

An outline of the topics to be covered in the second of the Macao Special Administrative Region periodic report related to the implementation of the International Covenant on Civil and Political Rights

Introduction

The Government is preparing for the second report of the Macao Special Administrative Region (MSAR) to be submitted in accordance to Article 40 of the International Covenant on Civil and Political Rights (the ICCPR).

1. We have prepared an outline of the report. It sets out the broad subject headings and individual topics that we plan to cover in the report. We invite members of the public to submit their views on the implementation of the ICCPR in respect of those topics, and to suggest any additional topics that should be included in the report.

2. We will carefully consider all the comments and suggestions received. Any persons or organizations wishing to offer views are invited to send them to the Legal Affairs Bureau (DSAJ) on or before 12 February 2018.

by e-mail: info@dsaj.gov.mo

3. It is voluntary for members of the public to supply their personal data upon.

4. The text of the Covenant and the relevant declarations and reservations are available on the Printing Bureau website:

<http://images.io.gov.mo/bo/i/92/52/leiar-29-78.pdf>

5. A copy of the Human Rights Committee (HRC) Concluding Observations in relation to the initial report is available on the DSAJ website:

http://www.dsaj.gov.mo/iis/ContentFrame_en.aspx?ModuleName=Content/en/dadidir/hrreportContent_en.ascx&Rec_Id=10

6. A copy of the initial report and replies to the List of Issues are available on the DSAJ website:

http://www.dsaj.gov.mo/iis/ContentFrame_en.aspx?ModuleName=Content/en/dadidir/hrreportContent_en.ascx&Rec_Id=10

Information relating to each of the Articles of the Covenant

This part of the report contains specific information relating to the implementation of Articles 1 to 27 of the Covenant in the MSAR.

Article 1 together with Article 25: Progress and development of democracy

We will update the Committee on developments in respect of:

- The MSAR autonomy and freedom to pursue economic, social and cultural development
- The implementation of the “*One country, Two systems*” principle in the MSAR
- The amendments to MSAR’s electoral system, promoting steadily its democratic political development and the freedom of its residents to pursue their own collective economic, social and cultural development.

We will address paragraph 7 of the concluding observations of the Committee in relation to Article 25 related to universal and equal suffrage and the consideration of steps leading to the withdrawal of the reservation to Article 25 (b) of the Covenant.

Article 2 together with Article 26: Rights to equal protection before the law and to non-discrimination

We will update the Committee on developments in respect of:

- An outline of the MSAR legal framework
- The effective measure to give effect to such right, including available remedies
- The Ombudsman
- Other MSAR monitoring mechanisms on Human Rights matters, such as Commission for the Protection of Victims of Violent Crimes, the Refugees Commission, the Commission for Disciplinary Control of the Security Forces and Services of Macao, the Data Protection Office, the Commission to Follow Up the Implementation of Dissuasive Measures against Trafficking in Persons, the Commission for Senior’s Citizens Affairs, the Commission for the Rehabilitation of Persons with Disabilities, Commission for Women and Children Affairs (CWCA)
- Human rights dissemination, education and training
- Enjoyment of labour rights by non-resident workers, monitoring and remedies

We will address paragraph 5 of the concluding observations of the Committee in relation to the apparently limited level of awareness of the provisions of the Covenant among the judiciary, the legal profession and the general public and the independence of the Commission against Corruption (CAC) from the executive power.

We will address paragraph 17 of the concluding observations of the Committee in relation to the practice of employing migrant workers and effective mechanisms to counter abuses on migrant workers.

Article 3: Equality of rights of men and women

We will update the Committee on developments in respect of:

- An outline of the MSAR legal framework
- Equal pay for work of equal value
- Women in public office
- Commission for Women and Children Affairs
- Legislation against sexual harassment in work
- Access to education and health care

We will address paragraph 9 of the concluding observations of the Committee in relation to the wage gap between women and men, especially in the private sector.

Article 4: Restrictions to the derogation of rights

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

- Outline of the Law on Internal Security, Law on CCTV in public spaces, Law on the Prevention, Control and Treatment of Contagious Diseases, Law on Personal Data Protection

Article 5: Prohibition of restrictive interpretation

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

Article 6: Right to life

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on developments in respect of:

- Update data on the number of cases of crimes against life and physical integrity
- Commission for the Protection of Victims of Violent Crimes

Article 7: Prohibition of torture

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on developments in respect of:

- Update data on the number of deaths under custody
- Update data on number of number of complaints on the use of violence by law enforcement agents (on duty and off duty) to the CAC
- Complaints on human rights violation committed by law enforcement officials to the Commission for Disciplinary Control of the Security Forces and Services
- Measures adopted and training of disciplinary forces

Article 8 : Prohibition of slavery and forced labour

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on developments in respect of:

- Measures to combat trafficking in person and victims protection
- Commission to Follow Up the Implementation of Dissuasive Measures against Trafficking in Persons
- Forced labour

We will address paragraph 13 of the concluding observations of the Committee in relation to the measures adopted to combat trafficking in persons.

Article 9: Right to freedom and security

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on developments in respect of:

- An outline of the MSAR legal framework
- Data on *habeas corpus*

Article 10 : Right to dignity and humane treatment of persons deprived of their freedom

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on development in respect of:

- The rights of persons in custody
- Regulation and management of Correctional Services Bureau
- Update data on the number of prisoners (adults and young offenders) in the MSAR
- Rehabilitation of juvenile offenders and other offenders
- Psychiatric compulsory internment

Article 11: Prohibition of imprisonment for the non-fulfilment of a contractual obligation

We will report that information in relation to this subject remains unchanged in relation to the previous report.

Article 12: Freedom of movement

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- Legal framework and protection in relation of the freedom of movement of MSAR residents
- Issuance of travel documents
- Visa abolition agreements

Article 13: Prohibition of expulsion except as provided by law

We will report that information in relation to this subject remains unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- Immigration control on entry into MSAR by visitors
- Update data on illegal immigration
- Update data on refugees recognition status

Article 14: Equality before the courts and the right to a fair and public hearing by an independent court established by law

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- An outline of the judicial system and structure
- Right of access to the legal aid
- Measures to promote bilingualism in the judiciary
- Measures to decrease delays in proceedings
- Effectiveness of the judicial system
- Training of the judicial personnel
- Update on data related to judges, procurators and lawyers

We will address paragraph 14 of the concluding observations of the Committee in relation the inadequate staffing of the court system; the substantial backlog of cases; the delays in proceedings; and the reported difficulties non-Portuguese speakers may face due to inadequate interpretation during court proceedings.

Article 15 - The principle of nullum crimen sine lege, nulla poena sine lege

We will report that information in relation to this subject remains unchanged in relation to the previous report.

Article 16: The right to recognition as a person before the law

We will report that information in relation to this subject remains unchanged in relation to the previous report.

Article 17: Rights of a person

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- New crimes to protect sexual freedom and sexual self-determination (Law 8/2017)
- Update on data on crimes against right to life, personal freedom and physical and psychological integrity, honor, protection of private life, inviolability of correspondence and home, protection of personal data, protection of image, wording, to one's personal truth, to one's name and personal identification
- Protection of data privacy

Article 18: Freedom of thought, conscience and religion

We will include updated information on religious freedom of individuals and religious bodies under this Article.

Article 19: Freedom of opinion and expression

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- Press freedom
- Defamation, libel and slander
- Access to Government information
- Update data on media
- Access to internet
- Restrictions on the freedom of expression

We will address paragraph 15 of the concluding observations of the Committee in relation measures taken against journalists and social activists that create an environment discouraging the expression of critical positions or of critical media reporting on matters of valid public interest, and adversely affect the exercise of freedom of expression in the MSAR.

Article 20: Prohibition on propaganda for war and inciting national, racial or religious hatred

We will report that information in relation to this subject remains unchanged in relation to the previous report.

Article 21: Right of peaceful assembly

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- An outline of the MSAR legal framework
- Data on demonstrations and regulation procedure

Article 22: Freedom of association

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- An outline of the MSAR legal framework
- Information on number and type of associations
- Political and labour associations

Article 23: Protection of the family. Right to marriage and equality of the spouses

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- An outline of the MSAR legal framework
- Law on Preventing and Combating Domestic Violence
- Measures to counter, to prevent, to assist (provision of services) and to remedy victims' of domestic violence
- Family welfare services
- Commission for Women and Children Affairs

We will address paragraph 10 of the concluding observations of the Committee to adopt the law on prevention of domestic violence; strengthen the services available to victims and the remedies provided and conduct studies on the magnitude and root causes of domestic violence and to continue its efforts to eliminate domestic violence.

Article 24: Rights of the child

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- An outline of the MSAR legal framework
- New crimes to protect sexual freedom and sexual self-determination of children (Law 8/2017)
- Child abuse and domestic violence
- Corporal punishment
- Promotion of the rights of the child
- Commission for Women and Children Affairs
- Sexual offences records check

We will address paragraph 12 of the concluding observations of the Committee in relation to nighttime solitary confinement for juveniles.

Article 25: Right to participate in public life

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- An outline of the MSAR legal framework
- Chief Executive election
- Data on the election system
- Equal access to public services

Article 27 - Rights of minorities

We will report that information in relation to this subject remains mostly unchanged in relation to the previous report.

We will update the Committee on significant developments in respect of:

- Measures to support ethnic minorities integration into the community and to preserve their culture and traditions
- Measures to protect cultural heritage
- Data on ethnic minorities
- Public education and publicity
- Education for non-Chinese speaking students