAR in 2014 may be appropriately modified pursuant to Article 47 of the Basic Law and Article 7 of its Annex I.

129. For this reason, the Macao SAR Government launched a 45-day public consultation for the society to have a consensus on the modification to the Method for the Selection of the Chief Executive, and submitted to the Legislative Assembly in May 2012 the resolution on the Modification to the Method for the Selection of the Chief Executive of the Macao Special Administrative Region (draft), suggesting that the number of members of the Chief Executive Election Committee should be increased from 300 to 400 and, correspondingly, the number of members required for the nomination of candidates for the office of the Chief Executive should be increased from 50 to 66.

130. Afterwards, the aforementioned resolution was adopted smoothly at the Legislative Assembly and approved by the Standing Committee of the National People's Congress; thereby, the legal procedures for the modification to Annex 1 of the Basic Law were completed. In order to implement the modified Annex 1 of the Basic Law, the Legislative Assembly adopted Law no. 11/2012, the Amendment to Law no. 3/2004, the Chief Executive Election Law.

131. Thence, in 2014, during the selection of the 4th term Chief Executive, the number of members of the Chief Executive Election Committee will be increased from 300 to 400.

#### **Question 22**

132. In compliance with the principle of the Basic Law and conformance to the stipulations of all fundamental rights and duties, the Macao SAR Government devotes to the protection of the rights of migrant workers. In fact, Article 43 of Chapter III of the Basic Law provides that “persons in the Macao SAR other than Macao residents shall, in accordance with law, enjoy the rights and freedoms of Macao SAR residents prescribed in this Chapter.”

133. In addition, pursuant to the provision of Article 6 of the Labour Relations Law, employees shall not be harmed or deprived of any right on the grounds of nationality, race, descent, and so forth under the premise of a lack of rational reasons. Furthermore, the principle of “non-discrimination” established in Article 2(3) of Law no. 21/2009, the Law on Employment of Non-Resident Workers, grants non-resident workers no less favourable treatment compared to resident workers in terms of rights, obligations and working conditions. Article 20 of the aforesaid law also stipulates the additional application of the general system of the Labour Relations Law to the labour relationship established with non-resident workers, particularly in the matters concerning rights, obligations and protection.

134. As regards equal remuneration, Article 2(4) of the Law on Employment of Non-Resident Workers stipulates that both non-resident workers and resident workers are entitled to equal remuneration for the same work or for work of equal value. In relation to compensation for work-related accidents and occupational diseases, non-resident workers are also protected by Decree-Law no. 40/95/M, the Legal Regime of Compensation for Work-Related Accidents and Occupational Diseases. Pursuant to Article 2(1) of the aforesaid Decree-Law, workers who provide service in any industry are entitled to the right of compensation for work-related accidents and occupational diseases. For this reason, the Macao SAR legislations have already explicitly protected non-resident workers from discrimination at work in the Macao SAR and guarantee them treatment no less favourable than that of resident workers.

135. On the other hand, it must be pointed out that the Labour Affairs Bureau carries out daily inspections of workplaces. If discrimination against resident workers or non-resident workers is found in workplaces, the Labour Affairs Bureau shall prosecute and punish the misconduct in accordance with the relevant law. Significantly, no complaint about discrimination has been reported to the Labour Affairs Bureau so far.

#### **Question 23**

136. Article 38(2) and (3) of the Basic Law provides that the special protection for women, minors, persons with disabilities and the elderly involves various aspects such as education, employment, rehabilitation, family relations and so forth. Considering the limitation of space and the fact that the Macao SAR has recently submitted its detailed reports on the implementation of the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and the information contained therein is still valid, please refer to Annex II of the latest periodic report submitted by China in relation to the aforementioned three Conventions (CRC/C/CHN-MAC/2, CRPD/C/CHN-MAC/1 and CEDAW/C/CHN-MAC/7-8) for information on the legal protection and the actual protection measures for minors, persons with disabilities and women. Only the latest development since the submission of the reports and the special protection for the elderly will be narrated below.

137. With respect to protection at the legal level, apart from what was mentioned in the aforementioned reports, it is necessary to point out that, in order to facilitate family harmony and the protection for minors, women, persons with disabilities and the elderly who may be in relatively fragile situations, the Macao SAR Government is drafting a law on the prevention of domestic violence, with the aim at preventing, curbing and correcting acts of domestic violence, and strengthening the protection and assistance for victims.

138. The drafted law proposes that the competent department, upon identifying cases of domestic violence, shall inform domestic violence victims of their right to be protected and assisted and other information that is beneficial for safeguarding their rights and interests. The draft also proposes the competent department to, on its own or through cooperation with public or private entities, disseminate information on the prevention of domestic violence in schools, communities and media, so as to make the victims become aware of their rights and interests and where to seek help, and call public attention to the social problems caused by domestic violence and encourage the prevention of domestic violence together. Meanwhile, it also proposes specific training activities for police officers and other personnel with related functions on responding to and handling domestic violence issues.

139. Similarly, in order to ensure that the elderly may obtain appropriate domestic and social support and promote their well-beings, the Macao SAR Government is drafting a legal framework for the protection of the rights and interests of the elderly, with the aim at safeguarding the rights and interests of the elderly, particularly by establishing the form and responsibilities of the pension of the elderly, various fundamental rights, benefits and protection, and social participation of the elderly. The draft law also regulates the entity responsible for the coordination and supervision of the enforcement of the aforementioned Law and the consequences for violation. The public consultation of the draft law was launched earlier and will be submitted to the competent entity for consideration as soon as possible.

140. The Macao SAR Government emphasizes the comprehensive care for the elderly. At present, under the social protection system, the elderly who are 65 years old are entitled to apply for the pension for the elderly. In 2012, both pension for the elderly and pension for persons with disabilities were adjusted, both of which are MOP2,000.00 per month. In addition, in order to take care of the special needs of some of the elderly, those who are 60 years of age are allowed to advance part of their pensions. The amount will be calculated in proportion to their ages until they are 80 years old when they are entitled to the full amount (Law no. 4/2012 and Order no. 100/2011 of the Chief Executive). Moreover, the Government grants subsidies, with the amount of MOP6,000.00, to the elderly who are 65 years old every year (Administrative Regulation no. 12/2005 and Order no. 183/2012 of the Chief Executive).

141. It is worth mentioning that the Macao SAR Government is planning to increase both the pension and subsidies for the elderly to MOP3,000.00 per month and MOP6,600.00 per year respectively in 2013. At the same time, the Government is studying the possibility of combining and granting both allowances together, in order to ensure that the level of protection by pension is higher than the minimum subsistence index, so as to provide a little more protection for the elderly.

142. In the face of occasional difficulties or needs, the elderly may apply for subsidies to the Social Welfare Bureau, which will, according to specific situations, grant subsidies to individuals or families that are in financial difficulties due to social, health and other reasons (the subsidies may be converted into benefits in kind or the provision of services), to ensure that their basic daily needs are satisfied (Administrative Regulation no. 6/2007 and Order no. 151/2012 of the Chief Executive). Furthermore, disadvantaged families, including those with members with disabilities and chronic illnesses, may apply for

treatment and disability subsidies (Orders no. 18/2003 and no. 214/2011 of the Secretary for Social Affairs and Culture).

143. Practically, with the financial and technical support of the Macao SAR Government, certain NGOs provide residential facilities, home care services and other community support services like meal delivery, personal care, household cleaning, bathing, escorted medical visits, laundry, shopping, personal counselling, telephone hotlines, mutual support network, community activities, visits, home care and rehabilitation services to those in need which include the frail elderly, vulnerable women, and persons with disabilities who lack family care. In recent years, the Government has extended their support services to the elderly who live alone and who have special needs to include home emergency alarm services like alerting ambulances, contacting family members or important persons, and service hotlines for timely nursing reminder services or social contacts (Order no. 279/2009 of the Chief Executive).

144. To supervise and assist the implementation of legal protection for minors, women, persons with disabilities and the elderly, the Youth Affairs Committee (2002), the Women Affairs Committee (2005), the Elderly Affairs Committee (2007) and the Rehabilitation Affairs Committee (2008) were successively established, consisting of representatives of government departments and NGOs, as well as outstanding people in the community in the related fields, with the aim at assisting the administrative authorities in formulating, executing, coordinating, following up and supervising social policies or laws and regulations for minors, women, persons with disabilities and the elderly, in order to facilitate the realisation of their legitimate rights and interests. The participation of NGOs in the abovementioned four committees strengthens and safeguards the realisation of equality and non-discrimination policies and ensures the transparency of procedures in the allocation of resources and quality of services.

#### **Question 24**

145. Pursuant to the provision of Article 85(1)(vi) of the Labour Relations Law, should an employer deny, in whole or in part, his employees' right to receive remuneration, such an act is regarded as a misdemeanor and the employer is liable to a fine of MOP20,000.00 (twenty thousand patacas) to MOP50,000.00 (fifty thousand patacas) for each affected employee. In fact, "fines" contain a criminal nature in the legal system of the Macao SAR. Pursuant to Article 87 of the same Law, the aforementioned penalty fine shall be convertible into imprisonment under the Macao Criminal Code .

146. In relation to working hours, pursuant to the provision of Article 33(1) of the Labour Relations Law, the normal working hours shall not exceed eight hours a day and forty-eight hours a week. Although an employer may, according to the characteristics of the operation of his enterprise, reach an agreement with his employee in order to exceed those limits, in which case the employee must have 10 consecutive hours and a total of not less than 12 hours of rest per day and that the working hours shall not exceed 48 hours per week. The employer's violation of the relevant provision will be considered as a misdemeanor and he, pursuant to the provision of Article 85(2)(ii) of the same law, shall be punished with a fine of MOP10,000.00 (ten thousand patacas) to MOP25,000.00 (twenty-five thousand patacas) for each affected employee.

147. Concerning the issue of setting the minimum wage, as a free economic society, employers and employees in the Macao SAR are free to set working conditions that are not lower than the statutory standard. Although the minimum wage has not been set in the current system, there are relevant measures for relieving the economic pressure of low-income employees. The outsourced security guards and cleaners of the Macao SAR Government are already protected by the statutory minimum wage. The amounts concerned had already been raised to a minimum hourly wage of MOP23.00, a minimum daily wage

of MOP184.00 and a minimum monthly wage of MOP4,784.00 in 2011. As regards the issue of the implementation of the minimum wage, the Macao SAR Government will continue to facilitate the tri-party of employees, employers and politicians to launch discussions about the establishment of a minimum wage system through the Standing Committee for the Coordination of Social Affairs in coordination with the circumstances and needs of the development of our society.

148. Regarding the protection for non-resident workers, pursuant to the provision of Article 3(3) of the Labour Relations Law, the labour relations established with non-resident workers and part-time employees shall be governed by special legislation. For this reason, the Macao SAR Government has formulated the Law on Employment of Non-Resident Workers. Article 20 of the aforementioned law stipulates that the general regime of the Labour Relations Law is additionally applicable to the labour relations established with non-resident workers, especially the matters involving rights, obligations and protection. Therefore, the rights of non-resident workers are equally protected as local workers' under the law. If any infringement of the violation of interests of non-resident workers is found, the punishment will be imposed by the Labour Affairs Bureau according to the law.

149. As there is no specification for part-time work in the Macao SAR yet, the provisions of the Labour Relations Law are additionally applicable to the relevant labour relations and the rights of part-time employees are guaranteed under the law. On the other hand, the Labour Affairs Bureau is actively conducting a comprehensive analysis and study of the formulation of a part-time work regime in the hope that it can submit the relevant comments to the Standing Committee for the Coordination of Social Affairs for the discussion between employers and employees.

#### **Question 25**

150. In accordance with the practice in the making of other human rights report, the Initial Report has already been uploaded to the website of the Macao SAR Government and that of the Law Reform and International Law Bureau for public reference. All government departments, relevant committees, the Legislative Assembly, NGOs and the public are free to provide the report with opinions and suggestions. However, the Macao SAR Government also holds that the present practice can be further improved by consulting the public, the Legislative Assembly, government departments and NGOs more extensively, including the uploading of the Committee's question list, concluding observations and other information to the government website so that the general public will have a better understanding of the latest progress of the implementation report, will make comments and will supervise the implementation of the Covenant in the Macao SAR.

151. In relation to the participation of NGOs in the making of the Initial Report, it is worth mentioning that the compilation of the Report was based on the information provided by various government departments in different areas of the implementation of the Covenant. These government departments and the relevant NGOs that provided the information have been in close cooperation for the sake of providing the Report with the latest information about the protection of human rights.

152. In order to strengthen the cooperation with NGOs, the Macao SAR Government encourages NGOs to implement and execute various sorts of projects or activities for the protection of human rights by different means of funding. For instance, the Social Welfare Bureau provides NGOs (such as the Association of Parents of the Mentally Handicapped, the Women's General Association of Macao, the Good Shepherd Centre and so forth) with financial assistance, technical assistance, facilities and so forth in order to support them in their continuous provision of individual assistance services for those in need. The Education and Youth Affairs Bureau continues funding NGOs (such as the Caritas Macao) for their purchase of education or support services for students with special educational

needs. The Labour Affairs Bureau also organises seminars and question-and-answer sessions related to the labour relations laws for the private sector and NGOs so as to enhance the understanding of the Macao SAR residents and non-resident workers in the Labour Relations Law and the Law on Employment of Non-Resident Workers and in the protection of their rights.

153. In fact, the monitoring institutions for the promotion and protection of human rights in the Macao SAR have been increasing (the relevant institutions are already listed in paragraph 71 of the Initial Report) and the institutions are composed of members from different communities and representatives of NGOs. The establishment of such institutions helps build a close and interactive relationship between the Macao SAR Government and NGOs which alternately advances the enforcement of the relevant content of the Covenant.

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