

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	349
Land:	Kina
Kilde:	United States Department of State
Titel:	Country Report on Human Rights Practices 2013 - China - Macau
Udgivet:	27. februar 2014
Optaget på baggrundsmaterialet:	2. juli 2014

[EN](#) | [DE](#)

- **Source:**
USDOS - US Department of State
- **Title:**
Country Report on Human Rights Practices 2013 - China - Macau
- **Publication date:**
27 February 2014
- **ecoi.net summary:** Macau: Annual report on human rights in 2013 [ID 270633]
- **Countries:**
China
- **Original link** <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220192>

Recommended citation:

USDOS - US Department of State: Country Report on Human Rights Practices 2013 - China - Macau, 27 February 2014 (available at ecoi.net)
http://www.ecoi.net/local_link/270633/387353_en.html (accessed 05 May 2014)



Country Report on Human Rights Practices 2013 - China - Macau

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EXECUTIVE SUMMARY

Macau is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and enjoys a high degree of autonomy, except in defense and foreign affairs, under the SAR's constitution (the Basic Law). Chief Executive Fernando Chui Sai-on took office in 2009, after his selection by a 300-member Election Committee. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

Three prominent human rights abuses reported during the year were: limits on citizens' ability to change their government, constraints on press freedom, and failure to fully enforce laws regarding working conditions and workplace abuses.

Trafficking in persons remained a problem, although authorities were building capacity to pursue trafficking cases. There were concerns that national security legislation, passed in 2009 in accordance with article 23 of the Basic Law, could compromise various civil liberties, but by year's end prosecutors had brought no cases based on the 2009 legislation.

The government took steps to prosecute and punish officials who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

There were five cases involving alleged police mistreatment in the first half of the year. At the end of the year, the procuratorate was investigating the cases. The Commission for Disciplinary Control of the Security Forces and Services of Macau (CFD) received two complaints of police mistreatment but dismissed both cases due to lack of evidence. During the first half of 2013, the Commission against Corruption (CAC) received three complaints of police mistreatment and determined the complaints were legally unsubstantiated.

In the first half of the year, police received two complaints alleging offenses committed by police officers against persons in custody. Police transferred the cases to the procuratorate, which was considering the cases at year's end. The CFD received one complaint, which it deemed to be unsubstantiated. The CAC received no complaints in the first half of the year.

In the first half of 2013, police received one complaint that police officers abused a person not in their custody. The case was transferred to the procuratorate, where it remained pending. In the same period, the CAC received four cases, one of which was referred to Macau Customs and three were determined to be legally unsubstantiated. The CFD received no allegations of assault by police officers against persons not in their custody.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted monitoring visits by independent human rights observers.

Physical Conditions: The SAR has a maximum prison capacity of 1,353 persons and a design capacity of 1,297, and the occupancy rate was approximately 85 percent of the maximum capacity. In the first half of the year, the number of inmates who were 16 (the age of criminal responsibility) and older was 1,156; of these, 968 were men and 188 women. Offenders between the ages of 12 and 16 were subject to an "education regime," which could include incarceration depending on the offense. During the first half of the year, authorities held 24 youths in the Youth Correctional Institution.

The government reported that one detainee died while in police custody. The detainee died while attempting to escape a hospital at which he was receiving medical treatment.

The SAR reported that prisoners had access to potable water.

Administration: The government's recordkeeping procedures were adequate. The government continued its use of alternative sentencing for nonviolent offenders. Ombudsmen were able to serve prisoners and detainees. Authorities allowed prisoners and detainees reasonable access to visitors and permitted religious observance. The law allows prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged deficiencies, and judges and prosecutors made monthly visits to prisons to hear prisoner complaints.

Independent Monitoring: According to the government, no independent human rights observers requested or made any visit to the SAR's only prison, the Macau Prison. Judges and prosecutors visited the Macau Prison monthly.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the Public Security Police (general law enforcement) and Judiciary Police (criminal investigations), and the government has effective mechanisms to investigate and punish official abuse and corruption. There were no reports of impunity involving the security forces.

Arrest Procedures and Treatment of Detainees

Authorities detained persons openly with warrants issued by a duly authorized official based on sufficient evidence. Detainees were allowed access to a lawyer of their choice or, if indigent, to one provided by the government. Detainees were allowed prompt access to family members. Police must present persons in custody to an examining judge within 48 hours of detention. The examining judge, who conducts a pretrial

inquiry in criminal cases, has wide powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. According to the government, courts should try defendants within the "shortest period of time." The procuratorate's investigations should end with charges or dismissal within eight months, or six months when the defendants are in detention; the pretrial inquiry stage must be concluded within four months, two months if the defendants are detained. By law the maximum limits for pretrial detention range from six months to three years, depending on the charges and progress of the judicial process. Judges often refused bail in cases where sentences could exceed three years.

In 2012 law enforcement officials received three complaints accusing police officers of offenses toward persons in custody in the first half of the year. Officials brought disciplinary proceedings against the officers in both cases. One case was closed, and one awaited the initiation of criminal proceedings at year's end. There was one complaint in the first half of the year that a police officer assaulted a person in custody.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence.

The courts may rule on matters that are the responsibility of the PRC government or concern the relationship between central authorities and the SAR, but before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of the relevant provisions from the National People's Congress (NPC) Standing Committee. When the standing committee makes an interpretation of the provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the standing committee."

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. A case may be presided over by one judge or a group of judges, depending on the type of crime and the maximum penalty involved.

Under the law defendants enjoy a presumption of innocence, have access to government-held evidence relevant to their cases, and have a right to appeal. The law provides that trials are to be public and by jury except when the court rules otherwise to "safeguard the dignity of persons, public morality, or to ensure the normal functioning of the court." Defendants have the right to be informed promptly and in detail of the charges (with free interpretation), be present at their trials, confront witnesses, have adequate time to prepare a defense, not be compelled to testify or confess guilt, and consult with an attorney in a timely manner. Public attorneys are provided for those who are financially incapable of engaging lawyers or paying expenses of proceedings. The law extends these rights to all residents.

The judiciary provided citizens with a fair and efficient judicial process; however, due to an overloaded court system, a period of up to a year often passed between the filing of a civil case and its scheduled hearing. Contacts also noted lack of capacity delayed some criminal cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters, and citizens have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions. The Office for Personal Data Protection acknowledged a continuing increase in complaints and inquiries regarding data protection.

Activists critical of the government reported the government monitored their phone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights.

The law criminalizes treason, secession, subversion of the PRC government, and theft of "state secrets," as well as "acts in preparation" to commit these offenses. The crimes of treason, secession, and subversion specifically require the use of violence, and the government stated that the law would not be used to infringe on peaceful political activism or media freedom.

Press Freedoms: The independent media were active and expressed a wide range of views, and international media operated freely. Major newspapers were heavily subsidized by the government and tended to follow closely the PRC government's policy on sensitive political issues, such as Taiwan; however, they generally reported freely on the SAR, including criticism of the government.

Violence and Harassment: Some journalists who wrote disparagingly of the government complained about disciplinary actions, such as temporary suspension, delayed promotion, and assignments covering less important stories.

Censorship or Content Restrictions: Activists raised concerns over media self-censorship, particularly because news outlets and journalists worried that certain types of critical coverage might limit government funding. Activists also reported that the government had co-opted senior media managers to serve in various consultative or election committees, which also resulted in self-censorship. Journalists expressed concern that the government's limiting of news releases about its own activities and its publishing of legal notices only in preferred media outlets influenced editorial content.

Internet Freedom

There were no government restrictions on access to the internet or reports that the government monitored e-mail or internet chat rooms.

As of July 2012, according to the Statistics and Census Service, there were 243,196 internet subscribers in a population of 591,900. This total did not take into account multiple internet users for one subscription, nor did it factor in those who have access to the internet through mobile devices.

The law criminalizes a range of cybercrimes and empowers police, with a court warrant, to order internet service providers to retain and then provide a range of data. Some legislators expressed concern that the law granted police the authority to take these actions without a court order under some circumstances.

The media reported that several websites, among them Facebook, YouTube, and Skype, which were blocked on the mainland, also were blocked on the government-provided free WiFi service. The government denied any intention to restrict access, stating that the main problem was available bandwidth and pointing out that the mobile version of Facebook was available. Twitter, which was banned on the mainland, was available on the service. Activists reported they freely used Facebook and Twitter to communicate. However, activists also reported that the government had installed enterprise-grade software capable of censoring, decrypting, and scanning secured transmissions on its free WiFi service without notifying users.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. One academic noted government pressure to delay an academic conference due to political sensitivities.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right. The law requires prior notification, but not approval, of demonstrations that involve the use of public roads, public places, or places open to the public. In cases in which authorities tried to restrict access to public venues for demonstrations or other public events, the courts generally ruled in favor of the applicants. Police may redirect march routes, and organizers have the right to challenge such decisions in court.

Activists reported that police routinely attempted to intimidate demonstrators by ostentatiously taking videos of them and advising bystanders not to participate in protests. Activists also stated that authorities gave orders to demonstrators verbally rather than through written communication, which made it difficult to challenge their decisions in court. In June law enforcement officials arrested six demonstrators amid scuffles with police during a protest against a top Macau government official. The Court of Final Appeal later ruled that the police acted inappropriately in detaining the demonstrators.

Following a May 6 rally protesting nontransparent subsidies from the government to certain civil society organizations, the Macau Workers Self-Support Association criticized the police for preventing 200 elderly protestors from participating. Law enforcement officials claimed activists wanted to march in an unapproved area, while participants claimed the police had already approved their protest route.

On June 4, approximately 500 persons participated in a vigil to remember the 1989 Tiananmen Square massacre.

Freedom of Association

The Basic Law and the civil code provide for freedom of association. No authorization is required to form an association, and the only restrictions are that the organization not promote racial discrimination, violence, crime, or disruption of public order, or be military or paramilitary in nature.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The Immigration Department cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The Internal Security Law grants police the authority to deny entry to or deport nonresidents whom they regard under the law as unwelcome, as a threat to internal security and stability, or as possibly implicated in transnational crimes.

In January the government for the second time barred Hong Kong Legislative Council member Lee Cheuk-yan, a prominent labor leader, from entering the SAR. The government maintained that the commander of the Public Security Police "based on the public interest...may refuse entry of any nonresident whose status is found to be inappropriate."

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In theory persons granted refugee status would ultimately enjoy the same rights as other SAR residents. However, the UNHCR reported that the SAR had not granted any asylum seekers refugee status at year's end. Pending eventual final decisions on their asylum claims, the government registered asylum seekers and provided protection against their expulsion or return to their countries of origin. Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and education for children.

The government has the responsibility to conduct refugee status determinations, but this process remained stalled during the year, according to the UNHCR. Four applications for refugee status were pending, but their determination would likely take several years to process. One Afghan asylum seeker was in his 10th year of waiting. Authorities maintained that these cases remained active, but the head of Macau's Refugee Commission made clear that resource shortages and other priorities prevented quick resolution of these cases.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law limits citizens' ability to change their government. Only a small fraction of citizens play a role in the selection of the chief executive, who was chosen in 2009 by a 300-member Election Committee consisting of 254 members elected from four broad societal sectors (which have a limited franchise) and 46 members chosen from among the SAR's legislators and representatives to the NPC and Chinese People's Political Consultative Conference.

Elections and Political Participation

Recent Elections: The most recent election was held on September 15 for the 14 directly elected seats in the 33-member Legislative Assembly. A total of 145 candidates on 20 electoral lists competed for the seats. The election was generally free and fair.

Observers noted that wealthy candidates sponsored banquets, entertainment events, and transportation for supporters. The prosecutor general said his office investigated 10 cases of election bribery. Police arrested two individuals for offering illegal "incentives" to voters and detained 14 voters for further investigation for voting irregularities.

Two prodemocracy candidates reported that the government censored their public election platform, which called for an allegedly tainted top official to resign and an investigation of a potentially corrupt business deal brokered by the former chief executive.

There are limits on the types of bills that legislators may introduce. The law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the government. Proposed legislation related to government policies must receive the chief executive's written approval before it is introduced. The Legislative Assembly also has no power of confirmation over executive or judicial appointments.

A 10-member Executive Council functions as an unofficial cabinet, approving draft legislation before it is presented in the Legislative Assembly. The Basic Law stipulates that the chief executive appoint members of the Executive Council from among the principal officials of the executive authorities, members of the legislature, and public figures.

Political Parties: The SAR has no laws on political parties. Politically active groups therefore registered as societies or companies. These groups were active in promoting their political agendas, and those critical of the government generally did not face restrictions. Such groups participated in protests over government policies or proposed legislation without restriction.

Participation of Women and Minorities: There were seven women in the

33-member Legislative Assembly. Women also held a number of senior positions throughout the government, including the secretary for justice and administration, the second-highest official in the SAR government. The Public Administration and Civil Service Bureau stated that women made up 41 percent of the SAR government, 48 percent of the judiciary, and 58 percent of the senior staff of the Legislative Assembly. One Executive Council member was from an ethnic minority, as was the police commissioner general. As of June, 31 female judges worked in the judiciary.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and there were few reported instances of officials engaging in corruption.

Corruption: The CAC investigated the public and private sectors and had the power to arrest and detain suspects. The Ombudsman Bureau within the CAC reviewed complaints of maladministration or abuse by the CAC. There was also an independent committee outside the CAC, called the Monitoring Committee on Discipline of CAC Personnel, which accepted and reviewed complaints about CAC personnel.

Whistleblower Protection: Macau does not have specific whistleblower protection laws in effect for public and private employees.

Financial Disclosure: By law the chief executive, his cabinet, judges, members of the Legislative Assembly and Executive Council, and executive agency directors are required to disclose their financial interests upon appointment, promotion, and retirement and at five-year intervals while in the same position.

Public Access to Information: The law does not provide for public access to government information. Nevertheless, the executive branch published online, in both Portuguese and Chinese, extensive information on laws, regulations, ordinances, government policies and procedures, and biographies of government principal officials. The government also issued a daily press release on topics of public concern. The information provided by the legislature was less extensive.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international groups monitoring human rights generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law stipulates that residents shall be free from discrimination based on race, gender, disability, language, or social status, and many laws carry specific prohibitions against discrimination. The government effectively enforced the law. The law does not address discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government effectively enforced the law. In the first half of 2012, police received nine complaints of rape. Police and courts acted promptly on rape cases, arresting four individuals accused of rape.

Although there is not a specific law on domestic violence, laws that criminalize the relevant behaviors, including “mistreatment of minors or spouses,” were used effectively by the government to prosecute domestic violence. Various NGOs and government officials considered domestic violence against women to be a growing problem. Domestic violence falls under several crimes in the criminal code, including the crime of mistreatment of minors, persons with incapacity, or spouses. These crimes are punishable with imprisonment ranging from one to five years. If mistreatment leads to serious physical injuries or death of the victim, the penalties may be increased to imprisonment of two to eight years in cases involving physical injury and five to 15 years in those resulting in death. During the first half of the year, 164 complaints of crimes related to domestic violence were reported to police. Of these, 116 involved spousal abuse.

The government made referrals for victims to receive medical treatment, and medical social workers counseled victims and informed them of social welfare services. During the first half of the year, the Social Welfare Bureau handled 29 domestic violence cases. The government funded NGOs to provide victim support services, including medical services, family counseling, and housing, until their complaints were resolved. The government also supported two 24-hour hotlines, one for counseling and the other for reporting domestic violence cases.

NGOs and religious groups sponsored programs for victims of domestic violence, and the government supported and helped fund these organizations and programs. The Bureau for Family Action, a government organization subordinate to the Department of Family and Community of the Social Welfare Institute, helped female victims of domestic violence by providing a safe place for them and their children as well as advice regarding legal actions against perpetrators. A range of counseling services was available to persons who requested them at social service centers. Two government-supported religious programs also offered rehabilitation programs for female victims of violence.

Sexual Harassment: There is no law specifically addressing sexual harassment, unless it involves the use of a position of authority to coerce the performance of physical acts. Harassment in general is prohibited under laws governing equal opportunity, employment and labor rights, and labor relations. In 2012 there were no complaints of discrimination filed with police, the Public Administration and Civil Service Bureau, or the Labor Affairs Bureau (LAB) in the first half of the year.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children as well as the information and means to do so free from discrimination or coercion. Access to contraception and prenatal care was widely available, as was skilled attendance at delivery and postpartum care.

Discrimination: Equal opportunity legislation mandates that women receive equal pay for equal work. Discrimination in hiring practices based on gender or physical ability is prohibited by law, and penalties exist for employers who violate these guidelines. The law allows for civil suits, but few women took cases to the LAB or other entities. In 2013 no complaints of discrimination were filed with police, the LAB, or the CAC. Gender differences in occupation existed, with women concentrated in lower-paid sectors and lower level jobs.

Observers estimated that there was a significant difference in salary between men and women, particularly in unskilled jobs.

Children

Birth Registration: In accordance with the Basic Law, children of Chinese national residents of Macau born in or outside the SAR and children born to non-Chinese national permanent residents inside the SAR are regarded as permanent residents. There is no differentiation between these categories in terms of access to registration of birth. Most births were registered immediately.

Forced and Early Marriage: The minimum age of marriage is 16. Children between the age of 16 and 18 who wish to get married must get approval from their parents or guardians.

Sexual Exploitation of Children: The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors. The criminal code sets 14 as the age of sexual consent and 16 as the age for participation in the legal sex trade. Child pornography is prohibited by law. During the first half of the year, there were two complaints of sexual abuse of children, one complaint of sexual intercourse with a minor, and eight complaints of sexual acts with minors filed with police. Law enforcement authorities arrested one individual for sexual abuse of children, one individual for sexual intercourse with a minor, and six individuals for sexual acts with minors. The UN Committee on the Rights of the Child expressed concern that "child sex tourism remains a serious problem in Macau SAR, and that alleged complicity of government officials in trafficking and sexual exploitation related offences has led to impunity for such crimes." The government denied the allegations.

International Child Abductions: The SAR is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish population was extremely small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government generally enforced these provisions in practice. The law mandates access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively. The government built and reconstructed public facilities such as the ferry terminal and overpasses, which are accessible to persons with disabilities. Spaces on new buses accommodated passengers with wheelchairs. The Social Welfare Institute was primarily responsible for coordinating and funding public assistance programs to persons with disabilities. There was a governmental commission to rehabilitate persons with disabilities, with part of the commission's scope of work addressing employment. There were no reports of children with disabilities encountering obstacles to attending school.

Highlighting a severe shortage in resources in mainstream schools to assist children with learning disabilities, parents called on the government to open an exclusive school for children with learning disabilities. Activists said the government failed to provide a "friendly environment" for persons with vision disabilities and petitioned the government to provide space for an education center that would provide job and living assistance. One activist with vision disabilities unsuccessfully ran for a seat in the Legislative Assembly in the September elections.

National/Racial/Ethnic Minorities

Although the government has made efforts to address the complaints of individuals of Portuguese descent and the Macanese minority, members of these two groups continued to claim they were not treated equally by the Chinese majority. While they participated in political and cultural circles, some activists claimed businesses refused to hire employees who were not ethnically Chinese.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws criminalizing sexual orientation and no prohibition against LGBT persons forming organizations or associations. There were no reports of violence against persons based on their sexual orientation.

The Legislative Assembly, dominated by progovernment members, almost unanimously defeated a bill proposed by a prodemocracy member that would have granted same-sex couples the right to form civil unions and claim the same social benefits as heterosexual couples. A pro-Beijing newspaper publicly denounced one pro-LGBT rights activist as being “morally unfit” to participate in public life.

Other Societal Violence or Discrimination

The law prohibits discrimination against persons with HIV/AIDS and limits the number of required disclosures of an individual's HIV status. Employees outside medical fields are not required to declare their status to employers. There were anecdotal reports that persons whose status became known, as well as organizations supporting them, faced some forms of discrimination. There were no reported incidents of violence against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, provides workers the right to form and join unions or “labor associations” of their choice without previous authorization or excessive requirements. In order to register as an official union, the government requires an organization to provide the names and personal information of its leadership structure. There is no law specifically defining the status and function of labor unions, nor are employers compelled to negotiate with them. The law prohibits antiunion discrimination, stating that employees or job seekers shall not be prejudiced, deprived of any rights, or exempted from any duties on the basis of their membership in an association. The Labor Relations Law does not have provisions for reinstating workers dismissed for union activity.

Workers in certain professions, such as the security forces, are forbidden to form unions, take part in protests, or strike. Such groups had organizations that provided welfare and other services to members and that could speak to the government on behalf of their members. Vulnerable groups of workers, including domestic workers and migrant workers, could freely associate and form and join unions, as could public servants. Part-time employees did not have this right.

Workers have the right to strike according to article 27 of the Basic Law, but there is no specific protection in the law from retribution if workers exercise this right. The government asserted that striking employees are protected from retaliation by provisions of the law that require an employer to have justified cause to dismiss an employee.

The law provides that agreements between employers and workers shall be valid, but there is no specific statutory provision giving workers, resident or foreign, the right to collective bargaining. Independent lawmakers continued to push for the government to introduce a trade union and collective bargaining law.

The law imposes penalties ranging from Macau patacas (MOP) 20,000 to 50,000 (\$2,500 to 6,300) for antiunion discrimination. Observers note that this may not be sufficient to deter discriminatory activity.

Workers who believed they were dismissed unlawfully could bring a case to court or lodge a complaint with the Labor Department or the CAC, which also has an Ombudsman Bureau that handles complaints over administrative illegalities. The bureau made recommendations to the relevant government departments after its investigation. The Labor Relations Law is not applicable to civil servants. The Macau Civil Servants Association claimed that many of its members suffered from discrimination for belonging to a union.

There were no strikes during the year. Although strikes, rallies, and demonstrations were not permitted in the vicinity of the chief executive's office, the Legislative Assembly, and other key government buildings, some protests occurred near government headquarters. On May 1, a group of 2,000 individuals demanded universal suffrage, a minimum wage, and protections for Macanese from imported workers. On August 23, 10 real estate agents gathered near government headquarters to ask the government to provide exemptions allowing them to conduct business in residential as well as commercial buildings. On October 11, 3,000 casino brokers protested near government headquarters to demand legal protections against imported labor.

The government did not respond to official complaints on working conditions or abuse, nor did the government punish employers that withheld pay as a form of reprisal when employees made such complaints. In addition, the LAB could charge the union a fee to process such complaints. Union leaders also claimed that the government maintained a "blacklist" of labor "agitators."

Even without formal collective bargaining rights, companies often negotiated with unions, although the government regularly acted as an intermediary. Pro-PRC unions traditionally have not attempted to engage in collective bargaining. The Macau Federation of Trade Unions acts as an adviser and assistant to those filing complaints to the Labor Affairs Bureau, which is responsible for adjudicating labor disputes.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. Penalties ranged from three to 12 years with the minimum and maximum sentences increased by one-third if the victim is under the age of 14.

There were no reports that such practices occurred. However, some conditions increased vulnerability of migrants to forced labor (see section 7. d. Acceptable Conditions of Work).

c. Prohibition of Child Labor and Minimum Age for Employment

A chief executive's order prohibits minors under the age of 16 from working, although minors between 14 and 16 can be authorized to work in "exceptional circumstances" if they obtain a health certificate to prove they have the "necessary robust physique to engage in a professional activity." The decree does not define "exceptional circumstances." Local laws do not establish specific regulations governing the number of hours children under 16 can work. The law governing the number of working hours (eight hours a day, 40 hours a week) was equally applicable to adults and legal working minors, but the law prohibits minors from working overtime hours.

Minors under 16 are forbidden from certain types of work, including but not limited to domestic work, any employment between 9:00 p.m. and 7:00 a.m., and at places where admission of minors is forbidden. Employers are required to conduct an assessment of the nature, extent, and duration of risk exposure at work before commencing labor relations.

The Labor Department enforced the law through periodic and targeted inspections, and violators were prosecuted. Employers are also obligated to provide professional training and working conditions appropriate to a minor's age to prevent situations that undermine his/her education and that can endanger his/her health, safety, and physical and mental development. Information on the penalties for violations was not available.

Some children reportedly worked in family-operated or small businesses (see section 6, Children).

d. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. There is no mandatory minimum wage except for government-outsourced security guards and cleaners and foreign domestic workers at MOP 26 per hour (\$3.26). The law also sets maximum hours, rest days, statutory holidays, and premium pay rules. Local law requires employers provide equal pay for equal work, regardless of gender. The law includes a requirement that employers provide a safe working environment. The Labor Affairs Bureau is responsible for setting and enforcing standards for occupational safety and health.

Labor legislation provides for a 48-hour workweek (many businesses operated on a 40-hour workweek), an eight-hour workday, paid overtime, annual leave, and medical and maternity care. The law provides for a 24-hour rest period each week. All local workers, whether under a term contract or an indefinite contract, are entitled to such benefits as specified working hours, weekly leave, statutory holidays, annual leave, and sick leave.

Local custom favored unwritten labor contracts of indefinite duration, except in the case of migrant workers, who were issued written contracts for specified terms. The law does not define "temporary contract" or "short-term contract." It states only that a labor contract may be either for a defined term or of indefinite duration. Labor groups reported that employers increasingly used temporary contracts to circumvent obligations to pay for worker benefits such as pensions, sick leave, and paid holidays. The short-term nature of the written contracts made it easier to dismiss workers through nonrenewal. The Labor Relations Law covers short-term contract workers but not part-time or domestic workers.

Under the law migrant workers enjoy treatment equal to that of local workers, including the same rights, obligations, and remuneration. All workers, including migrants, have access to the courts in cases of unlawful dismissal, if an employer fails to pay compensation, or a worker believes that his/her legitimate interests have been violated. Employers can dismiss staff "without just cause" provided that they provide economic compensation, indexed to an employee's length of service.

The Labor Department provided assistance and legal advice to workers upon request, and cases of labor-related malpractices are referred to the LAB. Data on the number of cases assisted by LAB was not available.

The Labor Department also enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. The Health Bureau released guidelines that protect pregnant workers, and those with heart and lung diseases, from exposure to secondhand smoke by exempting them from work in smoking areas. Workers' associations expressed hope that this would protect workers from dismissal for refusing to work in unhealthy environments.

According to official statistics, at the end of July 2012, there were 122,105 nonresident workers, who accounted for approximately 21 percent of the population. They came mostly from the mainland PRC, Hong Kong, Indonesia, the Philippines, and Vietnam. Most of them worked in the restaurant and hotel industry, but others found employment as domestic servants, in the gaming and entertainment sectors, or in construction and retail trade. They often complained of discrimination in the workplace.

Nonresident worker associations and the International Labor Organization expressed concern about the Law on the Employment of Nonresident Workers, which requires foreign workers who left their jobs for any cause not held to be just to depart the SAR for six months before they could start new employment. Labor officials responded that the law, meant to deter "job hopping," was not implemented if a worker could demonstrate a just cause, such as abuse, nonpayment of wages, or contract violation, for wishing to terminate a contract. The lack of coordination between the LAB, which handled complaints, and the Immigration Department meant that workers filing complaints could be dismissed, deprived of their immigration status, and forced to depart before their complaints could be resolved. Some observers noted that this could deter migrant workers from reporting conditions of labor exploitation or forced labor.

In January an association of casino workers petitioned for healthier working conditions by requesting that limits on smoking at casino tables be better implemented to protect workers' health and that a timeline be put in place for imposing a complete smoking ban in casinos. The same organization also raised complaints with the LAB regarding employers who failed to provide insurance for casino workers injured while working during a typhoon.

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