



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Implementation of the Convention on the Rights  
of Persons with Disabilities**

**Initial reports submitted by States parties under article 35 of  
the Convention**

**Macao, China\*, \*\***

[30 August 2010]

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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 before being sent to the United Nations translation services.

\*\* For the initial report by the Government of China, see document CRPD/C/CHN/1.

## **I. Introduction**

1. This third part of the present initial report of the People's Republic of China, submitted under Article 35(1) of the Convention on the Rights of Persons with Disabilities (Convention), contains the information on the implementation of the Convention in its Macao Special Administrative Region (MSAR).
2. On 1 August 2008, at the time of the deposit of its instrument of ratification, China communicated to the Depositary that the Convention would apply to the MSAR without making any reservation or declaration with respect to the MSAR. Therefore, in accordance with its Article 45(2), the Convention entered into force for China, including its MSAR, on 31 August 2008. Hence, this Part of the report covers the period from the entry into force of the Convention to May 2010; however, whenever possible, statistical data shall be provided for the last 4-year period.
3. The present Part of the report was prepared in accordance with the guidelines adopted by the Committee on the Rights of Persons with Disabilities (CRPD/C/2/3, 18 November 2009) and the harmonized guidelines on the form and content of reports (HRI/GEN/2/Rev.6, 3 June 2009), on the basis of the information provided by the MSAR government departments as well as other relevant MSAR entities, such as commissions on specific human rights, in particular the Commission for Rehabilitation Affairs, and non-governmental organizations (NGOs), involved in the implementation of the Convention.
4. Whenever appropriate, reference is made to pertinent aspects of the relevant Parts in respect to the MSAR of China's latest reports on human rights treaties and to Part III of China's Core Document (HRI/CORE/1/Add.21/Rev.3), as recently updated, the contents of which remain unchanged if no observations are made to the contrary herein.
5. In regard to the legal status of the Convention in the MSAR, it should be recalled that the MSAR legal system is a civil law system. Applicable international law and internal law are part of the same general legal order operating simultaneously. Once an international treaty is published in the MSAR *Official Gazette*, it automatically becomes part of the MSAR legal system. In the event of conflict, applicable international law prevails over ordinary law. It may be invoked before any judicial and administrative authorities in exactly the same manner as all the other laws. The available remedies, judicial, quasi-judicial, or non-judicial, are the same.
6. The Convention was published in the MSAR *Official Gazette*, Series II, No. 9, 6 March 2009, in its authentic Chinese text, accompanied by the respective Portuguese translation, i.e., in both of the official languages of the Region.

## **II. Implementation of the general provisions of the Convention (arts. 1–4)**

### **A. Special constitutional protection**

7. Fundamental rights and freedoms are safeguarded at the highest level by the Basic Law of the MSAR, which has constitutional value and cannot be contravened by any other MSAR law. The Basic Law also explicitly recognizes the need of special protection for persons with disabilities, allowing positive discrimination in relation to them. Indeed, the inviolability of human dignity is enshrined in the first sentence of its Article 30, and alongside with Article 25 that guarantees the rights to equality and non-discrimination, its

Article 38, paragraph 3, explicitly determines that “(...) *the disabled shall be taken care of and protected by the MSAR*”.

## **B. Protection under ordinary law**

### **1. System of protection**

8. Fundamental rights are also held as general principles of law that underpin the entire MSAR legal system.

9. Moreover, fundamental rights intrinsically related to the aspects of personhood are shaped as well as ‘personal’ rights in terms of the civil law. Recognized to all natural persons without discrimination, being as a general rule non-renounceable (voluntary restrictions to non-disposable rights are null and void) and some of them even inalienable, they are the object of specific supplementary protection, which beyond their effective breach also covers the threat of breach. They bind all powers and it is possible to invoke them directly (Articles 63 to 82 of the Macao Civil Code).

10. At the ordinary law level, the protection of persons with disabilities is concretized by, general or special, laws. There is no separate remedy system applying to persons with disabilities as such when their rights are violated. Any person who considers that his/her rights have been violated may raise the issue before the Legislative Assembly or the *Ombudsman*, by means of a petition or complaint, or before an administrative authority or a court, by means of, or in connection with, administrative, civil or criminal proceedings.

### **2. General policy and definitions**

11. In the context of protection, Decree-Law 33/99/M, of 19 July, is of special importance as it sets up the basis of the policy on the prevention of disability, treatment, rehabilitation and social participation and inclusion of persons with disabilities (rehabilitation policy). The objectives of this policy are to ensure the full and effective exercise of rights and freedoms by persons with disabilities in terms of non-discrimination and equality with others, to grant them all possible autonomy and to promote their social acceptance in the respect of human dignity.

12. For that purpose, on the assumption that correcting or minimizing disability, re-establishing, developing or potentiating the aptitude and capacities of persons with disabilities and addressing social barriers that in practice exclude them are undertakings that involve all spheres of life, Decree-Law 33/99/M establishes a set of general principles, objectives, rights, responsibilities and support measures directed to persons with disabilities, as well as to relevant governmental entities and NGOs that work in the field of disability, covering all areas of activity.

13. Article 2(1) of the said Decree-Law delineates the concept of person with a disability as a person who, by reasons of, congenital or acquired, loss or anomalism of psychological, intellectual, physical or anatomical structure or function susceptible of causing capability restrictions, may be in a disadvantaged situation that hinders his/her participation in normal activities, taking into account age, gender and main social indicators. On the other hand, its Article 2(2) states that the identification of a situation of disability shall be done on the basis of an early diagnosis of a multidisciplinary nature, meaning that both the concept of person with a disability and the way of determining the situation of disability itself are to be constructed in an evolving manner.

14. In the same token, its Article 3 contains a dynamic concept of rehabilitation as the global and continuous process of correcting or minimizing disability and re-establishing,

developing or potentiating the aptitude and capacities of persons with disabilities in order to improve their autonomy and their full inclusion and participation in the community.

15. Some of the Convention's definitions have no exact correspondence in this Decree-Law. However, once the Convention became applicable, such definitions also became subsumed into the MSAR legal system, dictating the operational criteria functionalizing the practical execution of all laws in the field of disability. Notwithstanding, with the purpose of better implementing the Convention, a comprehensive study of the internal legislation was undertaken and is still in course.

### **C. Competent MSAR entities and their coordination with society**

16. The responsibility for conducting the rehabilitation policy falls primarily upon the MSAR Government in partnership with families and relevant NGOs. Such partnership, determined by law, encompasses NGO intervention both at the level of policy making and of its implementation (Articles 5(g) and 17 of the mentioned Decree-Law 33/99/M and Article 11 of Law 6/94/M, of 1 August, on the legal framework on family policy).

17. Within the MSAR Government, the Chief Executive and the Secretary for Social Affairs and Culture are the main entities empowered to act on matters governed by the Convention. Under this Secretary, the Division for Rehabilitation of the Social Welfare Bureau is the permanent structure responsible for the coordination and articulation of the rehabilitation policy. The Labour Affairs Bureau (LB), under the Secretary for Economy and Finance, is accountable for measures related to employment. The Secretary for Transport and Public Works is responsible for the aspects of suppression of physical barriers and reasonable accommodation in respect of transportation. Finally, the drafting of legislation and dissemination of law are within the competence of the Secretary for Administration and Justice.

18. The rehabilitation policy is also followed up by a government consultative body, the *Council for Social Welfare*, which is chaired by the Secretary for Social Affairs and Culture and comprises the Procurator, the Directors of several government departments as well as up to 5 individuals of recognized merit and 10 representatives of NGOs in the field of social welfare. Recently, a more specialized autonomous consultative body, the *Commission for Rehabilitation Affairs*, was also created with a multidisciplinary nature and a similar composition but its NGO representation was increased (up to 15). Its mandate is to assist the Government in the formulation, implementation, coordination and supervision of policies related to the prevention of disability, the rehabilitation and social integration of persons with disabilities, assuring them equal rights, affirming their value and dignity, eliminating obstacles as well as preventing discrimination (Order of the Chief Executive 239/2008, of 1 September).

### **D. Difficulties in connection with the factual situation in the MSAR**

19. At present, there is a lack of comprehensive and updated statistics on disability. In fact, data on disability were collected only for the 2001 Census and the 2006 By-census. The new census will take place next year. Statistical information on disability will be collected on several bases, in particular the *Principles and Recommendations for Population and Housing Censuses Revision 1 of UNSD and the WHO International Classification of Functioning, Disability and Health (ICF)*. For more details on the available data on disability, please refer to paragraphs 12–16 of the update of Part III of China's Core Document.

### III. Implementation of specific rights

#### Article 5

##### (Equality and non-discrimination)

20. As referred, equality and non-discrimination are at the very heart of the overall of the MSAR legal system. Without prejudice to situations in regard to which positive discrimination is allowed, discriminatory actions of any type are forbidden and illicit and may, even, constitute criminal offences (please also refer to paragraphs 77 and 99 *et seq.* of the update of Part III of China's Core Document).

21. Ordinary laws expressly reinforce equality either in a positive way or by means of repressing discriminatory conducts or actions. An example of the first case is that of the mentioned Decree-Law 33/99/M, of which Article 4 explicitly stipulates that a person with disability enjoys the same rights and has the same duties as all other persons under conditions of full equality, with the exception of the exercise or observance of those he/she is incapacitated for. Likewise, its Article 5(d), on the policy's general principles, determines that discrimination must be eliminated and that the physical environment, social and health services, education, work, cultural and social life should progressively become fully accessible to all.

22. Several other laws expressly reaffirm the rights to equality and non-discrimination. In more modern laws, a reference to positive discrimination has been added to the provision(s) on the right to equality or specific provisions to facilitate the exercise of rights by those who are impaired have been inserted.

23. Although in the MSAR, persons with disabilities are fully equal before and under the law, in practice *de facto* inequality still exists. The MSAR authorities are studying and considering further ways of progressing faster into the path to equality for all.

#### Articles 6 and 7

##### (Women and children with disabilities)

24. In what relates to women and children with disabilities, it should be noted that the quoted Article 38 of the Basic Law also provides for special protection for women's legitimate rights and interests (paragraph 2), acknowledging that differentiation of treatment is needed to achieve true equality, as well as for the care and special protection for children (paragraph 3). Likewise, with respect to children with disabilities, it is worth mentioning that Article 8(4) of the referred Law 6/94/M stipulates that special assistance should be provided to them so that they can obtain adequate conditions in support of their development.

25. Legally, there are neither gender-based restrictions, whatsoever, nor discriminatory restrictions related to children, as such. Children have diminished legal capacity and are subject to parental responsibility. However, the principle of the best interests of the child, which underlies all legislation on minors, must always be taken into consideration. The law recognizes to children the right to be heard on important matters relating to their life. Their views are given due weight according to their age and maturity.

## **Article 8 (Awareness-raising)**

26. A booklet with the text of the Convention was published by the Social Welfare Bureau (SWB) and distributed to the public for free. Some articles have also been published, presenting the rights of persons with disabilities, as well as explaining correlative crimes. Awareness campaigns will continue.

27. Between 2006 and 2009, the SWB subsidized or financed 19 promotional activities, life camps and competitions organized by various NGOs to help persons with disabilities integrate into the community and to increase awareness regarding persons with disabilities, their dignity, rights and needs. Moreover, a series of activities for the celebration of International Rehabilitation Day is annually held, so as to offer opportunities for the public to get in touch with and learn more about people with disabilities and thereby suppress stereotypes/prejudices against them and facilitate the establishment of an integrated and harmonious society.

28. The SWB is also, in conjunction with the Legal Affairs Bureau, carrying out civil education in primary and secondary schools. Through dynamic lessons, games and programs, students are gradually introduced to the notions of human rights, anti-bias concepts, as well as other issues on fundamental rights. The topic of civil education is included in the curriculum. As common practice, schools organize social concern groups for students as one of the extra-curriculum activities, in favour of their attainment of better knowledge and insight on human rights issues to resist social unfairness or discrimination.

## **Article 9 (Accessibility) and Article 20 (Personal mobility)**

29. Article 13 of the referred Decree-Law 33/99/M states that accessibility and mobility comprise measures and techniques that aim at conferring on persons with disabilities greater autonomy and full participation in educational, professional and social life, covering any situation arising from functional mobility, means of transportation as well as any barriers of physical environment.

30. In order to improve the participation of persons with disabilities in all aspects of life, in particular in what concerns mobility, Law 9/83/M, of 3 October, on the suppression of architectural barriers, establishes a series of technical rules and requirements applicable to all buildings to be constructed by or for public entities, including public enterprises and concessionaries of public services, buildings and facilities that are public or open to the public, such as museums, libraries, theatres, cinemas, congress facilities, churches, hospitals, schools, courts, telecommunications and post offices, banks, hotels, restaurants and similar establishments, shops, swimming pools, public toilets, parking lots and sidewalks and so on. This law was complemented by Order 27/83/ECT, of 5 November, on its implementation guidelines. Furthermore, barrier-free requirements are mandatory in public tenders for all public works or services. Besides, Government subsidies can be granted for the elimination of architectural barriers in order to facilitate the social and professional integration of unemployed persons with disabilities (Article 5 of Order of the Chief Executive 199/2000, of 16 October).

31. It should be stressed that major venues open to the public are equipped with barrier-free toilets, elevators, gently sloped aisles, wheelchair access and wider passageways designed for persons with disabilities. Plus, elevators with special designs tailored to their needs have been introduced in most footbridges. Such designs include Braille push-buttons to indicate floor numbers and instructions, keyboards positioned for wheelchair users and

acoustic signals. For persons with visual disabilities, tactile guide paths for blind guidance have been installed on the pavements in the densely populated areas, providing safe and reliable pathways. Moreover, after having sought the views of relevant NGOs, electronic audible traffic signals have been phased in since 2009. Such equipments do not only emit sounds but also are equipped with a vibrating component that can indicate the correct direction to cross the road.

32. As to transportation, the SWB subsidizes rehabilitation buses and ambulances to provide transport and escort services for persons with specific needs, including those with disabilities. Professional training is offered to frontline staff to advance the quality of services. At present, there are 6 of such buses and 2 ambulances.

33. Also, to ease the mobility of people with disabilities, in bus services, designated seats close to the doors are mandatorily reserved for certain categories of persons, including those with disabilities. As regards taxi services, it is compulsory for taxi to carry guide dogs of blind passengers free of charge. Taxi drivers are also bound to help passengers who need special care getting on and off the vehicles and to assist passengers in placing luggage, including wheelchairs, in taxi boots. Violations of the said provisions are subject to fines.

34. On the other hand, it is mandatory that public car parks reserve a number of parking spaces for persons with disabilities. It is also required that free parking spaces are to be reserved around their workplaces and residences to the fullest extent possible. At the moment, the reserved spaces for persons with disabilities are beyond the actual demand.

## **Article 10 (Right to life)**

35. All persons have the inherent right to life, which is inalienable and cannot be renounced (Article 70 of the Civil Code). In the MSAR legal system, there is neither death penalty nor life imprisonment.

36. Crimes against life and intra-uterine life are provided for and punished under the Macao Criminal Code. Even though suicide is not a crime (but merely a civil illicit), incitement, aid or propaganda to suicide is a crime against life. Euthanasia, foreseen as homicide, and abortion, even if voluntary, are also criminal offences. Nevertheless, the law qualifies certain types of homicide, for example homicide motivated by compassion, desperation or other relevant social or moral ground and homicide at the request of the victim, in a specific manner (Articles 130, 132 and 133 of the Criminal Code). Similarly, abortion with consent under certain circumstances expressly enumerated in the law is not punishable (Article 3 of Decree-Law 59/95/M, of 27 November, as amended by Law 10/2004, of 22 November, on the rules for voluntary interruption of pregnancy).

37. It should be noted that within the crimes against life, the crime of exposure or abandonment specifically refers, *inter alia*, to persons with disabilities. Penalties range from 1 to 15 years of imprisonment (Article 135 of the Criminal Code).

## **Article 11 (Situations of risk and humanitarian emergencies)**

38. The Basic Law, in its Article 14, determines that the Central People's Government (CPG) shall be responsible for the defence of the MSAR and that the Government of the MSAR shall be responsible for the maintenance of public order in the Region. It also establishes, in Article 18, that in the event that the Standing Committee of the National People's Congress decides to declare a state of war or, by reason of turmoil within the

MSAR which endangers national unity or security and is beyond the control of the government of the Region, decides that the Region is in a state of emergency, the CPG may issue an order applying the relevant national laws in the Region.

39. On the other hand, the main international humanitarian and human rights treaties are in force in the MSAR (for more details, please refer to paragraphs 72 to 78 of the update of Part III of China's Core Document). Despite the system of reception, their execution often requires the adoption of internal legislation. Such is the case of Law 1/2004, of 23 February, on the procedures for the recognition and loss of refugee status. Under this law, in exceptional cases whereby the maintenance of public order in the MSAR may be affected, such as mass influx of refugees, the Chief Executive, when necessary, with the assistance and authorization of the CPG, after consulting the Commission for Refugees, the MSAR Security Council and the representative of the UNHRC, shall determine the measures to be applied. Under this law, special protection is ensured for persons who request the status of refugee and who are legally incapable by reasons of mental impairment or, by any other reason, considered as especially vulnerable. Besides, in a more general manner, it also provides that all persons who request the status of refugee or have been granted such status and who are in a precarious economical or social situation, as well as their family, shall be granted special care and support, including financial aid, by the SWB.

40. It should be said that the laws on civil protection and on the MSAR's internal security, Decree-Law 72/92/M, of 28 September, and Law 9/2002, of 9 December, respectively, contain several rules on the observance of fundamental rights, and freedoms, which, in cases of natural catastrophes or other emergency due to serious risk of turmoil endangering the MSAR's internal security, can be temporarily restricted. Such restrictions, being subject to strict limits determined by Article 40 of the Basic Law and in those laws, cannot be discriminatory.

## **Article 12**

### **(Equal recognition before the law)**

41. All natural persons, due to the simple fact of being persons, have legal personality and enjoy legal capacity. Legal personality is acquired at full birth, with life and only ceases with death. No person is allowed to waive, in whole or in part, his/her legal personality or capacity. Restrictions to capacity are expressly prescribed by law and based on objective facts. More precisely, apart from minors, only those that are incapable of managing themselves or their property affairs may be judicially declared as 'unable' or as 'interdicted'. Legally, such persons are treated similarly as minors (Articles 63 to 67, 122, 123, 135 and 137 of the Civil Code).

## **Article 13**

### **(Access to justice)**

42. Article 36 of the Basic Law enshrines the right to resort to law and to have access to the courts, to lawyers' help for protection of lawful rights and interests and to judicial remedies as well as the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel. Article 6 of Law 9/1999, of 20 December, as last amended by Law 9/2009, of 25 May, on the Basis of Organization of the Judicial, reiterates these rights. Justice cannot be denied by reason of insufficiency of financial means. Access to law and to the courts comprises legal information, legal consultation, legal aid and judicial remedies, as laid down in Law 21/88/M, of 15 August, as amended by Law 1/2009, of 29 January.



43. To ensure the participation of persons with disabilities in court procedures or police proceedings, appropriate assistive devices (e.g. wheelchairs, crutches and ambulance) or expert assistance are made available, as well as adequate interpreters to assist persons with sensory disabilities, if needed. Furthermore, the court may allow for procedural acts to take place outside the court or for the use of telecommunication means instead of appearance in court (Articles 91, 482, 528, 540 and 542 of the Macao Civil Procedure Code).

## **Article 14**

### **(Liberty and security of the person)**

44. The inviolability of the right to freedom is guaranteed by Article 28 of the Basic Law in a very broad manner (namely, the right not to be subject to arbitrary or unlawful arrest, detention or imprisonment and, in such event, also the right to apply to the court for the issuance of a writ of habeas corpus, as well as the prohibition of unlawful search of the body or deprivation or restriction of the freedom of the person and of torture or inhuman treatment). On its turn, Article 29 of the Basic Law determines that “*Macao residents shall not be punished by law, unless their acts constitute a crime and they shall be punished for it as expressly prescribed by law at the time. When charged with criminal offences, Macao residents shall enjoy the right to an early court trial and shall be presumed innocent before convicted.*”

45. The right to liberty is fully protected equally under Article 72 of the Civil Code, which details its various general and special facets, including those related to contractual obligations (as for example prohibition of slavery, servitude, imprisonment for non-fulfilment of contractual obligations, *etc*); it also reiterates the right to compensation in case of breach. Moreover, the general principles of criminal law, such as the referred *nullum crimen sine lege, nulla poena sine lege*, and the crimes against personal freedom, sexual freedom and sexual auto-determination are provided for under the Criminal Code. Many other MSAR laws protect and reinforce the right to freedom of the person.

46. The existence of a disability *per se* cannot justify deprivation of or any other restriction to liberty. Indeed, it would constitute a criminal offence.

47. Nevertheless, compulsory hospitalization of persons with severe mental illness is possible under strict objective conditions and subject to judicial supervision. Those conditions as well as a set of rights of the patient, in particular, the right to be assisted by a lawyer and the right to appeal against the decision whereby the internment has been imposed or maintained are established by Decree-Law 31/99/M, of 12 July, on the mental health regime. Compulsory internment in a private health institution requires judicial authorization and decisions of internment in a public health institution, as well as decisions to maintain urgent compulsory internment, require judicial confirmation within 72 hours. In any case, the review of the internment is mandatory every 2 months and can be replaced by outpatient treatments.

48. As regards deprivation of liberty, Decree-Law 40/94/M, of 25 July, on the legal framework on the execution of measures depriving personal freedom, determines, *inter alia*, that persons in custody remain entitled to their fundamental rights, subject to the limitations that are inherent to the conviction. Prisoners have the right to appropriate medical care and treatment and must be provided with the accommodation, clothing, hygiene and food standards that safeguard their health and dignity. Wheelchairs, walking sticks, crutches and other medical devices corresponding to particular needs are available. Prisoners with disabilities are preferably assigned to detention areas without stairs and equipped with appropriate toilet support seats. Labour and vocational trainings take into consideration the prisoners’ physical and intellectual capacity, professional ability as well

as their aspirations. Besides, pre-professional training provided to prison guard candidates includes manners in treating persons with disabilities and other human rights issues. Between 2006 and 2009, there were only 3 prisoners with physical disabilities in the Macao Prison Establishment.

## **Article 15**

### **(Freedom from torture or cruel, inhuman or degrading treatment or punishment)**

49. The freedom from torture or inhuman treatment is safeguarded at constitutional level by Article 28 of the Basic Law. There are no specifications in regard to persons with disabilities (for more details on this issue, please refer to the Addendum related to the MSAR of China's last supplementary report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/MAC/4), which remains updated).

## **Article 16**

### **(Freedom from exploitation, violence and abuse)**

50. Exploitation, violence or abuse of a person is forbidden. Different criminal provisions apply depending upon the concrete elements of each of those conducts.

51. However, it is worth mentioning that Article 146 of the Criminal Code provides for the crime of ill treatment or excessive burden on minors, spouses, incapable persons or those who are vulnerable due to age, illness or physical or mental disability. Whoever has under his/her care, legal guard, responsibility of direction or education, at his/her service by reasons of a labour relationship, such person inflicts upon him/her physical or mental ill or cruel treatment or; employs him/her in dangerous, inhuman or prohibited activities; or overbears him/her with excessive work; or does not provide the care or assistance imposed by the duty of his/her functions, is punishable with penalties of ranging from 1 to 15 years of imprisonment.

52. In what refers to compensation, on top of the general rules on compensation, Law 6/98/M, of 17 August, establishes a special regime of financial compensation in favour of victims of violent crimes, which can be granted even if the offender is unknown or, for any reason, cannot be accused or convicted.

## **Article 17**

### **(Protection of the integrity of the person)**

53. In addition to particular guarantees to which reference has been made, it should be noted that Article 71 of the Civil Code, while determining everyone's right to personal physical or mental integrity, forbids, *inter alia*, any medical act or experiment without consent which may affect one's physical and psychological integrity. Voluntary restrictions to the right of integrity that may pose serious risk to the person's life or endanger his/her health are null and void. Besides, several crimes related either to violations of physical integrity, honour, intimacy of private life or to other connected legal values are provided for and punished under the Criminal Code. Other MSAR laws also protect the integrity of the person.

54. For instance, Decree-Law 111/99/M, of 13 December, on the protection of human beings' dignity and identity in biological and medical application reaffirms that any

medical act can be carried out only if the person involved freely gives his/her informed consent. Whenever he/she is incapable of giving consent in virtue of mental disorder, disease or other analogous reasons, the authorization of his/her legal representative or of the court is mandatory. In such a case, the interested person should as far as possible take part in the process of authorization. Accordingly, medical acts or treatment without the required consent are punishable with a penalty of up to 3 years of imprisonment. Forced sterilization is also a crime, punishable by a penalty of 2 to 10 years of imprisonment, or even of 5 to 15 years if it causes the victim's death (Articles 150, 138 and 139 of the Criminal Code, respectively).

## **Article 18**

### **(Liberty of movement and nationality)**

55. Regarding the right to nationality, in accordance with Article 18 of the Basic Law and its Annex III, the Nationality Law of the People's Republic of China is applicable in the MSAR. However, considering the specific situation of the MSAR, the Standing Committee of the National People's Congress adopted on 29 December 1998 the *"Interpretation on some questions concerning implementation of the Nationality Law of the PRC in the MSAR"*. Law 7/1999, of 20 December, regulates the applications for nationality. The conditions stipulated therein do not relate to disability.

56. Pursuant to Article 24 of the Basic Law, only permanent residents have the right of abode in the MSAR and are qualified to obtain permanent identity cards. The requirements to be a permanent resident, explicitly laid down in the referred Article, are objective and non discriminatory. The liberty of movement is fully guaranteed by Article 33 of the Basic Law, which states that *"Macao residents shall have freedom of movement within the MSAR and freedom of emigration to other countries and regions. They shall have freedom to travel and to enter or leave the Region and shall have the right to obtain travel documents in accordance with law. Unless restrained by law, holders of valid travel documents shall be free to leave the Region without special authorization."*

57. All births taking place in the MSAR are subject to civil registration. Births must be reported within 30 days at the birth registration office. Furthermore, hospitals are obliged to report all births that have occurred in the previous week. If a birth is not registered within the appointed time limits, the registrar is compelled to inform the Procuratorate, which, having collected the necessary information, shall request the judge to order a compulsory registration. Newborns whose parents are not known and who have been discovered abandoned in the MSAR must also have their births registered. In this case, the registrar shall give the child a complete name, without drawing attention to his/her status as an abandoned child (Articles 1, 76, 78, 85 and 88 of the Macao Civil Registration Code).

## **Article 19**

### **(Living independently and being included in the community)**

58. Legally, the right of persons with disabilities to independent living and community inclusion is not restricted and, as explained, except for cases of compulsive hospitalization, all persons have the right to choose where and with whom they want to live. In practice, however, the realization of this right is not yet achieved, though it constitutes one of the goals of the rehabilitation policy.

59. The 2006 By-census showed that, 85% of the persons with disabilities lived in domestic living quarters (of which 13.7% lived alone) and 15% lived in collective living quarters. The majority of the persons with disabilities (69.7%) had used or were using

specialized services (such as health rehabilitation services, special education services, financial/in-kind assistance). The more frequent users of those services were persons suffering from intellectual or psychiatric impairment, in particular those having Autism.

60. The necessity to shift from institutionalization towards in-home, residential and other community support services is recognized. Since long, NGOs have been subsidized by the SWB in order to enable them to offer more types of support to persons with disabilities and, thus, to create alternatives to institutionalization. Also under the SWB financial and technical support, several NGOs provide home care services targeted at people with disabilities who lack care and support from their families or the elderly in poor health conditions. The services cover catering, personal care, home cleaning, bathing, escort service for medical consultation, laundry, shopping, personal counselling, hotlines, mutual help network, community activities, visits as well as home-based care and rehabilitation services. Still, for persons with disabilities who need residential service, at present, there are 429 bed spaces available in 6 institutions subsidized by the SWB. The following tables detail the situation.

<i>Description of service</i>	<i>Content of service</i>
Aftercare services: Community support services for persons who suffered from mental illness or have intellectual disabilities who left residential rehabilitation	Counselling, small group activities, social and recreational activities, housework, referral services and crisis management
Supportive housing scheme: Community support services for persons who suffered or have suffered from mental illness, living in the social housing provided under this scheme	Counselling, small group activities, referral services and crisis management
Community support services: Assistance for persons who suffered from mental illness in respect of living independently in the community	Regular visits, outreach services, counselling and emotional support, referral services, guidance and training for families and carers and social recreational activities
Support services for carers: Support for carers with regard to care for the elderly without self-care ability or in poor health conditions	Caring knowledge education and skill training, counselling, social/recreational activities, mutual support groups, supply or shared use of information and reference materials, demonstration and loan of rehabilitation-aid equipment and regular contacts among the carers

*Source:* Social Welfare Bureau.

#### **Persons using home care and support services by age (No.)**

<i>Age group (years)</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Below 65	26	48	65	82
65 or above	499	476	458	543
<b>Total</b>	<b>525</b>	<b>524</b>	<b>523</b>	<b>625</b>

*Source:* Social Welfare Bureau.

**Current status concerning residential service provided for persons with disabilities (No.)**

NGO facilities	Target (sex, age and nature of disability)	C	No. of users			
			2006	2007	2008	2009
Home São Luís Gonzaga	M/16 or above (intellectual or long-term mental disability)	200	189	189	188	190
Centre Santa Margarita	F/16 or above (intellectual or long-term mental disability)	115	57	57	53	50
Centre Santa Lúcia	F/16 or above (intellectual or long-term mental disability)	50	47	48	47	48
Home Nossa Senhora da Penha	MF/0–15 (intellectual or physical disability)	28	25	25	25	24
Mong Ha Residential Home	MF/18–60 (ex-mental illness)	12	9	6	7	10
Integrated Service Centre Hong Lokâ (residential service)	MF/16 or above (intellectual disability – moderate/mild)	24	11	11	20	17

Source: Social Welfare Bureau.

Note: C = capacity.

61. As to social protection, a subvention regime was set up to provide a monthly subsidy to individuals and families in financial hardship due to social and health factors or other difficulties so as to support their daily lives. In order to extend its coverage, the terms of application for this subsidy were softened (Administrative Regulation 6/2007, of 2 April, and Orders of the Chief Executive 322/2007, of 26 November, and 277/2008, of 13 October).

**Monthly subsidy recipients and respective amount**

Type of recipients and amount of subsidy	2006	2007	2008	2009
Families	96	96	135	288
Individuals	96	97	139	296
<b>Total subsidy amount (MOP)</b>	<b>1 351 610</b>	<b>1 863 450</b>	<b>3 279 715</b>	<b>7 408 499</b>

Source: Social Welfare Bureau.

Note: 1 USD = 7.9335 MOP.

62. Additionally, special subsidies, covering education, nursing and disability, are available for vulnerable families, including families whose members have disabilities or suffer from chronic illness (Order of the Secretary for Social and Cultural Affairs 18/2003, of 10 March). Furthermore, twice a year, an extra living subsidy is granted to such families. Plus, senior citizens aged 65 or above are entitled to an annual old-age allowance (Administrative Regulation 12/2005, of 1 August, as amended). The relevant details are presented in the tables below.

**Disability subsidy recipients and respective amount**

<i>Nature of the disability and amount of subsidy</i>	<i>2006</i>		<i>2007</i>		<i>2008</i>		<i>2009</i>	
	<i>F</i>	<i>P</i>	<i>F</i>	<i>P</i>	<i>F</i>	<i>P</i>	<i>F</i>	<i>P</i>
Intellectual disability	187	192	185	193	180	190	198	203
Blindness/visual impairment	69	71	68	71	66	70	73	75
Hearing impairment	44	46	44	46	43	45	47	48
Physical disability	94	96	92	96	90	94	99	101
Paralysis	49	51	49	51	47	50	52	53
Being bedridden due to disability	15	15	15	15	14	15	16	16
Others	35	35	33	36	33	35	36	37
<b>Total</b>	<b>493</b>	<b>506</b>	<b>486</b>	<b>508</b>	<b>473</b>	<b>499</b>	<b>521</b>	<b>533</b>
<b>Total subsidy amount (MOP)</b>	<b>1 655 600<sup>2</sup></b>		<b>1 625 200</b>		<b>1 665 490</b>		<b>1 805 670</b>	

Source: Social Welfare Bureau.

Notes: <sup>1</sup> F = Family, P = Person. <sup>2</sup> The subsidy total amount includes the amount of "Fresh Water Subsidy" distributed to current subsidy recipients during the time of salt water in 2006. <sup>3</sup> 1 USD = 7.9335 MOP.

**Extra living subsidy recipients and respective amount**

<i>Type of recipients and amount of subsidy</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Families	591	567	631	715
Individuals	591	567	631	715
<b>Total subsidy amount (MOP)</b>	<b>2 074 700</b>	<b>2 292 000</b>	<b>3 103 500</b>	<b>3 823 800</b>

Source: Social Welfare Bureau.

Note: 1 USD = 7.9335 MOP.

**Data regarding old-age allowance**

<i>No. of recipients and amount of subsidy</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Beneficiaries	34 725	35 874	38 603	41 653
Amount per individual (MOP)	1 500	1 800	3 600	5 000
<b>Total subsidy amount (MOP)</b>	<b>52 087 500</b>	<b>64 573 200</b>	<b>138 970 800</b>	<b>208 265 000</b>

Source: Social Welfare Bureau.

Note: 1 USD = 7.9335 MOP.

63. A disability pension is available to those who have completely lost their capacity to work on a long-term basis, given that he/she is a resident aged 18 or above, living in Macao for at least 7 years and has contributed to the Social Security Fund for at least 36 months. The amount of such pension has been increased from time to time in the past years, at present being MOP 1,700 per person (Decree-Law 58/93/M, of 18 October, on the regime of social security, as amended).

64. Still, to ease the living burden of people with disabilities, subsidies in respect of medical equipment, health care expense, housing reparation, basic housing equipment,

transport expense and so on are also available (Article 8 (1) of the mentioned Administrative Regulation 6/2007).

#### **Medical equipment subsidy recipients and respective amount**

<i>Type of recipients and amount of subsidy</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Families	42	49	45	36
Individuals	42	49	45	36
<b>Total subsidy amount (MOP)</b>	<b>349 850</b>	<b>474 177</b>	<b>622 015</b>	<b>479 262</b>

*Source:* Social Welfare Bureau.

*Note:* 1 USD = 7.9335 MOP.

65. On top of this, tele-assistance emergency service has been newly set up for those who are in need of special care and the elderly (Order of the Chief Executive 279/2009, of 3 August). This service includes calling ambulance, contacting families or main persons and hotline as to provide regular care reminders or social contacts. The number of users in 2009 accounted for 650 and the respective funding was MOP 1,818,990.

### **Article 21**

#### **(Freedom of expression and opinion, and access to information)**

66. The Basic Law guarantees freedom of speech, of the press and of publication, of association, of assembly, of procession and of demonstration (Article 27, first part), of communication and privacy of communication (Article 32, first paragraph) and of conscience and of religious belief and to preach and to conduct and participate in religious activities in public (Article 34).

67. Everyone is entitled to access to public information on condition that such information is not of a confidential nature or is not related to personal privacy (Article 9 (1) (a) of the Administrative Procedure Code). More specifically, in regard to access to information by persons with disabilities, Article 5 (f) of Decree-Law 33/99/M, while referring to the right to information, makes it mandatory that persons with disabilities (and their families) be informed, in a permanent manner, of their rights and of the existent structures destined to assist them. Accordingly, the relevant government departments deliver messages on such matters, including the application of subsidies and relevant services provided to persons with disabilities, through a variety of channels, such as promotional leaflets, web pages, TV and radio advertisements, telephone hotlines and telephone inquiries, in both official languages.

### **Article 22**

#### **(Respect for privacy)**

68. The right to personal reputation and the privacy of private and family life is enshrined in paragraph 2 of Article 30 of the Basic Law, which further imposes, in its Article 31, that the homes and other premises of Macao residents shall be inviolable and that arbitrary or unlawful search of, or intrusion into, a resident's home or other premises shall be prohibited.

69. The Civil Code establishes the right to intimacy of private life, of confidential communications, of family memories and other private scripts, the use of non-confidential communications, the right to personal history, the right to know about one's personal data

contained in database or record as well as the use thereof and to request for rectification or update of such information, unless otherwise provided for in the provisions as to judicial secrecy as well as the protection of personal data, the right to one's image and words, and forbids the disclosure of private life of others. To strengthen the protection of privacy, Law 8/2005, of 22 August, on the treatment and protection of personal data, was adopted. Information regarding a person's characteristics in the aspects of physical, physiology, psychology, economic status, culture or social conditions that can directly or indirectly identify him/her is considered personal data, subject to full protection and strict handling. Personal data concerning private life and health are forbidden from handling except in specific cases determined by law. Moreover, certain acts that infringe the right to privacy, namely the disclosure of information relating to private life, the violation of privacy by means of information technology, the breach of secrecy and the improper use of secrecy constitute crimes (Articles 186, 187, 189 and 190 of the Criminal Code, respectively).

### **Article 23** **(Respect for home and the family)**

70. The first part of the mentioned Article 38 of the Basic Law determines that the freedom of marriage and the right to form and raise a family freely shall be protected by law. Similarly, the quoted Law 6/94/M states that everyone enjoys the freedom of marriage and the right to form a family. It also guarantees the equality regarding the protection of motherhood and fatherhood and promotes favourable conditions for the foundation and development of families as fundamental human and social values that the Government must respect and protect.

71. The minimum legal age for marriage for both sexes is 16 years old. Yet, one of the impediments to marriage is to suffer from notorious dementia or to be judicially declared unable or interdicted by reasons of mental illness (Article 1479 of the Civil Code).

72. As a general principle, children cannot be separated from their parents. However, for the sake of the child's best interests, this principle may be overridden in cases expressly prescribed by law. Some inhibitions to the exercise of parental responsibility have an *ope legis* nature (e.g., having been convicted for a criminal offence punishable by such a penalty or judicially declared unable or interdicted by reasons of mental illness) but most require a judicial decision. The separation of children from inhibited parents is not automatic, rather it depends on the best interests of the child, assessed by the court on a case-by-case basis (Article 1767 (1) (b) of the Civil Code).

73. To promote family harmony and strengthen child-rearing capacity, the SWB provides parents with disabilities with emotional counselling, information and instructional tools, training courses, parent-child campaigns, parent sharing/gatherings and so forth.

#### **Parent-child education/activities and parent meetings/gatherings**

<i>No. of</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Parent-child education/activities	20	13	20	56
<b>Total participants</b>	<b>738</b>	<b>638</b>	<b>922</b>	<b>2 746</b>
Parent meetings/gatherings	40	40	55	64
<b>Total participants</b>	<b>1 185</b>	<b>1 285</b>	<b>1 056</b>	<b>1 305</b>

*Source:* Social Welfare Bureau.



74. Still under the SWB supervision and financial support, there are also 26 nurseries and 9 residential homes (including one boarding school) for children (under 4 years old) and adolescents (aged up to 24 years old). Residential homes are accessible to those who cannot enjoy proper family care for whatever reasons and nurseries to children whose parents need to work in daytime or are unable to take care of them. Between 2006 and 2009, a total of 16 children and adolescents with disabilities used such residential homes. Plus, in that same period, 5 children with disabilities were abandoned in the MSAR (which, as said, is a crime). The SWB arranged such children to enrol in nurseries or schools according to age and cooperated with judicial authorities in the investigation and on matters of guardianship.

## Article 24 (Education)

75. Article 37 of the Basic Law guarantees the freedom to engage in education, academic research, literary and artistic creation and other cultural activities.

76. Law 9/2006, of 26 December, on the legal framework on non-tertiary educational system, asserts the right to education for all children and the MSAR's obligation to develop appropriate mechanisms to promote effective equality of opportunities in education. To this end, a free education school network is maintained. The scale of free education has been progressively expanded, lasting at present for 15 years. Education is compulsory for children aged between 5 and 15 from the last year of pre-primary education to junior secondary education. More specifically, the said Law states that persons with disabilities are entitled to special education, which aims at enabling them to access to education opportunity appropriate for the development of their body and mind and assisting them in social integration, potential development, compensation for deficiencies and participation in employment. Accordingly, Decree-Law 33/96/M, of 1 July, on the special educational regime, determines that special education is preferentially carried out in the form of inclusive education, accompanied with individualized education program in conformity with personal educational needs.

77. The Centre of Psycho-pedagogical Support and Special Education, under the Education and Youth Affairs Bureau (EYAB), provides consultation and assessment services to students aged between 3 and 21 who may be in need of special education so as to understand their learning capability and thus propose suitable educational arrangements (inclusive class, special education small class and special education class) and, if necessary, to help them seek for an educational establishment. Adequate school curriculums are tailor-made for students with visual disabilities while sign language courses are offered to students with hearing disabilities by special education schools. Besides, counselling, occupational, physical and speech therapies as well as referral services in respect of medical treatment or social integration are provided by the aforesaid centre to persons with disabilities who are assessed as so require.

### Cases handled by the special education centre

<i>Event</i>	<i>2006/07</i>	<i>2007/08</i>	<i>2008/09</i>	<i>2009/10<sup>1</sup></i>	<i>Total</i>
Professional consultation (No. of appointment)	190	250	195	105	<b>740</b>
Home visits/visits by phones (No. of times)	698	734	491	243	<b>2 166</b>
Integrated assessment (No. of cases)	185	176	161	97	<b>619</b>
Cognitive assessment (No. of cases)	66	139	116	62	<b>383</b>
Professional assessment (No. of cases)	43	27	25	8	<b>103</b>

<i>Event</i>	<i>2006/07</i>	<i>2007/08</i>	<i>2008/09</i>	<i>2009/10<sup>1</sup></i>	<i>Total</i>
Counselling follow up (No. of times)	11	12	24	12	<b>104</b>
Professional follow up (times)					
Speech therapy	116	52	65	284	<b>376</b>
Occupational therapy	52	21	13	98	<b>137</b>
Physical therapy	17	9	34	86	<b>100</b>
Regular visit to support inclusive students (times)	76	119	154	108	<b>457</b>

*Source:* Education and Youth Affairs Bureau.

*Note:* <sup>1</sup> Until February 2010.

78. Special education is entirely free even in private schools. Students with disabilities can also take part in the school extra-curricular activities, as well as recreational and sports activities taking place during annual summer vacation. The EYAB also subsidizes NGOs to encourage those students to participate in international exchange activities. It has published a brochure to facilitate comprehension of the situation of special education and related available services.

#### **Number of students with special educational needs**

<i>Academic year</i>	<i>Non-inclusive students</i>			<i>Inclusive students</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2006/07	313	177	<b>490</b>	187	90	<b>277</b>
2007/08	310	165	<b>475</b>	169	95	<b>264</b>
2008/09	306	165	<b>471</b>	223	110	<b>333</b>
2009/10	328	174	<b>502</b>	247	125	<b>372</b>

*Source:* Education and Youth Affairs Bureau.

79. Decree-Law 33/96/M imposes that schools should eliminate obstacles and barriers in school facilities and offer reasonable accommodation and support required by such students. Schools providing special education may apply for subsidies and assistance offered by special education teams which stay on site or visit regularly.

80. In terms of tertiary education, Article 28 of Decree-Law 11/91/M, of 4 February, states that the conditions that guarantee equal opportunity of entering tertiary education should be created. Consequently, “study grants”, comprising student loans, scholarships, accommodation subsidies and travelling subsidies, *etc.* were established to encourage and support students to pursue tertiary education. In academic year 2009/2010, there are 5 students with disabilities, 3 males and 2 females, enrolled in 3 tertiary educational institutions.

81. To better ensure students with disabilities an equal access to higher education, proper study environment and necessary facilities, measures were adopted by all tertiary educational institutions, mainly embracing the following: devise an “*Admission Policy for Student with Disabilities*” to provide special admission arrangements to those students; establish a “*Body for Student Disability Policy and Service*” to regularly review the relevant facilities and policies and attempt to arouse the public’s concerns and care for persons with disabilities; construct a website for disability service to promote admission policy and services to students with disabilities; provide laptops with the installation of special software to visually-impaired students so that they can read soft copies via listening; form a

team of student ambassadors to offer different kinds of assistance to students with disabilities; and establish facilities convenient for them, including non-barrier passageway, washroom, lift, Braille sign, *etc.*

## Article 25 (Health)

82. To realize the objective of primary health care as a strategy to reach the Millennium goals and “*Health for All*” goal advocated by the WHO, all residents are entitled, by law, to free primary health services offered at health centres under the Health Bureau (HB). Furthermore, the access of persons with disabilities to all aspects of health care, including health promotion and monitoring, illness and disability prevention, examination and diagnosis, premature stimulation and medical rehabilitation is also ensured by the HB. Besides, free specialist care service is available at the public hospital to persons with mental disabilities, while persons with other kind of disabilities can apply, if needed, to be exempt from payment. As mentioned, health treatments are provided to persons with disabilities on the basis of their free and informed consent, except under the circumstance previously described.

83. Health centres, in cooperation with NGOs, provide home-based medical and nursing care for persons with severe or advanced diseases or those with mobility disabilities. Medical personnel give advice on how to improve home environment and family relationship and other necessary assistance during home visits.

## Article 26 (Habilitation and rehabilitation)

84. Links between individuals, families and social forces and resources were, via a variety of community-based measures with the nature of encouragement, established to enable persons with disabilities to maximize their potential to maintain the autonomy of life and actively improve their inclusion and participation in society. A Centre for Rehabilitation was set up in 2005 under the SWB to provide a comprehensive multi-disciplinary assessment for persons with disabilities, to evaluate the nature and levels of their disabilities and thus to tailor-make appropriate support service configuration proposals.

85. To assist persons with disabilities in developing their capacity and strengthening their self-confidence and independence, the SWB provides technical and financial assistance in support of the establishment of various NGO habilitation trainings, rehabilitation schemes, services and facilities for persons with disabilities, according to their own preference. The related details are listed as follows.

### Rehabilitation services/facilities subsidized by the SWB

Type of facility/service	2006		2007		2008		2009	
	U	C	U	C	U	C	U	C
Residential rehabilitation	5	362	5	362	5	362	5	405
Day care centre	8	392	8	409	9	409	9	409
Sheltered workshop/Vocational training centre/Employment support centre	6	223	6	223	6	223	6	223

<i>Type of facility/service</i>	<i>2006</i>		<i>2007</i>		<i>2008</i>		<i>2009</i>	
	<i>U</i>	<i>C</i>	<i>U</i>	<i>C</i>	<i>U</i>	<i>C</i>	<i>U</i>	<i>C</i>
Education centre/Pre-school centre	3	121	3	201	2	201	2	201
Rehabilitation bus service/Escort service	2	N/A	2	N/A	2	N/A	2	N/A
Comprehensive rehabilitation service centre	1		1		1		1	
Residential service		24		24		24		24
Employment support service		14		14		17		17
Family resource service		N/A		N/A		N/A		N/A
<b>Total</b>	<b>25</b>	<b>1 136</b>	<b>25</b>	<b>1 233</b>	<b>25</b>	<b>1 236</b>	<b>25</b>	<b>1 279</b>

*Source:* Social Welfare Bureau.

*Note:* U = Unity and C = Capacity.

#### **Number of service/facility users by nature of disability**

<i>Nature of disability</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Physical disability	689	1 039	1 229	1 116
Intellectual disability	351	434	354	327
Mental disability	442	443	500	567
Hearing disability	297	279	293	308
Visual disability	48	50	56	57
Autism	94	103	114	121
Multiple disabilities	343	340	429	384
Others	70	94	82	490
<b>Total</b>	<b>2 334</b>	<b>2 782</b>	<b>3 057</b>	<b>3 370</b>

*Source:* Social Welfare Bureau.

86. The SWB sponsors NGOs in buying assistive devices required for habilitation and rehabilitation training as well as recruiting related professionals. It annually organizes different kinds of training programs, courses and workshops for professionals and staff working in the area of rehabilitation. In 2009, an occupational development plan for social workers was established, subsidizing NGOs to provide them with continuing education activities.

87. The overall contribution of the Government to NGOs in rehabilitation services is as follows.

#### **Total expenditure of Government contribution in rehabilitation services**

<i>Year</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
No. of units	25	25	25	25
Constant subsidy	37 781 498.00	45 372 132.60	57 318 434.40	62 926 882.00
Occasional subsidy	4 016 458.60	5 591 064.60	5 039 387.20	3 267 234.20 <sup>1</sup>

*Source:* Social Welfare Bureau.

*Note:* <sup>1</sup> Since the implementation of the occupational development plan for social workers, subsidies related to training for professionals were no longer included in the category of occasional subsidy, so the subsidy amount decreased comparatively.

## Article 27 (Work and employment)

88. The freedom of choice of occupation and work is guaranteed by Article 35 of the Basic Law. Law 7/2008, of 18 August, on labour relations, reaffirms it in terms of equality and non discrimination (to employment and remuneration for work of equal value), adding, however, that it is without prejudice to favourable treatment to those who by law require special protection. In addition, Law 4/98/M, of 27 July, on the employment policy and labour rights, provides for a special protection for workers with disabilities. On its turn, Article 21 of Decree-Law 33/99/M determines that the employment policy must include technical and financial incentives that promote the professional integration of people with disabilities and the creation of alternative work opportunities, *i.e.*, self employment, pre-service training, re-adaptation to work and sheltered workshop.

89. According to the 2006 By-census, employees with disabilities accounted for 0.3% of the total employed population. On the other hand, between 2006 and 2009, there were respectively 73, 76, 78 and 83 persons with disabilities working in the public sector (some of them in top official positions).

90. A special task force for 'Capacity Development' was set up under the LB to provide persons with disabilities with free support in respect of finding jobs, including, job-seeking registration, interview, job referral, and a 3-month follow-up on their work progress and other assistance required. The task force visits regularly relevant NGOs in order to better assess the situation and needs of different kinds of persons with disabilities. Plus, it offers career guidance seminars for students at special education schools and rehabilitation NGO members to give them a better understanding of employment-related information and interview tips. From 2006 to 2009, there were 8 of such seminars.

### Information on first-time registered job-seekers with disabilities

	2006	2007	2008	2009
First-time registered job-seekers with disabilities	182	150	161	129
Successful referrals	102	47	37	62

*Source:* Labour Affairs Bureau.

91. In collaboration with the *Association for Families of Persons with Intellectual Disabilities* and *Association for Persons with Intellectual Disabilities*, the LB has been offering training programs to persons with intellectual disabilities to enhance their employment opportunities and confidence in work and thus facilitate their social integration. Participants who take part in such programs can get a monthly training allowance of up to MOP 1,800.

### Training programs for persons with disabilities

Year	Program	Participants	Cases of immediate employment <sup>1</sup>
2006	Gardening team training (Advanced)	12	3
	Training on the operations of hand loom (Advanced)	12	0

<i>Year</i>	<i>Program</i>	<i>Participants</i>	<i>Cases of immediate employment<sup>1</sup></i>
	Book binding training	10	0
2008	Training program on the making and sale of sandwiches (Elementary)	10	1
2009	Training program on the making and sale of sandwiches (Intermediate)	10	N/A <sup>2</sup>

*Source:* Labour Affairs Bureau.

*Notes:* <sup>1</sup> “Immediate employment” refers to successful employment within 1 month after the trainee has finished the training. <sup>2</sup> Still ongoing.

92. To encourage enterprises and NGOs to work together to provide more job opportunities for persons with disabilities, they, when organizing activities in favour of persons with disabilities, such as vocational training, sheltered workshops, job matching as well as the creation of a barrier-free environment, can get an grant of up to MOP 500,000 (Order of the Secretary for Economy and Finance 6/2004, of 19 January).

93. The LB, in conjunction with the SWB, has set up the “Award for Employer of Persons with Disabilities” and the “Award for Outstanding Employee with Disabilities” programs to encourage the employment of persons with disabilities and improve the recognition and support for their employability in the society. These programs have been very successful and they are due to continue.

94. Offences against an employee’s physical integrity, freedom, honour or dignity are considered as a just cause for the employee to rescind the contract, with the right to receive compensation. In this regard, it should be emphasized that no complaint of unfair dismissal concerning persons with disabilities has been reported to the LB between 2006 and 2009.

95. On the issue of disabilities resulting from a workplace injury, pursuant to Decree-Law 40/95/M, of 14 August, on the legal framework on the compensation for accidents at work and occupational diseases, employees who are injured due to occupational accidents and thus become permanently incapable are entitled to a compensation corresponding to the degree of diminution of capacity to work.

## **Article 29**

### **(Participation in political and public life)**

96. Article 26 of the Basic Law guarantees all permanent residents of the MSAR the right to vote and the right to stand for election in accordance with law. Accordingly, all permanent residents, who are 18 years old or above, are entitled to register to vote. Specifically, to fully ensure the exercise of the right to vote of persons with disabilities, the law stipulates that they may, at their will, be assisted by a person of their choice when voting. An entrusted person who votes unfaithfully or discloses the vote casted is punishable with a penalty of up to 3 years of imprisonment (Articles 109, 111 and 172 of Law 3/2001, of 5 March, on the Electoral Law for the Legislative Assembly, as amended, and Articles 75, 76 and 138 of Law 3/2004, of 5 April, on the Election of the Chief Executive, as amended).

## Article 30

### (Participation in cultural life, recreation, leisure and sport)

97. Sports, culture and recreation are seen as a constituent part of the rehabilitation process of persons with disabilities, while being privileged mediums for the recovery of their psychic balance and the development of their capacity for social interaction. In the area of sports, anti-discrimination sports campaigns are considered as a keynote of the sports policy.

98. To encourage persons with disabilities to participate in physical exercise, the Macao Sport Development Board (MSDB) annually holds sports day for people with disabilities, being 370, 2,120, 2,199 and 2,320 participants severally in 2006–2009. The sport-for-all fitness and recreational classes also cater for persons with disabilities, with special classes designed according to their specific needs. As mentioned, all recently-built venues are equipped with barrier-free facilities, including barrier-free toilets, ramps, elevators and spectator area for wheelchairs while most of the older venues were upgraded so as to become accessible for persons with disabilities.

99. At present, the MSDB subsidizes all existing sport associations for persons with disabilities (the *Macao Special Olympics*, the *Macao-China Paralympics Committee & Macao-China Recreation and Sports Association for Persons with Disabilities*, and the *Macao Sport Association of the Deaf*). The MSDB, together with these associations, is responsible for plans on the development in the area of sports for persons with disabilities. Each of such NGOs has a representative in the Sport Commission, so as to enhance communication between the Government and people with disabilities and promote the development of sports for them. Besides, the MSAR Government awards prizes ranging from MOP 2,000 to 10,000 to athletes who achieve remarkable results in major sports competitions for persons with disabilities (Order of the Secretary for Social Affairs and Culture 37/2000, of 19 June, as amended by 81/2007, of 10 September).

100. In terms of recreational activities, cultural events organized by the MSAR Government are always non-profit oriented. Nevertheless, ticket discounts or even free admission as well as special help (advanced booking, free round-trip transportation and guided tour service) are offered to persons with disabilities. In every grand event and activity, a specific area is reserved for the elderly and persons with disabilities. On the other hand, during the past years, the SWB has been via a funding plan encouraging NGOs to organize training programs for people with disabilities to cultivate their personal interests and develop their artistic and intellectual potential. In 2008, a total amount of MOP 240,000 was granted to NGOs to carry out a variety of activities. Such kind of activities is still ongoing.

101. In relation to the promotion of deaf culture, the SWB plays an active role in developing sign language, e.g. providing on-site sign language interpretation services, organizing legal courses in sign language translation, promoting TV news sign language simultaneous translation services and subsidizing rehabilitation institutions to provide 24-hour sign language interpretation services, so as to satisfy the needs of persons with hearing disabilities in the hope of achieving information accessibility.

## Article 31

### (Statistics and data collection)

102. In addition to what has been said (in paragraph 19) on the collection of information for the 2011 Census, it is important to refer that MSAR laws and regulations on the statistical system fully ensure the compliance with fundamental rights and data protection.

It is also worth mentioning that the SWB is now closely pushing for the adoption in the MSAR of a classification system of disabilities (based on the ICF) to be used to assess the disability status of persons with disabilities and as a reference for the formulation, supervision and evaluation of the rehabilitation policy. The system is anticipated to be in place this year.

### **Article 32 (International cooperation) and Article 33 (Implementation and monitoring)**

103. The MSAR is willing to increase the levels of the already existing international cooperation within its possibilities and limits. Indeed, Article 136 of the Basic Law establishes that the MSAR may, on its own, using the name “Macao, China”, maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organizations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural, science and technology, and sports fields.

104. In March 2010, after a preliminary assessment of the MSAR’s situation in what respects the implementation of the Convention, the MSAR Government formally requested the CPG to communicate to the Depositary the designation of SWB as the focal point within the MSAR for matters relating to the implementation of the Convention.

105. As to monitoring, besides what was previously described (in paragraphs 16 to 18), it should be noted that the MSAR courts exercise judicial power independently, subordinated to nothing but law, and are not subject to any interference. In this respect, it is also important to clarify that in the MSAR legal system, procurators are also magistrates, independent and free from any interference. Their functions are, *inter alia*, the upholding of legality, representation of minors and other persons with diminished legal capacity in all actions necessary for the exercise of their rights and interests. Another relevant independent entity is the *Commission against Corruption*, which has *Ombudsman* functions. One of its main aims is to promote the protection of rights and freedoms and to safeguard the legitimate interests of the individuals, ensuring that the exercise of public powers abides by criteria of justice, legality and efficiency. The opinion of the *Ombudsman* is not legally binding, but in practice it is frequently followed.

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