



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

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**COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION**

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Thirteenth periodic reports of States parties due in 2007

ADDENDUM

China: Macao Special Administrative Region* **

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** The annexes to the report not included in this document may be consulted in the files of the Secretariat.

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Introduction

1. The present report is the second to be submitted, under the terms of article 9 of the International Convention for the Elimination of All Forms of Racial Discrimination (hereinafter referred to as the Convention), by the People's Republic of China, with regard to the application of the Convention in its Macao Special Administrative Region (hereinafter referred to as the MSAR). It covers the period from 1 January 2001 to 31 December 2006.
2. This report, prepared in compliance with the Guidelines on the Form and Content of Reports to be submitted by States parties to the International Human Rights Treaties (HRI/GEN/2/Rev.3), should be read jointly with Part III of the second revision of the Core Document of the People's Republic of China (HRI/CORE/1/Add.21/Rev.3).
3. Considering the time period in analyses, an update of the information is hereby provided. Due to recent changes in the MSAR political and institutional framework, it is also necessary to update some of the information contained in the Core Document.
4. As referred to in the Core Document, the MSAR Basic Law established the rules and method for the selection of the Chief Executive and for the formation of the Legislative Assembly.
5. In August 2004, the first Chief Executive was re-elected to serve a second and final consecutive five-year term, as the Region's head of Government, based on the method set up in Annex I of the Basic Law. The Chief Executive represents the MSAR and is simultaneously the head of the Government.
6. As head of the Government, the Chief Executive is assisted by five principal officials within the exercise of the executive power. The Chief Executive still has an advisory body - the Executive Council - comprised of 11 members. In both terms of office, the Chief Executive has appointed the same number of principal officials and members of the Executive Council.
7. As regards the Legislative Assembly, this body is currently in its third term (2005-2009). It is composed of 29 members, being 12 directly elected, 10 indirectly elected and 7 nominated by the Chief Executive, as established in Annex II of the Basic Law. Legislation was enacted to regulate the criteria for electoral registration and electoral process.
8. Law 12/2000, of 18 December, regulates the process for electoral registration of individuals and legal persons for direct and indirect suffrage, setting out the criteria to vote, to be elected and to register on a non-discriminatory basis in order to ensure genuine, free and periodic elections.
9. Law 3/2001, of 5 March, which approved the electoral law for the Legislative Assembly, regulates the overall electoral process. It prescribes in detail the electoral system, the suffrage, the election rights, the counting procedure, the right to complaint, the right to contest and counter-contest, the appeal, as well as the electoral crime. The electoral system is described in article 14 et seq., by establishing different regimes depending on direct or indirect elections.

10. Another change that should be pointed out in relation to the information contained in the Core Document is the new legal framework of the Commission Against Corruption (CAC). Law 10/2000, of 14 August, modified and reinforced the powers and competences of the former entity, for instance, by conferring on the CAC independent powers of criminal investigation.

11. Under the new law, the CAC retains the “Ombudsman” functions. One of its main aims is to promote the protection of rights and freedoms and to safeguard the legitimate interests of the individuals, ensuring that the exercise of public powers abides by criteria of justice, legality and efficiency.

12. An updated list of the human rights international treaties applicable to the MSAR is provided in annex II to the present report.

I. GENERAL INFORMATION ON THE POPULATION

13. The MSAR is characterized by being highly populated and multicultural. People of different nationalities live together and share a wide variety of ethnic, religious, linguistic and cultural backgrounds. Every ethnic group has the same dignity and is entitled to its own cultural life, to practise its own religion and to use its own language.

14. In December 2006, the resident population was estimated at 513,427, an increase of about 29,150 persons as compared with December 2005. The annual rate of population growth was 5.8 per cent in 2006. With regard to the gender distribution of the resident population, 49.23 per cent were male and 50.8 per cent were female. In terms of the distribution by age group, the youth population (aged 0-14) accounted for 14.7 per cent of the total; the adult population (aged 15-64) and the elderly population (aged 65 and above) accounted for 78.3 and 7 per cent, respectively. Compared with 2005, the youth population and the elderly population dropped by 1.4 and 0.3 per cent, respectively, while the adult population went up by 1.7 per cent.

Table 1

Estimate of MSAR resident population (in thousands)

Gender/Years	2001	2002	2003	2004	2005	2006
Total	436.3	440.5	446.6	462.6	484.2	513.4
Male	209.2	211.1	214.5	221.6	233.5	252.4
Female	227.0	229.3	232.0	240.9	250.7	260.9

Source: 2006 Revised Demographic Statistics, Statistics and Census Department.

15. According to the 2001 census, 95.2 per cent of the resident population were of Chinese nationality and 2 per cent of Portuguese nationality; the rest included Filipinos, Americans, Canadians, Thais and people of other nationalities, with 95.7 per cent of the resident population being of Chinese descent. Among the resident population aged 3 and above, 87.9 per cent speak Cantonese at home, 1.6 per cent Mandarin, 7.6 per cent other Chinese dialects and 0.7 speak Portuguese. Apart from the most usual spoken language (Cantonese), 30.6 per cent of the

resident population had the ability to speak another language and most of them could speak Mandarin (45.2 per cent). In addition, 11.8 per cent were able to speak two other languages, and 1.8 per cent could speak three or more other languages.

16. Population migration is one determining factor to explain the population growth. In 2006, the yearly balance of non-resident workers (entrance/exit) was of 64,673, an increase of 64.1 per cent (annual growth rate), an equivalent of 25,262 persons over 2005. Female non-resident workers accounted 41.5 per cent of the total number of non-resident workers.

Table 2

Non-resident workers

Item/Year	2001	2002	2003	2004	2005	2006
Entrance	7 542	7 720	10 746	15 553	27 160	52 409
Exit	8 838	10 185	9 236	12 787	15 485	27 147
Balance	25 925	23 460	24 970	27 736	39 411	64 673
Percentage	-4.8	-9.5	6.4	11.0	42.1	64.1

Source: 2006 Demographic Statistics, Statistics and Census Department.

II. IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION

Article 1

17. Article 25 of the Basic Law expressly determines 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”.

18. And, article 43 states that persons in the Macao Special Administrative Region other than Macao residents shall, in accordance with law, enjoy the rights and freedoms of Macao residents prescribed in chapter III of the Basic Law.

19. As stated in the previous report, the protection of human rights and fundamental freedoms safeguarded in the Basic Law, such as the right to equality and non-discrimination, is further bolstered in ordinary legislation. Equality and non-discrimination are cornerstone principles of the MSAR legal system that bind legislative, administrative and judicial powers. Discrimination is censured at all levels, including by means of criminal law.

20. In this regard, it should be stressed that the overall legal framework of MSAR that safeguards both principles and rights is basically unchanged since the last report.

21. A law regarding the recognition status of the refugees (Law 1/2004) was enacted on 23 February in order to implement the 1951 Convention relating to the Status of Refugees and its Protocol, both applicable to the MSAR. Law 1/2004 sets out the criteria and procedure to grant or deny the refugee status. For that purpose, a Commission was established composed of

five members (one magistrate, one legal adviser, one person from the area of social welfare and two persons from the area of security, one being from the Migration Department). From 2004 until December 2006, there were no refugee application cases in the MSAR.

22. In the 2001 concluding observations of the Committee on the Elimination of Racial Discrimination (see A/56/18) adopted after the consideration of the periodic report of China, in relation to Part III (MSAR), the Committee requested, for the next report, detailed information on judicial cases relating specifically to violations of the Convention, with special reference to the granting by courts of adequate reparation for such violations. According to information provided by the Courts, the Public Prosecutions Office and the CAC, there is no data or record of cases directly or indirectly related to racial discrimination neither claims or actions filed based on such reasons in the MSAR.

Article 2

23. In the domain of criminal law, the provisions of the Macao Criminal Code remain unchanged. Genocide (either by reason of being part of a national, ethnic, racial or religious group) and racial discrimination (either by reason of race, colour or ethnic origin) are unequivocally prohibited and severely punished as provided for in articles 230 and 233, respectively. Incitement to genocide and agreement to commit genocide are also punished (articles 231 and 232 of the Macao Criminal Code, respectively).

24. Once again, it should be underlined that there were no complaints based on racial or ethnic discrimination or criminal actions filed on such grounds, reason why there is no available data.

25. As regards gender discrimination, the labour legal framework, in particular, the Labour Relations Law (Decree-Law 24/89/M, of 3 April), the Legal Framework on Employment and Labour Rights (Law 4/98/M, of 27 July) and the Law on Equal Opportunities and Equal Treatment (Decree-Law 52/95/M of 9 October) established a set of norms that impose equal treatment and non-discrimination among male and female workers. Principles such as equal job opportunities, equal treatment at the workplace, equal remuneration for work of equal value and equal access to professional training are expressly prescribed.

26. Civil law makes no distinction between men and women insofar as concerns legal personality and capacity, particularly marriage and marital status, capacity to own property, right to enter into a contract and right to inheritance.

27. At present, the persistence of gender inequalities is due solely to cultural factors, mainly the population's education level. However, this situation is improving gradually. Women have achieved more and better means of education. In recent years, the total percentage of female and male students in the various education levels are almost the same and the female dropout percentage is lower than that of male students.

Table 3
Students attending schools

*	2001/02			2002/03			2003/04			2004/05			2005/06		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
PP	7 133	6 487	13 620	6 582	6 057	12 639	6 123	5 751	11 874	5 623	5 339	10 962	5 157	4 884	10 041
P	23 152	20 734	43 886	22 002	19 521	41 623	20 896	18 454	39 350	19 725	17 395	37 120	18 500	16 466	34 966
S	20 841	20 999	41 480	22 161	22 310	44 471	23 430	23 079	46 509	23 661	23 212	46 873	23 635	23 104	46 739
H	14 370	8 201	22 571	18 597	10 555	29 152	17 428	12 829	30 257	15 407	10 917	26 324	14 054	11 394	25 448

Source: Education and Youth Affairs Bureau/Tertiary Education Services Office.

* PP: pre-primary education; P: primary education; S: secondary education; H: higher education.

Table 4
Number of student dropouts

	2001/02			2002/03			2003/04			2004/05			2005/06		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
Compulsory education*	326	183	509	339	196	535	355	243	598	265	175	440	172	114	286
Upper secondary ed.	465	569	1 034	611	426	1 037	799	611	1 410	708	529	1 237	631	873	1 540
Higher education	364	320	684	473	405	878	449	459	908	435	464	899	579	447	1 026

Source: Education and Youth Affairs Bureau/Tertiary Education Services Office.

* Compulsory education includes children aged from 5 to 15 attending school from the preparatory year for primary education to the final year of lower secondary education.

28. A Consultative Commission for Women's Affairs was created by Administrative Regulation 6/2005, of 5 May and its main aims are: (a) to promote women's rights and interests and the improvement of their life conditions; (b) to promote the effective sharing of responsibility at the family, professional, social, cultural, economic and political levels; (c) to effectively contribute to women's opportunities, rights and dignity; and (d) to encourage the full participation of women in the development of MSAR. This body of a consultative nature is composed by 5 members appointed by the Government and 25 representatives of associations or organizations for women's, education, culture, labour, health, child and youth and social solidarity purposes.

29. The Social Welfare Institute (SWI) also provides special assistance to women in need through the Family Counselling Office, a body responsible to handle cases of family crisis, domestic violence and psychological distress. It provides multidisciplinary services, including social work, clinical, psychological and legal. The Social Service Centres and the Family Counselling Office serve all MSAR residents regardless of their race or ethnic origin. There is no record of complaints based on racial or gender discrimination.

Article 3

30. There is no racial segregation in the MSAR.

Article 4

31. As stated in the previous periodic report, the Macau Criminal Code provides for and punishes the practice of encouraging or inciting racial hatred, hostility or violence, as well as the foundation or participation in organizations or development of activities of organized propaganda for those purposes (art. 233). Furthermore, any person who, through a written statement in a public meeting or through the media, causes acts of violence against a person or group of persons or defames or offends a person or a group of persons based on gender, colour or ethnic origin is also criminally punished.

32. So, although freedom of association is a fundamental right (article 27 of the Basic Law), any association that promotes violence, contravenes the criminal law or is contrary to public order is not allowed. All racist organizations are strictly forbidden under the MSAR legislation (article 2 of Law 2/99/M, of 9 August, that regulates freedom of association).

33. Moreover, any advertisement that by its form, content or purpose offends fundamental values of the community is considered unlawful. Hence, advertisements that incite or encourage violence or use depreciatively national or religious symbols are not allowed (articles 4 and 7 of Law 7/89/M, of 4 September, which regulates the general regime on advertising activity).

34. Law 8/89/M, of 4 September, which establishes the legal regime governing radio and TV broadcasting, also determines that it is forbidden to have programmes that, inter alia, violate fundamental rights and freedoms of persons; incite the commitment of crimes or promote intolerance, violence or hatred or incite totalitarian behaviours or aggressions to social, racial or religious minorities (art. 52).

35. The Electoral Law, Law 3/2001, also states, in article 71 (3), that candidates and the members of candidature commissions shall be responsible for the damages directly caused as a result of actions that provoke incitement to hatred or violence in the course of their election campaigns.

Article 5

A. The right to equal treatment before the tribunals and all other organs administering justice

36. Article 36 of the Basic Law states that “Macao residents shall 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. Macao residents shall have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel.” Article 6 of Law 9/1999, of 20 December, reinforces such principle by stipulating that is guaranteed to all persons access to the courts. Justice cannot be denied by reason of insufficiency of financial means.

37. Access to the law and to the courts comprises legal information, legal protection, legal consultation and legal aid, as stated in Law 21/88/M, of 15 August. No one is restrained or obstructed to seek justice. It should be pointed out in this respect that the MSAR legal aid system has not been changed since the last report (Decree-Law 41/94/M, of 1 August).

38. Judicial and non-judicial means, such as the right to lodge complaints at the Legislative Assembly (article 71 (6) of the Basic Law), the petition right under Law 5/94/M, of 1 August, as well as the right to lodge complaints at the CAC remain available to residents as human rights protection mechanisms.

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

39. Article 28 of the Basic Law states that “The freedom of the person of Macao residents shall be inviolable. No Macao resident shall be subjected to arbitrary or unlawful arrest, detention or imprisonment. In case of arbitrary or unlawful detention or imprisonment, Macao residents have the right to apply to the court for the issuance of a writ of habeas corpus. Unlawful search of the body of any resident or deprivation or restriction of the freedom of the person shall be prohibited. Torture or inhuman treatment of any resident shall be prohibited.”

40. There is no record of complaints against police abuse related to racial, gender or religious discrimination.

C. Political rights

41. The Basic Law ensures that the Region is ruled by its own people (articles 3 and 68). Only permanent residents of the MSAR have the right to vote and to stand for election as enshrined in article 26 of the Basic Law. The permanent resident status is set forth in article 24 of the Basic Law and article 1 of Law 8/1999, of 20 December 1999.

42. All MSAR residents are free to participate directly and actively in the electoral campaign. This also represents the full recognition of exercise of their rights of expression, association and peaceful demonstration (article 70 of Law 3/2001). Candidates and members of the candidature commissions are also free to campaign for elections, inter alia, to broadcasting time, publishing and advertising, to the right to meet and demonstrate. All candidates and members of the commission shall have the right to equal treatment and opportunities in order to freely campaign for their election.

D. Other civil rights

43. The main substantive provisions on fundamental rights, such as the right to freedom of thought, conscience and religion (art. 34), the right to freedom of opinion and expression (art. 27), and the right to freedom of peaceful meetings and association (art. 27) are contained in chapter III of the Basic Law. This chapter is non-exhaustive. Indeed, article 41 states that other rights and freedoms are safeguarded by law and in other chapters of the Basic Law, namely economic, social and cultural ones. This range of fundamental rights and freedoms is also protected under various treaties that are in force in the MSAR.

44. Article 40 of the Basic Law reinforces such assumption by affirming that the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and International Labour Conventions as applied to Macao shall remain in force and shall be implemented through the laws of the MSAR.

Furthermore, it also stipulates that the rights and freedoms enjoyed by Macao residents shall not be restricted unless as prescribed by law; such restrictions shall not contravene the provisions of the first paragraph of this article.

45. According to article 33 of the Basic Law “Macao residents shall have freedom of movement within the Macao Special Administrative Region and freedom of emigration to other countries and regions. They shall have freedom to travel and to enter or leave the Region and shall have the right to obtain travel documents in accordance with the law. Unless restrained by law, holders of valid travel documents shall be free to leave the Region without special authorization.” This right is reiterated in Law 8/1999.

46. A new legal regime governing the entry, stay and residence in Macao was established in Law 4/2003, of 17 March, and Administrative Regulation 5/2003, of 14 April 2003.

47. Without prejudice to the law or to any instrument of international law, entry into and departure from Macao of non-residents are free as long as he/she holds a valid passport and an entrance permit or a valid visa (article 3 of Law 4/2003). In exceptional cases duly substantiated, the Chief Executive may authorize the entrance into and stay of individuals that do not gather all the legal conditions and may authorize the entrance in the Region of nationals or residents of countries or territories, waiving the need for a visa or entrance permit (article 8 of Administrative Regulation 5/2003).

48. Applications for residence permits are addressed to the Chief Executive and must state, inter alia, the applicant’s actual professional activity or the one that he/she wishes to perform in the Region, aims and feasibility of stay, means of subsistence, nuclear family (if any) and must include, among other documents, a valid travel document, a former residence certificate, a clean criminal record, and a formal declaration that he/she shall abide by the MSAR laws (article 9 of Law 4/2003 and articles 14 and 15 of Administrative Regulation 5/2003). These requisites and conditions can be exceptionally exempted by the Chief Executive based on humanitarian reasons or other duly substantiated exceptional cases (article 11 of Law 4/2003).

49. A special stay permit can also be granted, inter alia, for purposes of pursuing high education studies, family reunion or other similar cases duly substantiated (article 8 of Law 4/2003).

Table 5
Number of stay permits for family members of non-resident workers

Years/gender	2001	2002	2003	2004	2005	2006
Total	577	596	550	589	835	800
Male	202	207	199	213	318	325
Female	375	389	351	376	517	475

Source: Macao Migration Service.

50. Those who stay for a longer period without permission are deemed to be illegal immigrants without prejudice to forthcoming regularization (article 7 of Law 4/2003) or, otherwise, they will be prohibited from requesting to stay longer or to establish residency in the MSAR for a period of two years (article 32 (2) of Administrative Regulation 5/2003).

51. Entry of non-residents into the Region may be denied whenever, according to the law, they are considered to be inadmissible or to constitute a threat to the internal security of the MSAR or are referred as suspects with connections with transnational crime, including international terrorism (article 17, 1 (4) of the Legal Framework on Internal Security, Law 9/2002, of 9 December 2002).

E. Economic, social and cultural rights

1. The right to work

52. Article 35 of the Basic Law determines that “Macao residents shall have freedom of choice of occupation and work”. The MSAR Government is responsible for the implementation of labour policies that seek to attain economic growth and aim to find a fair balance between labour parties (articles 114 and 115 of the Basic Law).

53. The labour law regime is basically the same as the one mentioned in the previous report, particularly in that which concerns Decree-Law 24/89/M, Law 4/98/M and Decree-Law 87/89/M, of 21 December (Statute of the Public Administration Employees). However, it should be stressed that the said regime (related both to the private and public sector) is currently under revision.

54. The Labour Affairs Bureau (LAB) is the government entity responsible for the implementation of employment policies and measures on the private sector, aiming at promoting job allocations and a stable social environment. Its main purpose is to combat large-scale unemployment and to respond to the actual needs of the labour market, as stated in article 9 of Administrative Regulation 24/2004, of 26 July. The issues of major concern are: youth employment, low salary levels and educational and technical requalification. To carry out such tasks, the LAB provides different types of services, including vocational guidance, professional training, seminars, conferences and workshops on occupational hygiene and safety, job centres. It also monitors labour relations.

55. In order to combat discriminatory situations at work, several mechanisms were developed including awareness campaigns as well as monitoring by the LAB. The LAB conducts regular and unexpected labour inspections to supervise the employer's use of non-resident workers, including their working conditions. From a total of 50,629 complaints lodged with the LAB between 2002 and 2006, which led to fines totalling MOP\$ 9,317,800, no complaints were filed on the grounds of race, gender or religious discrimination.

56. The total labour force in 2005 was estimated at 248,006, of which 237,814 were employed and 1,092 were unemployed. Among the employed population, 52.4 per cent were male and 47.6 per cent were female. The median age was 40.1; the median age was 42 for male and 37.9 for female.

Table 6

Employment, unemployment and underemployment rates (in percentage)

Rate by gender	Year	2001	2002	2003	2004	2005
Activity		64.8	62.3	60.9	61.9	63.1
Male		74.7	70.6	69.6	70.1	70.3
Female		56.2	55.1	53.2	54.8	56.7
Unemployment		6.4	6.3	6.0	4.8	4.1
Male		8.1	7.9	7.1	5.5	4.4
Female		4.4	4.5	4.7	4.0	3.8
Underemployment		3.6	3.4	2.7	1.9	1.4
Male				3.3	2.3	1.6
Female				2.1	1.5	1.2

Source: 2006 Employment Survey, Statistics and Census Department.

57. In 2005, as regards the distribution of the employed population by industry, more than half of the employed population were engaged in the following industries: recreational, cultural, gaming and other service activities (16.9 per cent), wholesale and retail trade (14.9 per cent), manufacturing (14.9 per cent) and hotels, restaurants and similar activities (10.5 per cent). The non-resident workers represent 16.6 per cent of the employed population.

58. According to Law 4/98/M, the hiring of non-resident workers shall only be permitted if it is intended to overcome the lack or insufficiency of resident workers and within a specific time limit. The table below shows the number of non-resident workers taking into account their origin and gender.

Table 7**Non-resident workers by origin and gender**

Year	2001		2002		2003		2004		2005	
Gender	M/F	M	M/F	M	M/F	M	M/F	M	M/F	M
Total	25 925	7 405	23 460	6 811	24 970	8 307	27 736	9 805	39 411	18 499
Europe	270	95	263	91	252	95	340	153	438	230
United Kingdom	48	39	41	33	40	31	70	53	121	106
Russia	139	-	132	1	117	3	119	5	119	6
Others	80	56	93	57	95	61	151	95	198	118
Africa	8	5	12	8	11	7	14	10	18	13
South Africa	5	3	9	6	8	5	12	8	14	9
Others	3	2	3	2	3	2	2	2	4	5
Americas	100	72	79	61	81	64	132	105	177	122
Brazil	19	17	14	11	20	15	31	24	47	34
Canada	35	19	26	16	21	14	33	21	36	19
United States of America	28	21	27	22	27	23	57	50	79	59
Others	18	15	12	12	13	12	11	10	15	10
Asia Pacific	25 547	7 233	23 106	6 651	24 626	8 141	27 250	9 537	38 778	18 134
Australia	50	47	64	60	67	61	105	89	123	103
Mainland China	20 807	5 443	18 115	4 936	18 777	5 926	19 215	6 401	23 139	9 382
Philippines	2 890	854	3 149	775	3 439	751	4 267	991	5 511	1 464
Hong Kong	-	-	-	-	620	525	1 030	896	6 149	5 825
Malaysia	48	30	43	29	39	27	246	134	348	203
Nepal	454	450	475	469	488	477	654	642	717	686
Thailand	585	196	497	188	445	191	470	219	527	249
Viet Nam	360	2	427	-	361	5	407	1	559	13
Others	353	211	336	194	390	178	856	164	1 705	209

Source: 2005 Yearbook of Statistics, Statistics and Census Department.

2. The right to form and join trade unions

59. Article 27 of the MSAR Basic Law expressly enshrines residents' right and freedom to form and join trade unions. Workers are free to form associations by themselves or to join associations (Law 2/99/M, of 9 August). There is no discrimination against those who are members or wish to become members of labour associations.

60. Labour associations have long been an active group within Macao society, acting politically and defending the interests of the working classes. In December 2006, there were about 185 labour organizations and 208 professional associations registered at the Identification Department.

61. The right to collective bargaining is also recognized. Representatives of employers and labour associations have a seat in the Standing Committee for Social Affairs, which is the advisory committee of the MSAR Government assigned to promoting dialogue between all labour partners and social development. This entity gives advice on socio-labour policies, in particular salaries, labour regime, employment strategies and social security.

3. The right to housing

62. There are no restrictions on the right to housing in the MSAR.

63. The Government's housing allocation policy remains basically the same. Housing subsidies, economic housing and social housing are still the three main public housing programmes.

64. As regards data on low-cost houses, a total of 7,408 families were eligible for the economic housing programme, launched in 2003 and 2004. By the end of October 2006, the authorities had processed 3,341 applications, and granted approval for 955 families to purchase housing units. A total of 21,565 families applied, in early 2005, for the latest phase of the economic housing programme.

65. Since 1996, social housing leases have been awarded through public application. The fourth phase of social housing leases was launched in March 2005. In August 2005, a total of 7,097 families had been shortlisted to participate in application. In accordance with Decree-Law 69/98/M, families facing mental or physical danger in their residences are exempted from the application process and granted social housing directly. At the end of October 2006, the Housing Bureau received 819 applications under this category from which 35 were considered to be exceptional and, subsequently, were granted accommodation.

4. The right to public health, medical care, social security and social services

66. The MSAR health system guaranteed through the MSAR Health Department has not changed significantly since the last report (v. Decree-Law 24/86/M, of 15 March).

67. In this regard, a special mention should be made of the services provided by the Social Welfare Institute (SWI) to the people in need, irrespective of their gender or ethnic or religious background. The SWI provides, in particular: (a) individual and family services, which include a poverty alleviation programme and a family assistance allowance; (b) children and youth services; (c) elderly services; (d) prevention of drug abuse, which includes an anti-drug education information centre and treatment as well as a social rehabilitation service for drugs dependence. These services are available to anyone who needs them.

5. The right to education and professional training

68. Article 37 of the Basic Law guarantees the right to education to all MSAR residents. Such right is reiterated in article 3 of Law 9/2006, of 26 December that sets out the new Legal Framework on the Educational System for Non Higher Education, by stipulating that the right to education shall be enjoyed without any form of discrimination.

69. Article 122 of the Basic Law also states that students shall enjoy freedom of choice of educational institutions and freedom to pursue their education outside the MSAR.

70. Despite the enactment of the new Law 9/2006 that revoked Law 11/91, of 26 August that established the legal framework on the educational system, the main principles and objectives remain basically the same. One of the main differences is that the new diploma focuses on non-higher education and reinforces some fundamental principles and objectives of the

educational system, such as to respect and promote the coexistence and harmonious integration of the different communities that live in the MSAR and to guarantee equal and free access to education to all.

71. Education is compulsory in public or private educational institutions for children aged from 5 to 15 or from the last year of kindergarten to lower secondary 3, regardless of their racial or ethnic background. Children of legal migrant workers are entitled to the MSAR educational system.

72. Children of persons without official papers (illegal migrants) are also entitled to education. By order of the Secretary for Social Affairs and Culture, the Education and Youth Affairs Bureau (EYAB) has issued a specific Guideline, dated 16 January 2002, informing all educational institutions of the Region that any person staying in the MSAR for a period of time exceeding 90 days is authorized to enrol his/her children in a non-high level education institution of the Region for the period of time of his/her legal sojourn, being all educational expenses supported by the concerned person.

Table 8
Students (by nationality) enrolled in 2005/06 school year

Country	Students	Country	Students	Country	Students	Country	Students
China	80 819	South Africa	12	Trinidad and Tobago	2	Togo	1
Portugal	9 978	Singapore	12	Pakistan	2	Angola	1
Philippines	439	Spain	8	Belgium	2	Western Samoa	1
United Kingdom	251	Ireland	8	Mauritius	2	Poland	1
Canada	161	Costa Rica	7	Nigeria	2	Finland	1
United States	161	Peru	7	Nepal	2	Bulgaria	1
Australia	53	Ecuador	6	Dominican Republic	2	Madagascar	1
Brazil	43	Switzerland	6	Argentina	2	Gilbert Islands	1
Thailand	39	Indonesia	5	Columbia	2	Mozambique	1
Myanmar	23	Cambodia	5	Sweden	2	Netherlands	1
South Korea	23	Honduras	5	Sao Tome and Principe	2	Sri Lanka	1
Malaysia	19	Guinea-Bissau	5	Panama	1	North Korea	1
France	18	Denmark	4	Hungary	1	Viet Nam	1
India	14	Belize	4	Guatemala	1	Italy	1
New Zealand	14	Norway	4			Saint Lucia	1
Japan	13	Russia	3			Mexico	1
Venezuela	12					Romania	1

Source: Education and Youth Affairs Bureau.

73. The MSAR Government assumes the responsibility of financing the educational levels covered by the free education system within the public school network. This network includes public and private schools that offer free education under an agreement with the EYAB. MSAR residents enjoy a reduction in tuition fees of between 40 and 85 per cent, depending on the courses and establishments.

74. Students from low-income families enrolled in private schools outside the public school network are eligible to receive a school tuition subsidy. They can apply for a subsidy for learning materials (books, stationery, school uniform, special equipment for the handicapped, etc). Grants and loans are also offered to higher education students.

75. Additional assistance is granted targeted at disadvantaged children (e.g., children of low-income families, physically or mentally disabled children, children of migrants, and children belonging to linguistic, ethnic, religious groups). Such assistance includes: creation of new school places, financial support, social integration and education of newcomers (namely migrants) and the promotion of ongoing training of teachers to deal with different needs and cultural backgrounds.

76. Some migrant workers' children, mostly from Mainland China, experience some difficulties in adjusting to living and school conditions in the MSAR. The EYAB has organized various learn-the-local-culture activities, teaching of traditional Chinese characters, Cantonese and English courses for migrant children to facilitate their integration in the school and local community.

77. In 2006, there were 127 school units in the MSAR, of which 109 use Chinese, 13 use English and 5 use Portuguese as the main teaching language. There are 4,490 teachers in the MSAR, of which 4,051 use Chinese, 373 use English and 66 use Portuguese as the main teaching language.

78. There are no restrictions on the academic curriculum nor on the use of foreign teaching materials and on teaching staff, which may be recruited from outside the MSAR.

6. The right to equal participation in cultural activities

79. Article 37 of the Basic Law also safeguards the right to engage in literary and artistic creation and to participate in cultural activities. In December 2006, there were about 691 cultural organizations and 872 sports organizations registered at the Identification Department.

80. The Cultural Institute (IC), the Civic and Municipal Affairs Institute (ICMA), the Macao Sports Development Board (MSDB) and the Macao Government Tourist Office are the main entities responsible for promoting cultural activities and for supporting the local communities' initiatives.

81. IC is entrusted with areas that cover diverse subjects, including the maintenance and revitalization of historical, architectural and cultural heritage, research and publication of works, organization and maintenance of libraries and archives, promotion and support of cultural and artistic activities, and responsibility for the teaching of music, dance and drama (Decree-Law 63/94/M, of 19 December).

82. With the objective of encouraging the full participation of the population in the cultural life of the MSAR and of forming a consciousness regarding the protection of the cultural heritage and values, including respect for minorities' cultural rights and cultural diversity, the IC organizes a wide range of activities, such as: performances, concerts, exhibitions, film cycles, conferences and seminars (e.g., the Macao Young Musicians Competition, the Macao International Music Festival, the Macao Arts Festival).

83. CMAI has a specific department for cultural activities and recreation, focusing on cultural heritage and conservation, museology, animation of historical spaces with intrinsic patrimonial

value for Macao, organization of exhibitions, editions and publications, folk culture promotion and annual popular festivities, as well as the organization of sports and recreation activities, workshops, fairs, shows and management of infrastructures and parks. Additionally, it supports educational, cultural and art activities by working with the associations and inviting accomplished professionals to workshops in schools. Sponsorships are granted to amateur groups including theatre, visual arts and dance groups as an encouragement for regular competitions and interactive performances.

84. MSDB is the entity responsible for implementing the sports policy under the topic “Sports For All”. The “Sports For All” programme aims at giving everyone the chance to practise sports according to each person’s individual needs, capabilities and motivation without discrimination of any kind. The promotion of sports activities amongst the population is understood as a means to improve the quality of life and to facilitate social integration, thus fostering harmony and tolerance.

85. The Macau Government Tourist Office promotes the cultural initiatives of the various communities, whether by encouraging their associations or providing logistical and/or financial assistance, or allocating areas for cultural performances by the various communities living in Macao. It has published some brochures and leaflets of cultural tourism activities to attract more tourists and local residents to participate in the cultural events in the MSAR.

86. The Macau Government Tourist Office has been promoting Macao cultural heritage with the theme “City of culture”. Within this context, it should be highlighted that the “Historic Centre of Macao” was included, in July 2005, in the UNESCO World Heritage List. The Historic Centre of Macao is a living testimony of the continued coexistence of eastern and western cultures over a unique chapter in history. It reflects the successful East-West cultural coexistence and pluralism.

F. The right of access to places of service

87. There are no restrictions - legal or de facto - connected to the entry to public or private premises on grounds of racial origin.

Article 6

88. As mentioned before, article 36 of the Basic Law grants everyone the right to resort to law and to have access to the courts, to seek assistance from a lawyer and to judicial remedies.

89. Everyone has the right to file legal proceedings in the courts, including against those acts carried out by the executive authorities and their personnel. Judicial and non-judicial means are available in order to protect residents’ lawful rights and interests.

90. As stated, the information provided in the previous report remains accurate.

Article 7

A. Education and teaching

91. Human rights education, and, in particular, the respect for cultural diversity plays a crucial role in schools curricula and activities. In this regard, it is important to point out that all educational institutions in the Region enjoy autonomy, teaching and academic freedom (article 122 of the Basic Law). There is no government interference in their academic curriculum.

92. Educational institutions which follow international school curricula and standards, and other public and/or private schools have established programmes by either integrating minority students into mainstream classes or offering dedicated classes to tackle the needs of specific minority groups.

Table 9

The right to non-discrimination in schools curricula

Level/Grade	Theme/Content
Primary 1	Friendship (with people from different backgrounds)
Primary 2	Loving and helping each other
Primary 3	Caring for those who needed the most
Primary 4	Unselfishness
Primary 5	Concern about the society and social issues
Primary 6	Values in life; peace education
Lower Secondary 1	Respect for each other; UN Human Rights Declaration; collaboration with heterogeneous groups of people; critical thinking
Lower Secondary 2	Human dignity; relationship between individual and society; the Basic Law; Chinese Constitution; formulating and verifying one's own values
Lower Secondary 3	We all live in the same world; sharing resources of the world; laws and human rights; building consensus in the society
Upper Secondary 1	Rights and obligations of a citizen; protecting your rights; civil virtues; peaceful cooperation among nations; better communication; identify, control and eliminate negative stereotypes; coherence of Chinese, Portuguese and other cultures; mutual respect; values clarification strategies
Upper Secondary 2	Poverty; war and peace; economic imbalance; causes of poverty and how to address the problems; social groups and social structure; appreciation of people from different backgrounds; objective view on the others
Upper Secondary 3	Community services; research project on social issues

Source: Education and Youth Affairs Bureau.

93. EYAB, together with the Legal Affairs Bureau, also promotes civil and legal education in primary and secondary schools. Through vivid and vigorous lessons and games, the concepts of human rights and anti-bias are gradually introduced; students learn to respect and not discriminate against others, as well as other values and fundamental rights. EYAB, jointly with

other public agencies and non-government organizations, organized a series of activities under the theme “The Basic Law and the Principles of Building a Harmonious Society” from 26 March to 2 April 2006, on which the topic of human rights was incorporated in the programme. Additionally, the teaching of “The Convention on the Rights of the Child” is promoted by EYAB, within the development courses for school heads and administrators, in order to facilitate the head teachers and senior teachers to exercise the convention in school, to help parents and teachers create a better growing environment for children.

B. Culture

94. In line with what is stipulated in article 125 of the Basic Law, the MSAR Government is deeply committed to promote and protect residents’ cultural rights, and is responsible for formulating policies on culture, including literature and art. In this sense, IC seeks to facilitate universal access to all kinds of cultural activities in the MSAR, by, amongst other measures, providing a subsidy to organizations (and activities) in order to promote intercultural understanding, tolerance and friendship amongst people with different national origins and backgrounds. IC has published a *Review of Culture* since 1987 that focuses on historic research and the culture of Macao and East-West relationship in South-East and Far East Asia. This magazine is published in Chinese, Portuguese and English.

95. In order to accommodate and represent the different ethnic expressions of the population, the CMAI promotes a number of cultural events on an annual basis. Traditional Chinese festivities (in accordance with the Chinese calendar) are held, such as: the Chinese New Year celebration, the Cheong Ieong event, the innumerable folk song and Chinese Opera, the Green Week Games, the Lotus Flower Festival, the Lunar Cake Festival, the Dragon Boat Racing, the traditional Chinese martial arts, workshops on Chinese traditional medicine, traditional games and several literary events. Local communities also promote other events, namely the Macanese Culture week, the Lusofonia Festival, as well as other gastronomic and folk festivals, theatre and guided tours to historical places.

96. Furthermore, every year, the MSAR stages major international sports events, namely throughout the support provided to local sports associations for international development and representation. It also hosts several sports events, such as the Macao International Dragon Boat Races and the Macao Golf Open, which take place every year, the 4th East Asian Games (October-November 2005), the XII Asian Athletics’ Junior Championships (June 2006) and the first Lusofonia Games (October 2006).

C. Information

97. The MSAR Government has undertaken measures to promote anti-bias and pro-tolerance education through various means and activities, in particular, by promoting fundamental rights under the Basic Law, as well as enacting legislation that provides for the respect of fundamental rights and freedoms on an equal basis, prohibiting all forms of discrimination and exploitation. A

specific Government entity - the Division of Legal Dissemination of the Legal Affairs Bureau - is responsible for promoting and disseminating the Law to the general public, including applicable international treaties, which are an integral part of the MSAR legal system.

98. Several means of dissemination such as television broadcasts, radio advertisements, newspaper articles, fun fairs, school promotion and seminars, etc., have been used by the MSAR Government in order to enlarge public awareness of the rights provided for therein. Special shelves are designed and placed in governmental departments, community centres, libraries and bookstores for the free distribution of brochures and leaflets related to anti-racial discrimination and human rights, including the brochures “International Covenant on Economic, Social and Cultural Rights”, “International Covenant on Civil and Political Rights”, “Convention on the Rights of the Child” “Fundamental Rights ABC”, “Convention on the Elimination of All Forms of Discrimination against Women”, “Easy to know the Basic Law”, “Labours’ Rights”, as well as the leaflet “Rights and duties of the employers and employees”, so as to disseminate the fundamental rights especially human rights and the anti-bias spirit.

99. Naturally, the role of the media is essential to promote human rights and social cohesion. In this regard it should be mentioned that the Macao population has access to local and foreign newspapers and magazines (e.g., *Time*, *Far Eastern Economic Review*, *South China Morning Post*, *Newsweek*, *The Economist*, *Fortune*, and *Wall Street Journal*), to online media through the Internet and to foreign radio and TV stations (namely, but not only, through cable TV).

100. There are 13 local newspapers and magazines in the Chinese language, 4 in Portuguese language and 5 in the English language. Local TV and radio broadcast a number of programmes regarding several areas addressed to the different communities that live in Macao, in the Chinese, Portuguese and English languages.

ANNEXES

Annex I

Legislation quoted

1. Basic Law of the Macao Special Administrative Region of the People's Republic of China.
2. The Civil Code.
3. The Macao Criminal Code.
4. Decree-Law 24/86/M, of 15 March, regulates the access of the population of the MSAR to health-care services.
5. Law 21/88/M, of 15 August, regulates the access to the law and to the courts.
6. Decree-Law 24/89/M, of 3 April, governs labour relations.
7. Law 7/89/M, of 4 September, regulates the general regime on the advertisement activity.
8. Law 8/89/M, of 4 September, establishes the legal framework for television and sound broadcast activities.
9. Decree-Law 87/89/M, of 21 December, establishes the Statute of the Public Administration Employees.
10. Decree-Law 41/94/M, of 1 August, regulates the legal aid system.
11. Law 5/94/M, of 1 August, regulates the right to petition.
12. Decree-Law 63/94/M, of 19 December, approves the organic structure of the Macao Cultural Institute.
13. Decree-Law 52/95/M, of 9 October, sets forth the Law on Equal Opportunities and Equal Treatment.
14. Law 4/98/M, of 27 July, establishes the legal framework on employment and labour rights.
15. Law 2/99/M, of 9 August, regulates freedom of association.
16. Law 8/1999, of 20 December, approves the law on the permanent resident status and the right of abode.
17. Law 9/1999, of 20 December, approves the legal framework of the judiciary structure.
18. Law 10/2000, of 14 August, approves the legal framework of the Commission Against Corruption.

19. Law 12/2000, of 18 December, regulates the process for electoral registration of individuals and persons for direct and indirect suffrage.
20. Law 3/2001, of 5 March, regulates the electoral law for the Legislative Assembly.
21. Law 9/2002, of 9 December, sets forth the legal framework on Internal Security.
22. Law 4/2003, of 17 March, sets forth the regime that regulates the entry, stay and residence in Macau.
23. Administrative Regulation 5/2003, of 14 April, regulates the entry, stay and residence permit in Macao.
24. Law 1/2004, of 23 February, regulates the recognition of the refugee status.
25. Administrative Regulation 24/2004, of 26 July, regulates the structure and operation of the Labour Affairs Bureau.
26. Administrative Regulation 6/2005, of 5 May, which creates the Consultative Commission for Women's Affairs.
27. Law 9/2006, of 26 December, which sets out the Legal Framework on the Educational System for Non Higher Education.

Annex II

Applicable human rights: multilateral treaties

1. Slavery Convention, signed at Geneva on 25 September 1926.
2. The Convention on the Prevention and Punishment of the Crime of Genocide, adopted at Paris on 9 December 1948.
3. The Convention relating to the Status of Refugees, done at Geneva on 28 July 1951.
4. The Protocol relating to the Status of Refugees, done at New York on 31 January 1967.
5. Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, done at Geneva on 7 September 1956.
6. The Convention against Discrimination in Education, adopted at Paris on 14 December 1960.
7. The International Covenant on Civil and Political Rights, adopted at New York on 16 December 1966.
8. International Covenant on Economic, Social and Cultural Rights, adopted at New York on 16 December 1966.
9. Convention on the Elimination of all Forms of Discrimination Against Women, adopted at New York on 18 December 1979.
10. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted at New York on 10 December 1984.
11. Convention on the Rights of the Child, adopted at New York on 20 November 1989.
12. Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, adopted at New York on 25 May 2000.
