



International Covenant on Civil and Political Rights

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Human Rights Committee

Consideration of reports submitted by States parties under article 40 of the Covenant

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

Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)

1. In view of the principle of the legal system's continuity as reaffirmed in the Basic Law, please indicate the reason why the State party has not referred to previous concluding observations of the Committee and periodic reports submitted when it was under Portuguese administration. Please indicate to what extent the State party has implemented the Committee's previous recommendations of 1999 (CCPR/C/79/Add.115).
2. Please provide information as to whether individuals have directly invoked provisions of the Covenant before domestic courts, together with information on subsequent decisions taken and remedies provided. Please provide data on complaints lodged from 2009 to date to the Commission against Corruption, to the Public Information and Assistance Centre and the Labour Affairs Bureau. Please also indicate whether the right to petition the Chief Executive and the Legislative Assembly under Law 5/94/M have been exercised by Macao citizens.
3. Does the State party intend to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, annex to General Assembly resolution 48/134)?

Counter-terrorism measures and respect of rights guaranteed in the Covenant (arts. 7, 9 and 14)

4. Please provide detailed information on measures taken to respond to terrorism threats and indicate if and how these measures, including Law 3/2006 on the Prevention and Suppression of the Crimes of Terrorism, have affected human rights safeguards in law and in practice. Please indicate legal safeguards and remedies available in accordance with national legislation and international law. Please also indicate whether any deportations or expulsions have been undertaken in the context of counter-terrorism measures.
5. Please provide updated information on judicial control of police access to correspondence, computer databases and other private information for national security

reasons (art. 18 of Law 9/2002). How does the State party reconcile this law with Law 8/2005 on the protection of personal data and private life?

Non-discrimination, equality between men and women (arts. 2, 3 and 26)

6. Please indicate any measure being taken to eliminate de facto inequalities in salaries between men and women in certain areas and explain how the State party encourages women to lodge complaints to relevant bodies such as the Labour Affairs Bureau.

States of emergency (art. 4)

7. Please clarify which of the rights set out in the Covenant are restricted during states of emergency and indicate whether effective remedies are available, in law and in practice, for persons affected by emergency measures. Please also indicate any safeguard provided by Law 9/2002 on the Legal Framework for Internal Security regarding the protection of non-derogable rights during states of emergency.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment, independence of the judiciary and fair trial (arts. 7, 9,10, 14 and 15)

8. Please provide information on additional measures taken to combat cases of rape and domestic violence, to prosecute perpetrators and provide redress to victims. Does the State party intend to enact specific legislation to address sexual harassment in the workplace?

9. Please indicate whether the provisions of Law 6/97/M against Organized Crime are in conformity with the Covenant, in particular the prohibitions on trying a person twice for the same offence and enacting laws with retroactive effect.

10. Please provide more information regarding Law 2/2007 of 16 April on the juvenile justice system, which introduced restorative justice principles; and on the work of the Division of Social Rehabilitation of the Legal Affairs Bureau, in particular on the reintegration of juvenile offenders.

11. Please provide updated information on measures taken to ensure that solitary confinement of detainees, including juveniles, is a measure of last resort and for the minimum necessary period. Please provide information on how discipline in penitentiary institutions is closely monitored and in line with the rights protected under the Covenant.

12. Considering that both Chinese and Portuguese are official languages of the State party, please provide updated information on action taken to translate laws and judgments into Chinese and Portuguese and on how the State party deals with the shortage of local bilingual lawyers and magistrates. Please provide updated data on the number of judges and lawyers in Macao.

13. In its previous concluding observations, the Committee expressed its concern that no firm agreement had been reached on the transfer of Macao residents to face trial in other jurisdictions in China, or on their extradition to other countries in cases where they might face heavier penalties than those laid down in the Macao Penal Code, including the death penalty. Please provide updated information on any measures taken in this regard.

Elimination of slavery and servitude (art. 8)

14. Please indicate current measures taken or to be taken to efficiently prosecute traffickers. How does the State party ensure that victims of trafficking are protected and supported by the State party's laws and policies in terms of redress, compensation and rehabilitation? Please provide updated information on efforts undertaken to equip the judiciary to address cases of trafficking adequately. Please report on measures taken to strengthen cooperation with the authorities of other countries from or to which individuals are trafficked to combat this practice, including through multilateral, regional and bilateral

arrangements for the prevention, prosecution and punishment of those responsible, and on remedies to victims.

15. Please provide updated information on how the State party takes measures to prevent and penalize sexual and economic exploitation of women. Are immigration and police officials taking effective measures to prosecute perpetrators and to protect women from being exploited through prostitution and sexual servitude, including through the use of debt bondage?

Freedom of opinion and expression, right of peaceful assembly and freedom of association (arts. 19, 21 and 22)

16. Please provide information on the extent to which the provisions of Law on Safeguarding National Security of February 2009 are compliant with articles 19, 21 and 22 of the Covenant. Has the State party addressed concerns expressed by human rights defenders on the lack of a definition or clarity for a number of terms such as “other grave illegal acts”, “public and direct incitement”? Has the State party considered information that the definition of treason, sedition and state secrets are too broad? Please provide the number of individuals who have been charged under this law.

Non-discrimination, marriage, family and measures for the protection of minors (arts. 2, 23, 24 and 26)

17. Bearing in mind the Joint Declaration of the Government of the People’s Republic of China and the Government of the Republic of Portugal, please indicate whether measures have been taken to safeguard the rights of Macao residents who held Portuguese and Chinese citizenship before the 1999 transfer of sovereignty from Portugal to the People’s Republic of China.

18. In addition to its efforts to enhance the integration of children of migrants in the school system, does the State party intend to provide free education to them?

19. What are the measures taken by the State party to eliminate all forms of corporal punishment of children in all settings, including in penal institutions and schools?

Right to participate in public life and vote in free and fair elections, equality and non-discrimination (arts. 25 and 26)

20. Please provide updated information on the percentage of locally born residents holding senior positions within the public administration.

21. Please specify whether the State party intends to amend the Basic Law to ensure that more citizens have the ability to participate in the election of the Chief Executive/Head of the Macao Special Administrative Region.

22. Please clarify how the State party upholds migrant workers’ rights and how it ensures that they are not discriminated against in law and in practice.

23. Please provide detailed information on how Article 38 (2) and (3) of the Basic Law, which explicitly provides for special protection of the rights of women, minors, elderly people and people with disabilities, are implemented in practice.

24. Please comment on information that the Labour Law of 2008 fails to impose criminal sanctions against employers who do not pay wages, do not set maximum working hours and minimum wages and do not sufficiently protect part-time and migrant workers?

Dissemination of information relating to the Covenant (art. 2)

25. Please provide information on the steps taken to disseminate information on the Covenant’s previous concluding observations, the submission of the State party’s report, and its forthcoming examination by the Committee. Please also provide information on the

involvement of non-governmental organizations (NGOs) in the preparatory process for the report. Please indicate what measures have been taken to extend existing cooperation to more NGOs for the implementation of human rights programmes and indicate how NGOs have been consulted in the preparation of the State party's report to the Committee.
