



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

Distr.: General  
3 April 2017  
English  
Original: Chinese and English  
Chinese, English, French and  
Spanish only

---

**Committee on the Elimination of Racial Discrimination**

**Consideration of reports submitted by States parties under  
article 9 of the Convention**

**Fourteenth to seventeenth periodic reports of States parties due in 2015**

**Macao, China**<sup>\*</sup>, <sup>\*\*</sup>, <sup>\*\*\*</sup>

[Date received: 24 January 2017]

- 
- \* The present document is part of the State party report of China (CERD/C/CHN/14-17), which also includes the report of Hong Kong, China (CERD/C/CHN-HKG/14-17).
  - \*\* The present document is being issued without formal editing.
  - \*\*\* The annexes to the present report are on file with the Secretariat and are available for consultation.

GE.17-05261(E)



\* 1 7 0 5 2 6 1 \*

Please recycle



## **Preamble**

1. This is the third report submitted by the Government of the People's Republic of China on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as the "Convention") in the Macao Special Administrative Region of the People's Republic of China (hereinafter referred to as the "Macao SAR") in accordance with Article 9(1) of the Convention, forming Part III of the combined 14th to 17th periodic report submitted by the People's Republic of China. This report covers the period from 1 January 2007 to 31 December 2014.
2. This report has been prepared in accordance with the Compilation of Guidelines on the Form and Content of Reports to be submitted by States Parties to the International Human Rights Treaties (HRI/GEN/2/Rev.6) adopted by the United Nations Human Rights Committee and on the basis of the information and data provided by relevant government departments or organisations.
3. As regards general information about the Macao SAR, including its geographical, demographic, social and cultural characteristics, political system and legal structure, its general legal framework for the protection of human rights and the applicable international human rights conventions, reference can be made to Part Three of the Core Document of the People's Republic of China (HRI/CORE/I/Add.21/Rev.2) and the latest addendum related to the situation of the Macao SAR (HRI/CORE/CHN/2010, Part. III), which was submitted to the United Nations in 2010. Should there be any update on the information regarding demographic overview, political and legal framework of the Macao SAR contained in the Core Document, supplementary information will be added to the corresponding part below.

## **Part I General situation of the Macao Special Administrative Region**

### **I. Demographic overview**

4. According to the statistics of the Statistics and Census Bureau, the total population of the Macao SAR has an increasing tendency. As of 31 December 2014, the total population of the Macao SAR was 636,200, which had increased by 28,700 on a year-on-year basis, with a growth rate of 4.7%. Viewing from gender distribution, there were 322,200 females and 314,000 males, occupying 50.6% and 49.4% respectively. Classified by age structure, there were 8.4% aged population who were 65 or above, 11.4% child population who were 0 to 14 and 80.2% adult population who were 15 to 64.
5. The birth rate even achieved a new height in 25 years, with 7,315 newborns in 2012, 6,571 in 2013 and 7,360 in 2014. Economic boom and social stability are believed to be one of the factors contributing to the increase of birth rate.
6. In the light of the results of the 2011 Population Census, 92.3% of the total population of the Macao SAR were of Chinese nationality, 0.9% was of Portuguese nationality and 6.8% were of other nationalities such as Filipino, Vietnamese, Indonesian, American, Korean, Canadian and Thai.
7. According to the 2011 Population Census, Chinese and Portuguese are the official languages of the Macao SAR. In the Macao SAR, 83.3% of the population spoke Cantonese, 5% spoke Mandarin, 5.7% spoke other Chinese dialects, 0.7% spoke Portuguese, 2.3% spoke English and 3% spoke other languages.

Table 1  
**Demographic statistics of the Macao SAR**  
*(in thousands)*

| <i>Sex/Year</i>         | <i>2007</i>  | <i>2008</i>  | <i>2009</i>  | <i>2010</i>  | <i>2011</i>  | <i>2012</i>  | <i>2013</i>  | <i>2014</i>  |
|-------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>Total population</b> | <b>531.8</b> | <b>543.1</b> | <b>533.3</b> | <b>540.6</b> | <b>557.4</b> | <b>582.0</b> | <b>607.5</b> | <b>636.2</b> |
| Male                    | 262.5        | 265.6        | 255.9        | 258.5        | 268.0        | 280.3        | 295.2        | 314.0        |
| Female                  | 269.3        | 277.5        | 277.3        | 282.1        | 289.3        | 301.7        | 312.3        | 322.2        |

*Source:* Statistics and Census Bureau.

8. Despite the aforementioned total population, there are considerable non-resident workers working and living in the Macao SAR. In 2014, there were altogether 170,346 non-resident workers, the majority of whom came from Asia, including 110,670 from Mainland China, 9,728 from the Hong Kong SAR, 21,549 from the Philippines, 13,533 from Vietnam, 3,981 from Indonesia, 1,069 from Malaysia, 1,044 from Thailand and a small number of them from other Asian countries.

Table 2  
**Demographic statistics of non-resident workers in the Macao SAR**  
*(in thousands)*

| <i>Sex/Year</i>         | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i>  | <i>2013</i>  | <i>2014</i>  |
|-------------------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------|--------------|
| <b>Total population</b> | <b>85.2</b> | <b>92.1</b> | <b>74.9</b> | <b>75.8</b> | <b>94.0</b> | <b>110.5</b> | <b>137.8</b> | <b>170.3</b> |
| Male                    | 50.0        | 50.3        | 37.5        | 37.3        | 49.6        | 58.8         | 77.3         | 102.7        |
| Female                  | 35.2        | 41.8        | 37.4        | 38.5        | 44.4        | 51.7         | 60.5         | 67.8         |

*Source:* Statistics and Census Bureau.

Table 3  
**Non-resident workers by place of origin**

| <i>Place of origin</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> | <i>2013</i> | <i>2014</i> |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Asia                   | 83 384      | 90 188      | 73 368      | 74 397      | 92 598      | 109 086     | 136 128     | 168 365     |
| Europe                 | 638         | 650         | 543         | 840         | 593         | 656         | 804         | 971         |
| America                | 597         | 711         | 595         | 556         | 532         | 529         | 563         | 606         |
| Oceania                | 532         | 551         | 349         | 259         | 253         | 214         | 272         | 327         |
| Africa                 | 56          | 61          | 50          | 49          | 52          | 67          | 71          | 77          |

*Source:* Statistics and Census Bureau.

## II. General political structure

9. The general political structure of the Macao SAR has not experienced any change since the last report and both Core Documents. According to the provisions of the Basic Law of the Macao Special Administrative Region of the People's Republic of China (hereinafter referred to as the "Basic Law"), the political structure of the Macao SAR is composed of the Chief Executive, the Executive Council, the executive authorities, the Commission Against Corruption, the Commission of Audit, the legislature and the judiciary.

10. It should be noted that the Macao SAR Government amended the Legislative Assembly Electoral Law and the Chief Executive Election Law in 2012.

## **1. The Chief Executive**

11. The Chief Executive Election Law was amended through Law 11/2012, which entered into force on 11 September 2012; therefore, the fourth election for the Chief Executive of the Macao SAR in 2014 was conducted pursuant to the amended Chief Executive Election Law.

12. Under the system that the Chief Executive would still be chosen by a broadly representative Election Committee, the amended Chief Executive Election Law increased the number of members of the Election Committee from 300 to 400 which further enhanced the representativeness of the Election Committee.

## **2. The Legislative Assembly**

13. The Legislative Assembly Electoral Law was amended through Law 12/2012, which entered into force on 11 September of the same year, thus the election of the fifth Legislative Assembly of the Macao SAR in 2013 was conducted pursuant to the said Law.

14. Pursuant to the provisions of the amended Legislative Assembly Electoral Law, the number of members of the Legislative Assembly was increased from 29 to 33, of which 14 were directly elected. Twelve members were indirectly elected from 5 constituencies instead of 4 constituencies. Apart from maintaining the 3 constituencies of the Industrial, Commercial and Financial Sector, the Labour Sector and the Professional Sector, the original Social Service, Cultural, Education and Sports Sector was classified into 2 constituencies of Social Service and Education Sector and the Cultural and Sports Sector. Seven are nominated by the Chief Executive.

15. In addition, to further improve the election mechanism of the Legislative Assembly, the indirect election system in particular, Law 12/2012 expanded the number of corporate voters so as to consolidate the representativeness of the election and democratic engagement. Pursuant to the referred Law, every qualified corporate voter is entitled to vote with a maximum of 22 votes (which was increased by double compared to 11 votes in the previous term), by a maximum of 22 qualified voters nominated from the leaders of the legal persons or members of the management organs who are in office on the date on which election date is set.

16. Lastly, in order to enhance the competitiveness of the election, Law 12/2012 lowered the nomination barrier for the shortlist of indirect election. In the past, the Nomination Committee who came up with a shortlist must at least comprise 25% of the total number of corporate voters in a relevant constituency and pursuant to the amended Law, the concerned percentage dropped to 20%.

## **3. The judiciary**

17. The information provided in relation to the judiciary of the Macao SAR in both Core Documents is still accurate.

## **III. Legal framework and institutions for the protection of human rights**

18. As regards legal protection, it is necessary to re-emphasise that it is distinctly stipulated in Article 4 of the Basic Law that the Macao SAR safeguards the rights and freedoms of the residents of the Macao SAR and of other persons in the Region in accordance with law. The Basic Law specifically establishes the comprehensive protection of the fundamental rights of residents of the Macao SAR in its Chapter III (Articles 24 to 44). Article 25 clearly enshrines the principles of equality and non-discrimination: “*All Macao residents shall be equal before the law, and shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, religion, political persuasion or ideological belief, educational level, economic status or social conditions.*” Both

Articles 27 and 34 expressly guarantee various rights including freedom of speech, of the press, of association, of assembly, of procession, of religious belief and so forth. Moreover, Article 38 (2) and (3) explicitly provides for special protection of the legitimate rights and interests of women and of minors, aged people and people with disabilities. It is worth mentioning that Article 40(2) 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, inter alia, the applicable provisions of the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

19. In addition, the Macao SAR Government also adopted a number of laws and regulations that provide or enhance fundamental rights, for instance, the Audio-Visual Broadcasting Law and the Press Law, the General Regime of the Right of Association, the Law regulating the Rights to Assemble and to Demonstrate in Public Places and the Law on the Freedom of Religion, Worship and Profession of Faith.

20. In respect of international human rights conventions, several of them, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, are applicable in the Macao SAR. Through regular submission of reports to the relevant Committees of the United Nations, the promotion and protection of human rights by the Macao SAR Government have been supervised at different levels.

21. Apart from the protection at the legal level, the Commission Against Corruption (CAC), as an independent entity without the intervention from administrative power or any form of constraints, may carry out various measures to promote and safeguard human rights as stated in the previous report and both Core Documents.

22. Apart from the CAC, diversified commissions were also established, such as the Commission for the Protection of Victims of Violent Crimes, the Refugees Commission, the Supervisory Committee of the Disciplined Forces and Security Services of Macao, the Commission for Women's Affairs, the Human Trafficking Deterrent Measures Concern Committee, the Committee for Senior Citizen Affairs, the Narcotics Control Committee, the Commission on Rehabilitation Affairs and the Commission for the Prevention and Control of Chronic Diseases, so as to ensure the protection of human rights at all levels.

23. Besides legislative and administrative measures, should residents hold that their rights are being violated, they may initiate proceedings in the courts in accordance with the laws of the Macao SAR, including the provisions of human rights conventions applicable in the Macao SAR through its independent judicial system.

#### **IV. Publicity and promotion of human rights**

24. During the consideration of the combined 10th to 13th periodic report of the People's Republic of China (including the Hong Kong SAR and the Macao SAR) in 2009, the Committee on the Elimination of Racial Discrimination (hereinafter referred to as the "Committee") recommended the Macao SAR in Paragraph 38 of its Concluding Observations (CERD/C/CHN/CO/10-13) that, at the time of its submission of the reports, the Macao SAR should make the reports readily available and accessible to the public and that the observations of the Committee with respect to these reports be similarly publicised in the official and other commonly used languages, as appropriate.

25. For this reason, the Macao SAR Government has adopted positive measures to publicise and publish the periodic reports of the Macao SAR and the Concluding Observations of the Committee. The Chinese and English texts of the periodic reports of the Convention have already been uploaded to the web page of the Law Reform and International Law Bureau (which was incorporated into the Legal Affairs Bureau on 1 January 2016) (<http://www.dsrjdi.ccrj.gov.mo>) and the Chinese, Portuguese and English

texts of the Committee's Concluding Observations in 2009 have also been uploaded to the aforementioned web page for residents to refer to and download.

26. In fact, the periodic reports and Concluding Observations of the core human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, have already been uploaded to the aforementioned web page.

## **Part II**

### **Information related to the articles in Part I of the Convention**

#### **Article 1**

##### **Racism**

27. Since the previous report, the legal framework of the Macao SAR for safeguarding human rights has not experienced any change.

28. It has to be re-emphasised that Article 25 of the Basic Law expressly stipulates that "all Macao residents shall be equal before the law, and shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, religion, political persuasion or ideological belief, educational level, economic status or social conditions".

29. In fact, besides the provisions of the Basic Law, the principles of equality and non-discrimination are regarded as fundamental legal principles of the entire Macao SAR legal system.

30. The Civil Code clearly states that the rights of personality are recognised to all persons and should be protected from discrimination of any form, in particular for reasons of nationality, place of residence, descent, race, ethnic origin, colour, sex, language, religion, political or ideological opinion or belief, education and economic situation or social status (Article 67(1)).

31. The Criminal Code has distinct stipulations to prohibit and sternly repress the crimes related to hatred and discrimination due to nationality, race, ethnic group or religion. These crimes include genocide, instigation of genocide, the making of agreements for executing genocide, racial discrimination (Articles 230 to 233).

32. The Administrative Procedure Code expressly points out that the Public Administration Authority must abide by the principle of equality and may not favour, benefit, harm, deprive subordinates of any right or exempt them from any duty due to their ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation or social status (Article 5(1)).

#### **Article 2**

##### **Policies for the elimination of racial discrimination**

###### **1. Current legal system**

33. As mentioned above, the Macao SAR has several provisions regarding the prohibition of racial discrimination in different laws such as the Basic Law, civil law, criminal law and administrative law. In general, the prohibition of racial discrimination is consistent in the laws and policies of the Macao SAR.

###### **2. Refugee status/protection for asylum seekers**

34. The Convention relating to the Status of Refugees, 1951, and its Protocol relating to the Status of Refugees, 1967, are both applicable in the Macao SAR. In order to implement the aforementioned Convention and Protocol, the Macao SAR adopted Law 1/2004, the

Regime of Recognition and Loss of Refugee Status, and established the Refugees Commission, to be responsible for analysing applications for the recognition of refugee status. The representative of the Office of the United Nations High Commissioner for Refugees must be informed of the decisions made or which produce external effects during the process of recognition or loss of the status of refugees.

35. Any person who is recognised as a refugee will acquire the qualification of a refugee and will be entitled to an identity card and a travel document of the Macao SAR, and will receive equal treatment as those who are legally residing in the Macao SAR. As regards the decision made by the Chief Executive of denying an application for the status of refugee, this decision may be appealed to the Court of Second Instance.

36. When dealing with an application, the applicant must be informed of the rights that he/she is entitled to, including the right to contact the Office of the United Nations High Commissioner for Refugees, to receive assistance from interpreters, to be protected by law, to have his/her information kept confidential, to be provided with free legal consultation service, to include his/her spouse and children in the application, to be granted basic living conditions (for instance, food, accommodation and monthly economic assistance) and special support for any needs (for instance, referral of medical services, admission of minors to schools). If it is necessary, the aforementioned social and economic assistance can be maintained after he/she acquired the refugee status.

Table 4

**Economic assistance for refugees/asylum seekers**

| <i>Number</i> | <i>Year</i> | <i>Family</i> | <i>Number of persons</i> | <i>Total amount for assistance</i> |
|---------------|-------------|---------------|--------------------------|------------------------------------|
| 1             | 2007        | 4             | 9 persons                | MOP171 590                         |
| 2             | 2008        | 7             | 15 persons               | MOP358 290                         |
| 3             | 2009        | 5             | 8 persons                | MOP332 240                         |
| 4             | 2010        | 4             | 7 persons                | MOP311 760                         |
| 5             | 2011        | 4             | 7 persons                | MOP316 080                         |
| 6             | 2012        | 6             | 11 persons               | MOP409 160                         |
| 7             | 2013        | 3             | 5 persons                | MOP215 350                         |
| 8             | 2014        | 4             | 6 persons                | MOP271 290                         |

*Source:* Social Welfare Bureau.

### 3. Other measures that are beneficial for racial harmony

37. The Macao SAR Government has been paying great attention to the living and working conditions of new comers of different races to Macao (including non-resident workers), providing them with services of different government departments and non-governmental social service organisations persistently through different forms and channels, and assisting them to know about the different services and facilities in the Macao SAR, making it easier for them to adapt to their lives in a new environment.

38. The social services and care provided by the Macao SAR Government include:

(a) **General information:** The “Practical Tips for Living in Macao” compiled especially for new comers to Macao (including non-resident workers) introduces services of different government departments, social service organisations, public utilities and so forth and the respective application formalities. Its contents cover everyday life information in different areas including the public administration, law, culture, economy, housing, education, transportation, environment, medical treatment, social work, customs, employment, consumption of the Macao SAR so as to help them know about, adapt to and integrate into life in Macao as soon as possible.

(b) **Study plan:** The Education and Youth Affairs Bureau (EYAB) has been implementing study plans to assist new student comers to Macao by mainly entrusting social service organisations to offer English, Cantonese, traditional and simplified Chinese adaptive programmes and so forth for students in need. Furthermore, the Bureau has also

been offering relevant programmes for new immigrant students and their parents, and additional Cantonese and Chinese classes for foreign students.

(c) **Community service:** Social service organisations including the Macao Federation of Trade Unions, General Union of Neighbourhood Associations of Macao, Women's General Association of Macao and Caritas Macao provide services for new comers to Macao (including non-resident workers) so as to help them integrate into the local community. Services provided by these organisations include: mentoring programmes, counselling, social/mutual help groups, voluntary service groups, hotline services and so forth.

(d) **Network services for non-resident workers:** The launch of community service scheme for non-resident workers began in 2007. Non-resident workers can join the "Non-resident Workers Network Services" sponsored by the Social Welfare Bureau (SWB) and co-organised by the North District Integrated Service Centre of the Macao Federation of Trade Unions and the Caritas Macao, with the contents of the services including knowing the Macao SAR, general daily-life medical and health knowledge, language skills training, cultural and recreational activities, interpersonal and psychological support and so forth. Other community service organisations also provide non-resident workers with irregular recreational activities and cooking courses.

### **Article 3**

#### **Condemnation and prohibition of racial segregation**

39. The Macao SAR does not allow any form of racial discrimination or segregation.

40. The number of Macao SAR residents has already exceeded 600,000 and they fall into the following categories based on different ethnic groups:

(a) Chinese: Chinese may be divided mainly into ethnic groups from Guangdong and from Fujian. The majority of the ethnic group from Guangdong comes from the Pearl River Delta Region, occupying about two-third of the total population of the Macao SAR. This ethnic group mainly uses Cantonese as their daily language for communication and maintains their original customs and etiquette. The ethnic group from Fujian exceeds 100,000 people in the total population of the Macao SAR, maintains the cultural characteristics of their ethnic group until the present and many of them speak Minnan dialect.

(b) Macanese: the so-called Macanese usually refers to residents whose ascendants are of both Portuguese and Chinese origins. The majority of this ethnic group receives Portuguese education but actively absorbs the values of the Chinese culture and several have bilingual communicative ability.

(c) Other ethnic groups: There are also small numbers of Portuguese, British, Americans, Japanese, Filipinos, Thai, Vietnamese, Indonesians, Nepalese and persons of other nationalities residing in and bringing their own cultures and traditions to the Macao SAR, forming a unique view of people of different colours, national or ethnic groups and customs living together in harmony.

41. In fact, all ethnic groups have been living together with the Chinese, who occupy most of the local population, harmoniously and the Macao SAR Government will continue to actively promote racial integration policies to encourage all ethnic groups to integrate into the society of the Macao SAR.

### **Article 4**

#### **Condemnation and prohibition of propaganda and organisations based on racism**

42. As mentioned in the first and second reports, the Macao SAR laws expressly prohibit propaganda based on racism and the establishment of relevant organisations. Violation of the provisions concerned will be punished by criminal law.



43. In addition, the Macao SAR Government amended Law 10/2000, Organic Law of the Commission Against Corruption of the Macao Special Administrative Region, through Law 4/2012 by adding a new Article 31-A to establish special duties for the assisting staff of the Commissioner Against Corruption, who should abide by the principle of non-discrimination on grounds of nationality, descent, race, place of origin, age, sex, marital status, sexual orientation, language, religion, political or ideological beliefs, educational level, economic status or social conditions, to further protect residents from being discriminated due to race, xenophobia and relevant intolerable phenomenon.

## **Article 5**

### **Guarantee of the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law**

#### **Article 5 (a)**

#### **The right to equal treatment before the tribunals and all other organs administering justice**

44. Article 36 and 43 of the Basic Law stipulate that Macao SAR residents and non-Macao SAR residents within the Macao SAR have the right to resort to law and to have access to the courts, to lawyers' help for protection of their lawful rights and interests, and to judicial remedies, disregarding their nationality or race. Since the previous report, measures adopted by the Macao SAR Government for safeguarding the aforementioned rights include the following:

#### **1. Amendments to procedural laws**

45. Everyone is equal before the courts and the right of equality is embodied in multiple aspects including fair trials, the exercise of the right to defend, the use of a language one knows or the interpretation to a language one knows in legal proceedings and legal aid. The right of equality is implemented in the legal system of the Macao SAR disregarding nationality or race.

46. Regarding the provision of interpretation services for the participants of legal proceedings who do not know the language used, as mentioned in the previous report, pursuant to Article 89 of the Civil Procedure Code and Article 82 of the Criminal Procedure Code, if the participant of the legal proceedings does not know or is unfamiliar with the language, an interpreter should be assigned for that person. In short, even if the participants of legal proceedings of different nationalities or races do not know any of the official languages (Chinese or Portuguese), interpreters may be arranged.

47. Furthermore, the Macao SAR Government amended the Criminal Procedure Code through Law 9/2013 by newly adding Article 94-A that states that when the Public Prosecutions Office, the defendant, the auxiliary member or the civil litigant claims that the file contains written procedural acts that require translation into the other official language (Chinese or Portuguese) or transcription and due to its length or complexity, such a translation or transcription cannot be reasonably carried out within the set period, the time limits for the relevant reply or appeal may be extended. Through the aforementioned amendments, the litigants (including persons who use the official language other than Chinese) are protected from being adversely affected in proceedings for not knowing the language used during the proceedings.

48. The amendments to the aforementioned Code have also consolidated the protection of human rights. Its Article 51 clearly stipulates that in a situation in which the law determines that the defendant must be assisted by a defender and the defendant has not entrusted or does not entrust a defender, the judge will appoint a lawyer or a lawyer trainee for him. The stated provision is applicable to all defendants in criminal proceedings, disregarding their nationality or race.

## 2. Legal aid system

49. The establishment of the legal aid system was to ensure that Macao SAR residents would not have difficulties to safeguard their own legitimate rights and interests due to insufficient economic resources. Before 1 April 2013, the legal aid system was chiefly governed by Law 21/88/M, Access to the Law and to the Courts, and Decree-law 41/94/M, Regulation of the Legal Aid System. The concerned content is identical to that in the previous report.

50. The aforementioned legal aid system was amended by Law 13/2012, the Legal Aid General Regime, which entered into force on 1 April 2013. The new Law expressly stipulates that apart from Macao SAR residents (who hold Macao SAR Resident Identity Cards), non-residents who have non-resident worker status, persons with recognised refugee status and others who have special permits to stay are also entitled to legal aid, regardless of their nationality or race, if they have insufficient economic resources. In addition, the new Law also stipulates that a specialised Legal Aid Commission (LAC) will be in charge of the approval procedure of legal aid. A strict judicial appeal mechanism has been set up to guarantee the fairness of the approval procedure.

51. Pursuant to the provisions of Administrative Regulation 1/2013, the Organisation and Operation of the LAC, the Commission is composed of an odd number of members up to a maximum of seven members, including a president and a vice-president with a Bachelor's Degree in Law, and the members should be chosen among people with recognised merits, knowledge and professional experience. Among the members, there are both Chinese and Macanese lawyers.

52. Since the entry into force of the stated law until 31 December 2014, the LAC did not receive any application for legal aid from persons with recognised refugee status or those who have special permits to stay. Nevertheless, the Commission received a total of 91 applications for legal aid from non-resident workers, with detailed information shown in the following table:

Table 5

### Cases of non-Macao SAR residents applying for legal aid

*Cases of non-Macao SAR residents applying for legal aid*

|                             |  |
|-----------------------------|--|
| Number of applications      | 91   |
| Number of approved cases    | 84   |
| Number of disapproved cases | 7  |
| Reason for disapproval      | <p>3 cases were denied because the applicants had submitted their applications for legal aid to the courts before the entry into force of Law 13/2012, the Legal Aid General Regime, and their applications were being processed. Therefore, according to Article 40 of the same law, the original system applied.</p> <p>2 cases were denied since the applicants did not submit their declarations or documents and information proving that the applications were eligible for the granting of legal aid, within the period specified by the Commission.</p> <p>1 case was denied because the applicant did not submit his identification and information on his assets or did not submit such information after the expiry period.</p> <p>1 case was denied since the reason for the litigation was unsubstantiated.</p> |

Source: LAC.

53. According to the information provided by the LAC, since its establishment, there were not any cases related to applications for legal aid submitted by victims who initiated legal proceedings due to offenses concerning racial discrimination.

### 3. Training of magistrates in human rights

54. Between 2008 and 2013, the Macao SAR Government organised a total of 12 training programmes with the topic of the protection of human rights for magistrates, members of security and law enforcement departments (including the Public Security Forces Affairs Bureau, the Public Security Police Force (PSPF), the Macao Customs Service and the Judiciary Police (JP)), lawyers and others. There were 8 training programmes among all the programmes which were related to human rights conventions and relevant information can be referred to in the following table:

Table 6

#### Training in human rights

| <i>Reference Number</i> | <i>Activity</i>  | <i>Date</i>   |
|-------------------------|--|---------------|
|                         | Seminar on “Investigation and Judicial Action in Human Trafficking”  | 03/11/2008    |
| 2                       | Seminar on International Law   | 18-21/11/2008 |
|                         | Topic of 18/11/2008: Introduction of the Legislative Proceedings of Combating Human Trafficking in the Macao SAR                       |               |
| 3                       | Seminar on “Combating Human Trafficking” and “Restraining Order”   | 04/12/2008    |
| 4                       | 1st Lecture on the “Hotspots in the Development of Diplomacy in China”   | 11-13/05/2011 |
|                         | Topic of 12/05/2011: “International Cooperation in Anti-transnational Crimes, International Human Rights Convention and Its Execution” |               |
| 5                       | 2nd Lecture on the “Hotspots in the Development of Diplomacy in China”   | 21-23/03/2012 |
|                         | Topic of 23/03/2012: “International Cooperation in Anti-transnational Crimes, International Human Rights Convention and Its Execution” |               |
| 6                       | Lecture on “Human Trafficking”   | 20/04/2012    |
| 7                       | Continuation of Lecture on “Human Trafficking”   | 15/06/2012    |
| 8                       | Seminar on the “System of Fundamental Rights”  | 15-19/10/2012 |

*Source:* Legal and Judicial Training Centre.

### Article 5 (b)

#### The right to security of person and protection by the State against violence or bodily harm

55. Article 28 of the Basic Law distinctly stipulates that the freedom of the person is inviolable; no person is to be subjected to arbitrary or unlawful arrest, detention or imprisonment; unlawful search of the body of any person or deprivation or restriction of the freedom of the person is prohibited and torture or inhuman treatment of any person is prohibited. The Criminal Code and the Criminal Procedure Code also provide for the offence against the person and the appeal channels for unlawful detention or imprisonment. Any person is entitled to the aforementioned legal protection, disregarding their nationality or race.

56. The measures adopted by the Macao SAR Government in that aspect may be divided into the legal provisions regulating law enforcement agents and respective training and measures related to the fight against trafficking in persons.

## 1. Legal provisions regulating law enforcement agents

57. In accordance with Article 2(1) of Decree-law 40/94/M, of 25 July, the Regime on the Application of Measures Depriving Personal Freedom, prison personnel should respect prisoners' personality and must act with absolute impartiality, not discriminating by reason of ancestry, sex, race, language, place of origin, religion, political beliefs, ideologies, education, economic situation or social position, etc., while executing measures depriving personal freedom.

58. During the period covered by this report, the Macao Prison provided admission training courses on legal knowledge applicable to the Macao Prison to 354 new candidates who joined the prison guard corps. The contents of the courses covered how to carry out job duties in a respecting and impartial manner, as well as other contents on human rights.

59. In addition, as mentioned in paragraph 46 of this report, the role of the CAC was reinforced.

60. During the period covered by this report, the Macao SAR did not receive any complaints related to unequal treatment or power abuse by law enforcement agents due to nationality and race.

## 2. Fight against trafficking in persons

61. During the consideration of the combined 10th to 13th periodic report of the People's Republic of China (including the Hong Kong SAR and the Macao SAR) in 2009, the Committee recommended the Macao SAR, in paragraph 32 of its Concluding Observations (CERD/C/CHN/CO/10-13), to reinforce its measures to adequately prevent, combat and punish trafficking in persons and to provide, in this periodic report, statistical information, including information on the protection and reparation provided to the victims. For this purpose, the efforts of the Macao SAR in the fight against trafficking in persons will be detailed below in three aspects: laws, administrative measures and protection of victims.

### (i) Laws

62. The Macao SAR has been deeply devoted in combating trafficking in persons and in preventing and fighting against trafficking in persons with the aim of sexual exploitation and labour exploitation. In 2008, in order to make the crime of trafficking in persons in line with the definition in international law and to extend the acts covered by that crime, the Macao SAR Government adopted Law 6/2008, the Combat against the Crime of Trafficking in Persons, which entered into force on 24 June of the same year.

63. This Law is consistent and in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime and the European Union Council Framework Decision of 19 July 2002 on combating trafficking in human beings.

64. Law 6/2008 also aims at complying with the obligations contained in International Labour Organization (ILO) conventions applicable to the Macao SAR, in particular, the provisions related to the prohibition of slavery by labour or service exploitation in ILO Convention 29, Convention concerning Forced or Compulsory Labour, ILO Convention 105, Convention concerning the Abolition of Forced Labour, and ILO Convention 182, Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. And, in the area of the rights of the child, it complies mostly with the provisions of intercountry adoption contained in the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*.

65. The Law added Article 153-A, the Crime of "Trafficking in Persons", to the Criminal Code, extending the scope of application of the crime of trafficking in persons to cover not only prostitution but also other forms of sexual exploitation as well as exploitation of labour or services, in particular, forced or compulsory labour or services, slavery or practices similar to slavery and the removal of organs or tissues of human origin.

The penalty for trafficking in person provided for is 3 to 12 years of imprisonment. Extra-territorial jurisdiction and criminal liability of legal persons are also established.

66. In order to strengthen the protection for minors, if the victim is a minor, the statutory penalty is aggravated, ranging from 5 to 15 years of imprisonment. And if the minor is under 14 years old, the penalty on the perpetrator will be aggravated by one-third in its minimum and maximum limits.

67. The above-mentioned Law also safeguards a number of rights to victims, including social and economic support, legal counselling and legal aid, psychological, medical and pharmaceutical assistance and accommodation (shelter). Furthermore, it also provides for the protection measures for the victims of trafficking in persons, for instance, to set up a programme for the protection of the victims, to set up places to attend to the victims, to promote information and divulgation campaigns through the media with the objective of drawing the public's attention to the problems of the crime of trafficking in persons.

(ii) *Administrative measures*

68. The Chief Executive, through Order of the Chief Executive 266/2007, established an inter-departmental Human Trafficking Deterrent Measures Concern Committee. The Committee is responsible for diagnosing, evaluating and studying the phenomenon of trafficking in persons in the Macao SAR, issuing recommendations and monitoring actions carried out by the Macao SAR Government in the fight against trafficking in persons, in the perspective of its prevention, protection and social reintegration of the victims. In addition, the Committee also promotes international and regional cooperation, to enable relevant departments to better collaborate with their foreign counterparts in achieving the target of collectively deterring human trafficking. Five Working Groups were set up under the Committee, namely, the Working Group on Prevention and Awareness, Working Group on the Protection of Victims, Working Group on Investigation and Prosecution, Working Group on the Prevention of Forced Labour and Working Group on the Prevention of Trafficking in Human Organs and Tissues.

69. A number of concrete measures have been adopted by the Macao SAR Government to combat trafficking in persons, especially women and children, such as:

- Strict control at border checkpoints and of visa requests (with the aim of identification of potential victims);
- 24-hour Human Trafficking Report Hotline operated by the PSPF;
- Enquiry hotline operated by the Labour Affairs Bureau (LAB) for enquiries on forced labour issues;
- Establishment of mechanism to identify re-entered victims of trafficking in persons;
- Identification measures of visitors from high-risk countries of origin, that is, to give special attention to visitors or non-resident workers from such countries at border checkpoints;
- Screening questionnaires for potential victims of sexual and labour exploitation;
- Public awareness campaigns target at potential victims, traffickers, employers, employees and the general public;
- Routine inspections and target raids at various black spots of potential victims of sexual exploitation (e.g.: saunas, massage parlours, night clubs, bars, casinos and other entertainment establishments and so forth);
- Establishment of notification mechanisms with neighbouring regions and reinforcement of intelligence collection;
- Police cooperation with foreign counterparts and neighbouring regions;
- Training of frontline staff, including officers of the Immigration Service, PSPF and JP, inspectors of the LAB and medical staff and so forth;

- Specialised training for female police officers to interview potential female victims of trafficking in persons;
- Awareness raising projects and education programmes at schools focusing on topic of human trafficking to prevent high school students from becoming victims of trafficking in persons;
- Law dissemination through different channels including newspapers, television and radio and promotional videos uploaded on YouTube with subtitles in different languages;
- Distribution of leaflets (in several languages) at immigration halls, health centres and the LAB.

### 3. Protection of victims

70. The SWB has been providing a spectrum of protection measures and supportive services to victims of human trafficking since July 2008, to help victims to reintegrate into normal life. Upon receiving victims, it will first provide medical examination to ascertain their health condition and make sure that it is suitable to accommodate them in shelters or institutions. Subsequently, it will provide them with shelter services by arranging for temporary accommodation in shelters or institutions and provide them with economic assistance, 24-hour support services, to safeguard their personal safety and access to adequate care. Moreover, depending on the needs of the victims, it provides them with individual counselling, drug treatment, legal consultation, vocational skills training and escort service to place of origin. On the other hand, victims may obtain legal aid services, recourse for civil compensation and interpretation assistance. Such assistance is targeted at all victims of trafficking in persons and victims will not be discriminated or have different treatment due to their nationality.

71. In 2011, a cooperation agreement between the SWB and the **International Organisation for Migration (IOM) in Hong Kong was concluded**. With the assistance of the IOM, foreign victims are provided with risk assessment services related to the return to their places of origin and they will be properly escorted to their places of origin to reintegrate into normal life.

72. Since the provision of services to victims of trafficking in persons, the SWB has handled 122 cases (with 122 victims) until 31 December 2014. Among them, 101 victims returned to their places of origin, 18 victims left on their own initiative, 2 Macao SAR residents were already reintegrated into community life and 1 victim was still living in a shelter by the end of 2014.

Table 7

#### Data related to the services provided by the SWB to victims of trafficking in persons

| Year         | Number of Cases | Placement                 |                               |                                | Follow-up                   |                              |                       |          |
|--------------|-----------------|---------------------------|-------------------------------|--------------------------------|-----------------------------|------------------------------|-----------------------|----------|
|              |                 | Accommodation in shelters | Accommodation in institutions | Not accommodated in facilities | Returned to place of origin | Left on their own initiative | By end of 2014        | Others   |
| 2008         | 23              | 21                        | 2                             | 0                              | 19                          | 2                            | -                     | 2*       |
| 2009         | 5               | 2                         | 3                             | 0                              | 4                           | 1                            | -                     | 0        |
| 2010         | 13              | 11                        | 2                             | 0                              | 11                          | 2                            | -                     | 0        |
| 2011         | 13              | 7                         | 6                             | 0                              | 7                           | 6                            | -                     | 0        |
| 2012         | 29              | 14                        | 9                             | 6                              | 26                          | 3                            | -                     | 0        |
| 2013         | 33              | 13                        | 19                            | 1                              | 30                          | 3                            | -                     | 0        |
| 2014         | 6               | 2                         | 4                             | 0                              | 4                           | 1                            | 1 (being followed up) | 0        |
| <b>Total</b> | <b>122</b>      | <b>70</b>                 | <b>45</b>                     | <b>7</b>                       | <b>101</b>                  | <b>18</b>                    | <b>1</b>              | <b>2</b> |

Source: SWB.

\*Note: Two victims that had been lured to Japan were rescued and returned to the Macao SAR. They have reintegrated into community life through assistance.

Table 8  
**Statistical data related to the assistance provided by the SWB to victims of trafficking in persons**

| Year | Number of victims assisted | Sex | Age       |            | Nationality                     |                |
|------|----------------------------|-----|-----------|------------|---------------------------------|----------------|
|      |                            |     | ≥18 years | < 18 years | Mainland China                  | Others         |
| 2008 | 23                         | F   | 7         | 16         | 24 (3 were Macao SAR residents) | -              |
| 2009 | 5                          | F   | 3         | 2          | 4                               | 1 (Vietnamese) |
| 2010 | 13                         | F   | 7         | 6          | 13                              | -              |
| 2011 | 13                         | F   | 6         | 7          | 13                              | -              |
| 2012 | 31*                        | F   | 14        | 17         | 31                              | -              |
| 2013 | 33                         | F   | 19        | 13         | 31                              | 2 (Ukrainian)  |
| 2014 | 6                          | F   | 4         | 2          | 5                               | 1 (Tanzanian)  |

Source: SWB, Human Trafficking Deterrent Measures Concern Committee

\*Note: Of the 31 persons being assisted in 2012, 2 were victims of trafficking in persons in 2011 and they were still being assisted in 2012.

## Article 5 (c) Political rights

### 1. The rights to vote and to stand for election

73. Permanent residents of the Macao SAR have the right to vote and to stand for election, as guaranteed by Article 26 of the Basic Law.

74. Regarding the electoral systems for the Chief Executive and the Legislative Assembly of the Macao SAR, details were mentioned in the “General political structure” of II of Part I of this report and also in both Core Documents.

### 2. Equal employment opportunities in the public sector

75. According to the information of the Public Administration and Civil Service Bureau, until 31 December 2014, the total number of civil servants in the Macao SAR Government was 28,651, around 29.84% of which were not of Chinese nationality. From this, it can be seen that Macao SAR residents have equal right to public office, disregarding whether they are of Chinese nationality or other nationalities, as long as they fulfil the legal requirements. Furthermore, persons of other nationalities who are not Macao SAR residents may also become civil servants through overseas recruitment.

76. In recent years, the Macao SAR Government has established the centralised recruitment system for civil servants to enhance the fairness, openness and justness of the entrance system for civil servants. The system is regulated by Article 10 of Law 14/2009, *Legal Framework of Public Service*, and Administrative Regulation 23/2011, Recruitment, Selection and Training for Promotion of Public Personnel. The system allows Macao SAR permanent residents of different nationalities or races to apply for and enter public offices through unified and identical examination mechanism.

## Article 5 (d) Civil rights

### (i) The rights to freedom of movement, freedom to leave and return to the Region and the right to residence

77. Article 33 of the Basic Law stipulates that Macao SAR residents of Chinese nationality or other nationalities have freedom of movement and freedom to enter or leave the Region. The regime of staying and residing in the Macao SAR is governed by Law

4/2003, General Principles of the System of Entry, Stay and Residence Authorisation, Administrative Regulation 5/2003, *Regulations of the Entry, Stay and Residence Authorisation*, and Administrative Regulation 3/2005, Investors, Managerial Personnel, Technical and Professional Qualification Holders Residency Scheme, as amended by Administrative Regulation 7/2007. Basic information remains unchanged since the submission of last report.

**(ii) The right to nationality**

78. The regime to become Macao SAR permanent and non-permanent residents remains unchanged. It continues to be regulated by Article 24 of the Basic Law and Law 8/1999, *Law about Permanent Resident and Right of Abode in the Macao SAR*.

79. Although the majority of Macao SAR residents is of Chinese nationality, according to the statistical data of the Identification Bureau (please see Annex 1), there are also Macao SAR residents who are from other countries or regions, such as Southeast Asia, America, Europe and Africa, who, after acquiring the status of permanent or non-permanent resident, enjoy the same rights and assume the same obligations provided for permanent and non-permanent residents of the Macao SAR.

**(iii) The rights to marriage, to own property and to inherit**

80. Macao SAR residents regardless of their nationality or origin enjoy freedom of marriage and their right to form and raise a family freely, as protected by law (Articles 39 and 43 of the Basic Law).

81. The legal regime on the rights to own property and to inheritance remains unchanged until the present, as regulated by Article 6 of the Basic Law and relevant provisions in the Civil Code. Such rights are not restricted or discriminated on the basis of nationality and race.

**(iv) The right to freedom of thought, conscience and religion**

82. Provisions on conscience and religion remain unchanged from the situation in the initial report. Such a right is safeguarded especially by Articles 27 and 128 of the Basic Law, Law 5/98/M, of 3 August, *Law on the Freedom of Religion, Worship and Profession of Faith*, and provisions related to the safeguard of freedom of religion in the Criminal Code. Without doubt, the harmonious coexistence of religions is one of the cultural characteristics of the Macao SAR.

**(v) Freedom of expression, of peaceful assembly and association**

83. The legal regimes safeguarding freedom of speech, of the press and of publication, of assembly and of association remain unchanged. They are safeguarded by the Basic Law, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which are applicable in the Macao SAR as well as other ordinary laws.

84. The media is a platform to express freedom of speech, of the press and of publication. In respect of legislation regulating broadcast media, Article 52 of Law 8/89/M, the *Broadcasting Law* determines that it is forbidden to have programmes that, *inter alia*, violate civil rights, freedoms of persons and fundamental guarantees, incite totalitarian behaviours or aggressions to social, racial or religious minorities. In respect of laws regulating print media, Article 4(1) of Law 7/90/M, the *Press Law* stipulates that freedom of the press in expression of thought is exercised without subjection to any form of censorship, authorisation, deposit, guarantee or prior qualification.

85. Aside from legal stipulations, the market environment of the media industry in the Macao SAR and its cosmopolitan human resources promote the social environment and culture where there is coexistence and pluralism, which also restrain racially abusive speeches from appearing in the media. To meet operational needs, it is necessary for media organisations to employ talents from different countries and regions. In fact, the cosmopolitan background of the work force in media organisations helps to promote



exchanges and understanding between different ethnic groups. It is worth pointing out that some media organisations are led or managed by foreigners.

86. Residents of the Macao SAR include ethnic groups that use Chinese, Portuguese, English and other languages. To meet market needs, mass media such as newspapers or television stations use mainly Chinese, Portuguese and English in their productions. Currently, there are nearly 20 newspapers that publish in Chinese, Portuguese and English in the Macao SAR. As regards electronic media, there are also Chinese and Portuguese channels. News programmes are broadcast in Chinese, Portuguese and English on a daily basis.

87. It has to be stressed that, during the period covered by this report, the Macao SAR Government did not receive any complaints from the public about racially abusive statements in the media.

## **Article 5 (e)**

### **Economic, social and cultural rights**

#### **(i) Right to work**

88. In 2007, the Human Resources Office (HRO) was established through Order of the Chief Executive 116/2007, being responsible for the approval of the employment of non-resident workers. Before 26 April 2010, the employment of non-resident workers was regulated by Order 12/GM/88. Matters concerning non-resident workers' rights, obligations and guarantees are stipulated in the contracts approved by the HRO. In relation to the guarantee of lodgings, it is also stated clearly that non-resident workers have to be provided with lodgings which meet the minimum hygiene and living standards or their right to lodgings could be satisfied by a housing allowance.

89. Considering the increasing demand for human resources, the Macao SAR Government decided to enhance the laws related to the employment of non-resident workers in order to strengthen the supervision of employment of non-resident workers and give importance to safeguard their rights. Therefore, Law 21/2009, Law for the Employment of Non-resident Workers, was enacted. It entered into force on 26 April 2010 and was subsequently amended by Law 4/2013.

90. Pursuant to Article 20 of Law 21/2009, amended by Law 4/2013, labour relations of non-resident workers will be subsidiarity governed by the general regime on labour relations, i.e. Law 7/2008, Labour Relations Law, namely in regards to the rights, obligations and guarantees provided therein. In other words, non-resident workers, of Chinese or non-Chinese nationalities, enjoy rights and guarantees equal to resident workers as prescribed in law. Those rights and guarantees include provisions on working hours and break periods, weekly rest, mandatory holidays and vacations.

91. In addition to the general rights mentioned above, non-resident workers are entitled to special rights, as expressly stipulated in Article 26 of the same law, including being provided with suitable lodgings and repatriation upon the termination of the labour relations. Order of the Chief Executive 88/2010 additionally sets the minimum hygiene and living standards for the accommodation for non-resident workers, e.g. the accommodation of each non-resident worker must have a floor area not smaller than 3.5 square meters and contain relevant equipment, such as bathrooms with showers dispensing hot and cold water and washing machines. Should a domestic helper reside at his/her workplace, the respective employer will provide adequate lodgings capable of preserving his/her privacy in an appropriate manner and will provide such worker with the basic commodities, particularly with a bed, wardrobe and access to a bathroom. If an employer decides to guarantee the non-resident worker's right to accommodation in cash, each non-resident worker will be given a monthly allowance of no less than MOP500 for this purpose.

92. During the period covered by this report, the number of approvals for the recruitment of non-resident workers is listed in the following tables (no data from 2007 to 2010):

Table 9

**Number of non-resident workers approved/Number of non-resident worker's identification card (blue card) holders (present number of persons)**

| <i>Year</i> | <i>Number of non-resident</i> | <i>Growth rate</i> | <i>Workers approved</i> | <i>Number of blue cards</i> |
|-------------|-------------------------------|--------------------|-------------------------|-----------------------------|
| 2011        | 123 867                       | -                  | 94 028                  | -                           |
| 2012        | 143 046                       | 15.5%              | 110 552                 | 17.6%                       |
| 2013        | 174 880                       | 22.3%              | 137 838                 | 24.7%                       |
| 2014        | 203 254                       | 16.2%              | 170 346                 | 23.6%                       |

Source: PSPF.

Table 10

**Number of non-resident workers in the Macao SAR by category**

| <i>Year</i> | <i>Number of non-resident worker's identification card (blue card) holders</i> |                    |                             |                    |                             |                    |                |                    |
|-------------|--|--------------------|-----------------------------|--------------------|-----------------------------|--------------------|----------------|--------------------|
|             | <i>Non-professional workers</i>  |                    | <i>Professional workers</i> |                    | <i>Domestic helper</i>      |                    | <i>Total*</i>  | <i>Growth rate</i> |
|             | <i>Number of blue cards</i>  | <i>Growth rate</i> | <i>Number of blue cards</i> | <i>Growth rate</i> | <i>Number of blue cards</i> | <i>Growth rate</i> |                |                    |
| 2011        | 72 739   | -                  | 5 028                       | -                  | 16 256                      | -                  | <b>94 023</b>  | -                  |
| 2012        | 87 338   | 20.1%              | 5 123                       | 1.9%               | 18 085                      | 11.3%              | <b>110 546</b> | 17.6%              |
| 2013        | 112 178  | 28.4%              | 5 718                       | 11.6%              | 19 933                      | 10.2%              | <b>137 829</b> | 24.7%              |
| 2014        | 142 236  | 26.8%              | 6 490                       | 13.5%              | 21 611                      | 8.4%               | <b>170 337</b> | 23.6%              |

Source: PSPF.

\* The total number does not include self-employed persons.

**(ii) The right to form and join trade unions**

93. Pursuant to Articles 27 and 43 of the Basic Law, Macao SAR residents of Chinese or non-Chinese nationalities and non-resident workers in the Macao SAR have the same right and freedom to form and join trade unions, and to strike.

94. Furthermore, Article 5(1) (f) of Law 4/98/M, Framework Law on Employment Policy and Workers' Rights, stipulates that all workers have the right to become a member in associations representing their interests. In particular, Article 10 (1) of Law 7/2008 and Article 20 of Law 21/2009 expressly prohibit an employer from deterring in any way whatsoever the employee from exercising his/her rights or to subject the employee to any adverse treatment for exercising such rights. Such rights include the right to participate in trade unions. Non-resident workers enjoy the same protection of right of association as local workers. If an employer violates the aforementioned provisions, he/she will be punished with a fine of MOP20,000 to MOP50,000 for each employee involved, according to Article 85(1) (2) of Law 7/2008.

**(iii) The right to housing**

95. The Macao SAR does not set any restrictions on the right to housing based on nationality or race and does not restrict any person of any nationality or race to live in any particular area.

96. The Macao SAR Government has always been concerned with the issue of housing for residents. In assisting residents to purchase private housing, the Macao SAR Government had launched the 4% Bank Interest Subsidy from August 1996 to June 2002 (it was terminated for a short while between January and June in 2000) and it, once again, launched the **Home Purchase Loan Subsidy Scheme (similar to the aforementioned "4% Bank Interest Subsidy")** in 2009, **as regulated by Administrative Regulation 17/2009. The Scheme aims at assisting individuals to purchase housing for the first time and** relieving the burden of interest of the housing loan. Macao SAR permanent

residents of Chinese and non-Chinese nationalities aged 21 or over applying for a housing loan for the first time may enjoy the subsidised rate of 4% per year for a maximum of 10 years, as long as they fulfil the legal requisites. According to information, there have been 6,036 beneficiaries since the re-launch of the Scheme.

97. Apart from launching measures to assist the purchase of private housing, the Macao SAR Government, to further safeguard the demand for housing of families of low income or families with certain income that still cannot afford the purchase of private apartments, provides public housing to Macao SAR permanent residents of Chinese or non-Chinese nationalities that fulfil legal qualifications, that is, social housing and economical housing. The former refers to social housing apartments rented by the SAR Government with low rental to low-income families or those families who have particular difficulties. The relevant legal system was amended in 2009 by Administrative Regulation 25/2009, Allocation, Tenancy and Management of Social Housing. The latter refers to apartments sold by the SAR Government at prices lower than the private market to families with a particular income level that intend to purchase housing but cannot afford to buy private housing. The system was amended by Law 10/2011, Economical Housing Law.

98. After the amendments of the laws on public housing, especially the ones on economical housing, the Residential Development Contracts mentioned in the initial report was abolished and, in addition, economical housing is now constructed by the Macao SAR Government which makes direct investment, establishes income and gross asset value limits of family members or individuals, tightens application qualifications, extends inalienable period, restricts transfer to the qualified applicants and establishes the system of premium payment to prevent economical housing to become speculation tools, so as to allow more families really in need to solve their housing problems.

99. It has to be stressed that during the period covered by this report, the Housing Bureau did not disapprove any applications of economical housing or social housing based on the nationality of the applicant.

100. Since 1 September 2008, in order to relieve the burden of families on the waiting list for social housing, the Macao SAR Government has launched the Subsidy Scheme for Families Awaiting Social Housing, which is regulated by Administration Regulation 23/2008 and is renewed every year by an administration regulation to extend its period. Families on the waiting list for social housing, whether their family members are Macao SAR residents of Chinese or non-Chinese nationalities, may receive subsidies of a particular amount. Families consisting of 1 to 2 persons may receive MOP1,650 per month while families consisting of 3 persons or more may receive MOP2,500 per month. Until 31 December 2014, 15 families were still benefiting from the Scheme.

**(iv) The right to public health, medical care, social security and social services**

*1. Public health and medical care*

101. The healthcare system implemented by the Health Bureau is still regulated by Decree-law 24/86/M, of 15 March, and remains unchanged since the initial report.

102. Since 2011, Macao SAR residents, of Chinese or non-Chinese nationalities, who are classified as persons with disabilities (level of impairment including mild, moderate, severe and profound) according to Law 9/2011, the Disability Allowance and Free Healthcare Services System, and Administrative Regulation 3/2011, the System of Assessing and Classifying Disabilities for Registration of Disability Cards, may obtain free healthcare services provided by public health organisations.

103. Furthermore, the Macao SAR has launched the *Healthcare Subsidy Scheme* in 2009. Every year, all Macao SAR residents, of Chinese and non-Chinese nationalities, are given healthcare subsidies of a certain amount to be used in family medicine services provided by private healthcare units. The annual amount of healthcare subsidy per person was increased from MOP500 in 2009 to MOP600 in 2013 and 2014.

## 2. *Social security system*

104. In November 2007, the Macao SAR Government announced its public policies and measures for the creation of a new social security system, with the aim of providing a more solid foundation for the long term and stable development of the Macao SAR, by building a double-tier social security system. The system includes the first-tier social security system and the second-tier Central Provident Fund System. The former mainly made appropriate adjustments to the then social security system while the latter introduced a completely new project.

### First-tier social security system

105. Before 31 December 2010, the social security system of the Macao SAR was regulated by Decree-law 58/93/M, of 18 October, the content of which was identical to that mentioned in the initial report. Since 1 January 2011, the social security system of the Macao SAR has been regulated by Law 4/2010, which provides mainly old-age security, so as to improve the life quality of the residents. Under the new system, the law confers on all Macao SAR residents, whether they are of Chinese or non-Chinese nationalities, the right to join the system under equal conditions, as long as they fulfil all legal requisites. Therefore, even non-employee persons, such as housewives or other persons who are not covered by social security, may also join and benefit from the new social security system.

106. The social security system established by Law 4/2010 was designed to provide residents with basic social security, and primarily old-age security, including the following allowances: old-age pension, disability pension, unemployment allowance, sickness allowance, birth allowance, marriage allowance and funeral allowance.

107. Moreover, Administrative Regulation 6/2007, which establishes the Regime of Subsidy Allocated to Individuals and Families in Situations of Economic Hardship, replaced the former relief payment. The system aims at providing social assistance to Macao SAR residents who are economically impoverished due to social circumstances, health problems and other special reasons requiring special assistance. Financial assistance is further divided into 3 types: general subsidy, non-regular subsidy and special subsidy. Apart from granting subsidies, the SWB may also convert subsidies into benefits in kind or the provision of services, according to specific situations.

### Second-tier Central Provident Fund System

108. The Macao SAR Government started to build the Central Provident Fund System in October 2009 and established the general rules for individual accounts under the Central Savings System through Administrative Regulation 31/2009, General Rules of Opening and Managing Individual Accounts of the Central Savings System. Macao SAR permanent residents of Chinese and non-Chinese nationalities who reach 22 years of age will automatically become participants of the Central Savings System and their individual accounts will be credited by the Macao SAR with appropriation from its fiscal surplus.

109. Since 15 October 2012, the Macao SAR Government has improved the aforementioned Central Savings System through Law 14/2012, Provident Fund Individual Accounts, and has transformed the system into a provident fund system. Meanwhile, beneficiaries of the Central Provident Fund System are extended to Macao SAR residents of Chinese or non-Chinese nationalities who reach 18 years of age.

110. It should be stressed that Macao SAR residents, disregarding their nationality or race, enjoy the mentioned safeguards and rights equally in the aforementioned social security system, as long as they fulfil all the legal requirements.

### Social security for non-resident workers

111. During the consideration of the combined 10th to 13th periodic report of the People's Republic of China (including the Hong Kong SAR and the Macao SAR) in 2009, the Committee recommended, in paragraph 33 of its Concluding Observations (CERD/C/CHN/CO/10-13), that relevant legislation be amended by the Macao SAR with a view to extending social welfare benefits to migrant workers.

112. In fact, considering that the establishment of the aforementioned social security system was to safeguard the quality of life of seniors living in the Macao SAR after their retirement and that the nature of non-resident workers working in Macao is temporary and complementary, the initial operation period of the social security system will pool resources to resolve the contribution and investment issues of Macao SAR residents, of Chinese and non-Chinese nationalities.

113. Although non-resident workers are not eligible to contribute to the social security system for the time being, employers and non-resident workers may agree to set up private pension schemes. To encourage employers and non-resident workers to set up private pension schemes, Decree-law 6/99/M, New Legal Framework of Private Pension Funds, provides that pension schemes between employers and employees and their contributions in the schemes are exempt from taxes. According to Law 2/78/M, which approves the Regulations of Professional Tax, as amended by Law 12/2003, cash benefits received by the beneficiaries are also considered non-taxable income.

(v) **The right to education and training**

1. *Basic education*

114. Article 3(1) of Law 9/2006, the Fundamental Law of Non-tertiary Education System, stipulates that everyone has the right to education regardless of nationality, descent, race, sex, age, language, religion, political persuasion or ideological belief, educational level, economic status or social conditions. Children of non-resident workers and Macao SAR residents of Chinese and non-Chinese nationalities may register to study in Macao as long as they hold a Macao SAR Resident Identity Card, **Certificate of Entitlement to the Right of Abode in the Macao SAR**, stay permit over 90 days or diplomatic identity card. Article 4 of the same law explicitly provides that the Macao SAR Government has to provide conditions to assure equal opportunity of enrolment and successful learning for all. In fact, from 2007 to 2014, there were students of different nationalities studying in non-tertiary education institutions in the Macao SAR (please see Annex 2).

115. The EYAB has laid down different “Requirements of Basic Academic Attainments” (not media of instruction) in non-tertiary education institutions in subjects of Chinese language, Portuguese language and English language, so as to meet the learning needs of students of different ethnic groups. At the same time, the EYAB has entrusted institutions to organise the “Learning Programme to Help New Immigrant Students”, which aims to help them to adapt to their new life and integrate in the society.

116. In accordance with Administrative Regulation 19/2006, Free Education Subsidy Regime, as amended by Administrative Regulation 17/2007, since the 2007/2008 school year, the Macao SAR Government has extended free education to the third year of senior secondary education. Thus, Macao SAR residents, of Chinese and non-Chinese nationalities, enjoy 15 years of free education, including 3 years of kindergarten education, 6 years of primary education and 6 years of secondary education. Although non-Macao SAR residents are not covered by the regime, the tuition fee for non-Macao SAR residents of formal education in public schools is much lower than the per capita education cost invested by the Macao SAR Government.

2. *Tertiary education*

117. According to Article 28(2) of Decree-law 11/91/M, of 4 February, which establishes the Organization and Operation of Public and Private Education Institutions Exercising Tertiary Educational Activities in Macao, as amended by Decree-law 8/92/M, of 10 February, the Macao SAR Government should create conditions that guarantee possibility for residents to enter tertiary education and to prevent discriminatory effects resulting from economic differences or on the basis of race and philosophical convictions.

118. Information and data of the Tertiary Education Services Office show that, between the 2006/2007 and 2014/2015 school years, students registered in tertiary education institutions in the Macao SAR were not only of Chinese nationality but also came from other regions of Asia, countries of Europe, Africa and America (please see Annex 3).

119. At present, the Macao SAR Government provides study loans, scholarships or financial assistance to tertiary students holding a valid Macao SAR Permanent Resident Identity Card. Applicants, disregarding their nationality, are eligible if:

- (1) They hold a valid Macao SAR Permanent Resident Identity Card;
- (2) They have studied in a public or private school in the Macao SAR for not less than 4 years;
- (3) They do not already have an equal or higher level of education than the one they are applying for financial assistance.

Table 11

**Number of students receiving tertiary education grants from the Student Welfare Fund annually**

| <i>School year</i> | <i>Study loan</i> | <i>Scholarship</i> | <i>Special financial assistance</i> |
|--------------------|-------------------|--------------------|-------------------------------------|
| 2007/2008          | 1 620             | 128                | 16                                  |
| 2008/2009          | 1 697             | 160                | 120                                 |
| 2009/2010          | 1 899             | 160                | 120                                 |
| 2010/2011          | 1 661             | 160                | 172                                 |
| 2011/2012          | 1 514             | 180                | 174                                 |
| 2012/2013          | 1 839             | 200                | 170                                 |
| 2013/2014          | 1 803             | 280                | 179                                 |
| 2014/2015          | 1 317             | 380                | 220                                 |

*Source:* EYAB.

120. Since 2011, the Macao SAR Government has launched the “Learning Material Subsidy for Tertiary Students”, with the aim of supporting tertiary students to purchase books, reference and learning materials by means of granting a fixed amount, in order to express the attention and concern of the SAR Government on tertiary students. Beneficiaries are Macao SAR residents in tertiary education, regardless whether they are of Chinese or non-Chinese nationalities.

Table 12

**Amounts of the Learning Material Subsidy for Tertiary Students and the respective number of beneficiaries**

| <i>School year</i> | <i>Number of eligible beneficiaries</i> | <i>Amount received by each beneficiary<br/>(Macao Patacas)</i> |
|--------------------|---|--|
| 2011/2012          | 33 121                                  | 2 000  |
| 2012/2013          | 32 241                                  | 3 000  |
| 2013/2014          | 31 069                                  | 3 000  |

*Source:* Tertiary Education Services Office.

3. *Continuing Education Development Plan*

121. To encourage life-long learning, the Macao SAR Government launched the “Continuing Education Development Plan”. The first phase took place from 2011 to 2013, during which Macao SAR residents of Chinese and non-Chinese nationalities aged 15 or above were eligible to receive a subsidy with maximum amount of MOP5,000 for pursuing different approved training courses organised by civil organizations or education institutions. The Macao SAR Government continued to launch the second phase in 2014, increasing the maximum amount for each beneficiary to MOP 6,000.

122. Among the approved courses, there are different language courses (including Cantonese, Mandarin, English, Portuguese, Japanese and Korean), which also include Mandarin and Cantonese courses designed especially for persons whose mother language is

not Chinese, organised by the Macao Productivity and Technology Transfer Centre and the Institute for Tourism Studies, in order to help those persons to integrate into local life.

4. *On-the-job training for non-resident workers*

123. The LAB provides non-resident workers with various on-the-job training courses, such as occupational safety training courses for the construction industry, cooking and care-giving courses. Classes are conducted in Chinese, accompanied by English interpretation or are conducted in English and Portuguese.

Table 13

**Information about on-the-job training for non-resident workers**

| <i>Name of courses</i>  | <i>Media of instruction</i>                      | <i>Number of participants</i> | <i>Number of participants of Chinese nationality</i> | <i>% of participants of Chinese nationality</i> | <i>Number of participants of non-Chinese nationalities</i> | <i>% of participants of non-Chinese nationalities</i> |
|---|--|-------------------------------|--|---|--|---|
| Training Programme for Domestic Helpers — Chinese and western cooking skills                      | Cantonese, accompanied by English interpretation | 185                           | 0  | 0.0%  | 185  | 100.0%  |
| Training Programme for Domestic Helpers — cooking skills and home care for babies and the elderly | Cantonese, accompanied by English interpretation | 41                            | 0  | 0.0%  | 41   | 100.0%  |
| Courses for “Occupational Safety Card for the Construction Industry”                              | Cantonese, Mandarin, English and Portuguese      | 101 163                       | 81 919   | 81.0%   | 19 244   | 19.0%   |

Source: LAB.

(vi) **The right to equal participation in cultural activities**

124. Persons of different nationalities and races have equal right to participate in cultural activities in the Macao SAR.

125. The Macao SAR Government has been committed to encourage ethnic inclusion. The Cultural Institute organises various international events every year, such as the “Macao International Music Festival” and “Macao Arts Festival” and so forth. Moreover, the Macao SAR Government has been organising the “Parade through Macao, Latin City” since 2011, inviting different ethnic groups in the Macao SAR and cultural artistic performance groups from all over the world to join, demonstrating, through their cultural performances, to residents and tourists, the different cultural characteristics from all over the world, stimulating mutual respect and appreciation between the different ethnic groups. It has a positive effect on ethnic integration, especially in terms of culture and customs.

**Article 5 (f)**

**The right of access to any place or service intended for use by the general public**

126. The laws of the Macao SAR do not prohibit persons of any race or nationality from exercising their right of access to any place or service intended for use by the general public.

## **Article 6**

### **Protection and remedies against any acts of racial discrimination**

127. The Basic Law guarantees the right of any person to resort to law. Any act related to racial discrimination may be taken to the courts. In addition, administrative appeals may be initiated on acts involving civil servants through the CAC and complaints may be lodged on acts involving disputes between employers and employees to the LAB. Information on related issues is basically the same as mentioned in the last two reports.

128. According to the information provided by the Office of the President of the Court of Final Appeal of the Macao SAR, during the period covered by this report, the courts did not receive any proceedings related to racism, racial discrimination, xenophobia and related intolerance.

129. According to the information of the CAC, during the period covered by this report, the CAC received and analysed 5 complaints related to racism, racial discrimination, xenophobia and related intolerance. Those cases were filed because the complaints were lodged by the complainants on unsubstantiated justifications.

130. In accordance with the information of the LAB, during the period covered by this report, among the complaints received, there was 1 case related to discrimination against a local employee due to his nationality and language. After investigation, the complainant confirmed that the reason for being dismissed by his employer was based on issues related to his work, and the decision for dismissal was not because he was not Chinese or he did not speak Chinese, as indicated before. Therefore, the case was consequently found unsubstantiated.

131. Moreover, there was 1 case of discrimination against a non-resident employee for his status of not being a local employee. The complainant pointed out that during the time he worked for his company, he was often discriminated by the management and by his colleagues for not being a local employee. After investigation, according to the information provided by the employer (including photos of the complainant and his colleagues, information uploaded by the complainant to social websites, conversation between the complainant and his employer on mobile phones), there was a good relationship between the complainant and his management personnel and colleagues. Since there was no evidence that the complainant was being discriminated, the case was consequently found unsubstantiated.

## **Article 7**

### **Measures aimed at eliminating racial prejudices in the fields of education and information**

#### **1. School education**

132. With regard to contents of courses on human rights, students are taught through the subject of Moral and Civic Education concepts of human rights, anti-discrimination, correct moral values and basic rights, so as to help students to learn the importance of respecting human rights and to instil into them the concept of treating others equally as well as anti-discrimination.

133. At primary education level, students are required to “know the principal rights that children should enjoy” and “know the basic rights and obligations of Macao SAR residents”.

134. At junior secondary education level, students are required to “understand the relationship between rights and obligations, respect the rights of others, and reasonably exercise their own rights and fulfil their obligations”, “understand the rights that Macao SAR residents are entitled to and the obligations that they should fulfil”, “live in harmony with and respect individuals of different nationalities, races, religious beliefs and cultural backgrounds”, “preliminarily understand the basic values of human rights and democratic



politics” and “appreciate and respect the cultural traditions of different countries and ethnic groups as well as the differences”.

135. At senior secondary education level, students are required to “understand the characteristics and significance of a civic society”, “understand the meaning of judicial assistance, preliminarily understand the procedures of taking legal actions and the related principles, and safeguard their legitimate rights and interests according to the law”, and “care about the human rights situations and social justice issues in the world”.

## **2. Public education**

136. The Macao SAR Government is devoted to develop a harmonious society. The Civic and Municipal Affairs Bureau promotes public education, advocating tolerance, anti-discrimination and respect for different opinions through promotional products, media, community activities and so forth, targeting at Macao SAR residents, of Chinese and non-Chinese nationalities, non-resident workers and tourists. Its main measures include promotion to non-resident workers of different races or residents of other nationalities by publishing leaflets in different languages (including simplified Chinese, English, Indonesian and Vietnamese languages) to help them to integrate into the local life of the Macao SAR as soon as possible.

137. Furthermore, in the dissemination of human rights conventions and related laws, the Legal Affairs Bureau also publishes various leaflets and brochures, most of them in the Chinese, Portuguese and English languages, including “The Basic Law”, “The International Covenant on Civil and Political Rights“, “International Covenant on Economic, Social and Cultural Rights”, “Convention on the Rights of the Child“, “The Convention on the Elimination of All Forms of Discrimination against Women“, “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, “Labour Relations Law” and so forth, including concepts of “anti-discrimination”, “everyone is equal before the law”. They can be taken by any person and they were also uploaded to websites for surfing.

---