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2023 Country Report on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet) – Macau

Read a Section: Macau

CHINA | HONG KONG | TIBET

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Macau during the year.

Significant human rights issues included credible reports of: serious restrictions on freedom of expression and media freedom including censorship; substantial interference with the freedom of peaceful assembly and freedom of association; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; and trafficking in persons.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

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

B. DISAPPEARANCE

There were no reports of disappearances by or on behalf of government authorities.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

The law prohibited such practices, and there were no credible reports government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding conditions that raised human rights concerns.

Administration: The law allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged deficiencies. Judges and prosecutors in previous years visited prisons at least once a month to hear prisoner complaints.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers.

D. ARBITRARY ARREST OR DETENTION

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court, and the government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Authorities detained persons with warrants issued by a duly authorized official based on evidence deemed sufficient by the authorities. Detainees had access to a lawyer of their choice or, if indigent, to one provided by the government. Police were required to present persons in custody to an examining judge within 48 hours of detention. Investigations by the prosecuting attorney were required to end with charges or dismissal within eight months, or six months when the defendant remained in detention. The pretrial inquiry stage was required to conclude within four months, or two months if the defendant was in detention. There was a functioning bail system.

E. DENIAL OF FAIR PUBLIC TRIAL

The law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. Observers said that administrative actions by the court in some cases affected the fairness of the proceedings. For example, a March prosecution alleged two former directors of the public works bureau took bribes to facilitate local property development. The defense lawyers filed a complaint noting

the judge rejected their request to rehear witnesses after the prosecution amended the charge sheet and limited the duration of closing statements for each defendant to 40 minutes. Observers argued such arrangements undermined the defendants' right to a competent and effective defense.

Trial Procedures

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

The Special Autonomous Region's (SAR) civil code judicial system derived from the Portuguese legal system. The courts could rule on matters that were the responsibility of the government of the People's Republic of China or concern the relationship between central authorities and the SAR. Before making their final judgment, which was not subject to appeal, the courts had to seek an interpretation of the relevant provisions from the National People's Congress Standing Committee. The Basic Law required that courts follow the standing committee's interpretations when cases intersect with central government jurisdiction, although judgments previously rendered were not affected. As the final interpreter of the Basic Law, the standing committee also had the power to initiate interpretations of the Basic Law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

Not applicable.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The law prohibited such actions, and there were no reports that the government failed to respect these prohibitions. The SAR's public surveillance system included facial recognition capabilities; legal experts and opposition leaders feared the system could be used to target individuals and breach privacy laws.

The law regulating the interception and protection of communications (commonly known as "wiretapping law") came into effect in August 2022. It allowed authorities, with prior authorization from a judge, to use "eavesdropping devices" to intercept or record telephone or other electronic communications without the consent of the parties involved. The law also allowed police to request communication records from social

media operators, even if they were not located or headquartered in the SAR. Some activists expressed concerns that the provisions of the wiretapping bill were an overly broad expansion of surveillance authority.

The amended National Security Law (NSL), which came into effect in May, permitted the interception of communications with prior judicial consent when the content was deemed to present a risk to national security. Unlike the wiretapping law, any alleged national security information intercepted by authorities had to be approved by a designated judge before being admissible in court, otherwise it was classified as intelligence for law enforcement purposes only.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The law provided for freedom of expression, including for members of the press and other media, but the government encroached upon this right.

Freedom of Expression: The government significantly restricted public statements that it contended would undermine "social harmony" or that "endangered" national or public interest.

In January a Hong Kong resident who criticized the Hong Kong government online was denied entry into the SAR on the grounds that his public remarks contained seditious content. Border authorities also denied entry to a Hong Kong district councilor in March after deeming his remarks to be a risk to Macau's public security. Some observers criticized broad provisions of the amended NSL, noting it could allow for arbitrary law enforcement and potentially result in a chilling effect on media and individual freedoms.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The SAR imposed restrictions on press freedom and urged media to align itself with government positions. The Reporters Without Borders East Bureau director criticized the revised NSL's broad and extraterritorial remit as "increase[ing] the pressure on journalists and further threaten[ing] the residents' right to information." Reporters Without Borders also noted "the original regulation was already dangerously open to interpretation, and the expansion of its scope makes it the perfect tool for the government to intimidate, and possibly detain, the journalists they dislike."

The Macau Journalists Association published several critiques in recent years on the seriousness of censorship of media, noting limits on coverage of prodemocracy activists and organizations, barring the use of

names in certain reports, and the removal or alteration of reports that did not comply with government directives.

Libel/Slander Laws: The law criminalized libel, slander, and defamation. If such offenses were committed through media or online, conviction carried sentences of up to two years' imprisonment. There were no reports the law was used.

Internet Freedom

There were no public reports that the government overtly restricted or disrupted access to the internet or censor online content.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The law provided for the freedoms of peaceful assembly and association, but the government restricted the freedom of peaceful assembly.

Freedom of Peaceful Assembly

The law required prior notification to, but did not require approval by, the Public Security Police for demonstrations involving public roads, public places, or places open to the public. Police could redirect demonstration marching routes, but organizers had the right to challenge such decisions in court. Civil rights advocates criticized the apparently arbitrary rules restricting peaceful assembly.

In June the Tiananmen Square massacre commemoration organizer in the SAR – the Union for Democratic Development – announced it had officially disbanded, citing fear of political prosecution under the NSL. It highlighted a 2022 court ruling that annual commemorations held for the past three decades were unlawful and subversive in nature.

C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report* at https://www.state.gov/religiousfreedomreport/.

D. FREEDOM OF MOVEMENT

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The amended NSL enacted in May empowered authorities to restrict the departure of anyone in the SAR suspected of violating national security laws for up to five days, with prior approval from judicial authorities.

E. PROTECTION OF REFUGEES

The government communicated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations

regarding the few applicants for refugee or asylum status who arrived in the SAR.

Access to Asylum: The law provided for the granting of asylum or refugee status, and there was a system for providing protection to refugees. Persons granted refugee status ultimately enjoyed the same rights as other SAR residents.

Pending final decisions on their asylum claims, the government registered asylum seekers and provided protection against their expulsion or return to their countries of origin. There were few applicants for refugee or asylum status and no successful applicants.

Persons with pending applications were eligible to receive government support, including for basic needs such as housing, medical care, and education for children, but were not allowed to work until their refugee status was granted.

Section 3.

Freedom to Participate in the Political Process

The law limited voters' ability to change their government through free and fair periodic elections because there was no universal suffrage in elections for most elected positions. Only a small fraction of citizens played a role in the selection of the chief executive, who was chosen in 2019 by a 400-member election committee, 344 of whom were elected from four broad societal sectors: the industrial, commercial, and financial sector; the cultural, educational, and professional sector; the sports sector; and the labor, social services, religious, and others sector. The remaining 56 members were chosen from and by the SAR's legislators and representatives to the National People's Congress and the Chinese People's Political Consultative Conference.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: The elections in 2021 for 14 directly elected seats in the 33-member Legislative Assembly were not generally free and fair, as the government disqualified all prodemocracy politicians from running.

Political Parties and Political Participation: The SAR had no laws on political parties. Politically active groups registered as societies or limited liability companies were active in promoting their political agendas. Those seeking elected office had to swear their allegiance to Macau and to upholding the Basic Law. Those critical of the government faced restrictions and were disqualified from running in the most recent election.

Section 4.

Corruption in Government

The law provided criminal penalties for official corruption, and the government generally implemented the law effectively. The SAR's Commission Against Corruption was a statutory independent body whose main duty was to combat corruption, bribery, and other illegal activities in both public and private sectors. SAR residents could report corruption or administrative misconduct by name or anonymously.

Corruption: The Commission Against Corruption investigated the public and private sectors and had the power to arrest and detain suspects. The Ombudsman Bureau within the commission reviewed complaints of mismanagement or abuse by the commission. An independent monitoring committee outside the commission accepted and reviewed complaints concerning commission personnel.

For additional information about corruption in the SAR, see the Department of State's *Investment Climate Statement*, and the Department of State's *International Narcotics Control Strategy Report,* which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Domestic and international groups monitoring human rights generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law criminalized rape of women and men, including spousal rape, and domestic violence, although the domestic violence law did not cover same-sex couples. Rape was punishable by three to 12 years' imprisonment; the law on rape was effectively enforced.

The domestic violence law allowed a judge to order urgent coercive measures against alleged abusers for up to five years, and the application of these measures did not preclude the possibility of criminal prosecution of the suspects. Domestic violence was punishable by one to five years imprisonment; sentences could be increased if a victim was younger than age 14. The government did not effectively enforce the domestic violence law. Lawmakers and social welfare nongovernmental organizations stated the enforcement of the domestic violence law was insufficient, as there

was a high number of reports but insufficient investigation and prosecution of reported cases.

Other Forms of Gender-based Violence or Harassment: The law criminalized physical sexual harassment, but verbal and noncontact forms of harassment were not covered by the law. There were no public reports that the government did not effectively enforce the law. Persons convicted of sexual harassment could be imprisoned for up to one year.

Discrimination: Women enjoyed the same legal rights as men, including civil liberties, employment, commercial activity, and education. Equal opportunity legislation mandated women receive equal pay for equal work. The law prohibited discrimination in hiring practices based on gender or physical ability and allowed for civil suits. Penalties existed for employers who violated these guidelines, and the government generally enforced the law effectively. Media reports, however, indicated discrimination persisted and gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs.

In March, a United Nations Committee on Economic, Social and Cultural Rights' report noted gender stereotypes still had a significant impact on women's participation in the labor market, leading most women to enter traditionally women-dominated sectors such as catering, while the number of women in senior positions in government and private companies remained low.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for sexual violence survivors, including emergency contraception and postexposure prophylaxis.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The law did not fully protect members of racial or ethnic minority groups against violence and discrimination.

CHILDREN

Child Abuse: The law prohibited any form of mistreatment or cruel treatment of children. The law included corporal punishment of children among criminal forms of violence if committed with the intention of harming a child.

Child, Early, and Forced Marriage: The minimum legal age of marriage was 16; however, children ages 16 to 18 who wished to marry had to

obtain approval from their parents or guardians. There were no public reports that the government did not enforce the law effectively.

Sexual Exploitation of Children: The law specifically provided for criminal punishment for sexual abuse of children and students, statutory rape, and procurement of children for sexual exploitation. The criminal code set 14 years as the age of sexual consent.

The law forbade using a person younger than age 18 for commercial sexual exploitation, including child sex trafficking. The law also prohibited child pornography. The government generally enforced these laws effectively, but there were concerns regarding the exploitation of children in commercial sex.

Sexual harassment of children was also a crime; if the victim was younger than age 14, the perpetrator could be punished with up to three years in prison.

ANTISEMITISM

The Jewish population was extremely small. There were no reports of antisemitic incidents.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: The law did not criminalize consensual same-sex sexual conduct between individuals.

Violence and Harassment: Reports of violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals were rare, and civil society organizations generally assessed police response as adequate.

Discrimination: The law prohibited discrimination in employment on the grounds of sexual orientation and was enforced; however, the law did not prohibit discrimination based on sexual orientation in other areas, such as housing. The SAR did not recognize same-sex marriage.

Availability of Legal Gender Recognition: Legal gender recognition was not available, even for those who had undergone gender-affirming surgery outside of the SAR.

Involuntary or Coercive Medical or Psychological Practices: Rainbow of Macau, an LGBTQI+ organization, did not report any cases of so-called

conversion therapy, nor did the SAR government or medical associations condemn so-called conversion therapy practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of such restrictions specifically for LGBTQI+ individuals or groups. In February a group of LGBTQI+ advocates successfully organized the first-ever Macau International Queer Film Festival, showcasing 17 films.

PERSONS WITH DISABILITIES

Persons with disabilities could access education, health services, public buildings, and transportation on an equal basis with others. The law mandated access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively. The SAR operated an education system for students with special educational needs or disabilities. The government excluded persons with disabilities and domestic workers from the minimum wage law. The law prohibited discrimination in hiring practices based on gender or physical ability and allowed for civil suits.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

Although the Basic Law provided for the right of workers to form and join unions, the Legislative Assembly had not passed legislation to regulate this right. Because workers had the right to join labor associations, unions existed in the form of ordinary associations and could therefore only express nonbinding opinions to management. Moreover, the government wielded considerable influence over some of these labor associations.

The law did not provide the right for workers to bargain collectively, and while workers had a legal right to conduct strikes, there was no specific protection in the law from retribution if workers exercised that right, and no strikes occurred. The law prohibited some “antiunion” discrimination, stated employees or job seekers should not be prejudiced, deprived of any rights, or exempted from any duties based on their membership in a labor association. There were no reports the government threatened or was violent towards labor leaders. The law stipulated the financial penalties for antiunion discrimination; an employer could be fined for every worker discriminated against. The law did not require reinstatement of workers dismissed for union activity.

The law forbade workers in certain professions, such as the security forces, to form unions, to take part in protests, or to strike. Such groups had organizations that provided welfare and other services to members

and could speak to the government on behalf of members. Most other public employees, and vulnerable groups of workers, including domestic workers and migrant workers, could freely associate and form associations.

Workers who believed they were dismissed unlawfully could bring a case to court or lodge a complaint with the Labor Affairs Bureau (LAB) or the Commission against Corruption.

Government and employers did not respect collective bargaining and freedom of association. Government influenced the selection of association officials and interfered in the functioning of workers' organizations. Penalties for violations of the law were not commensurate with those for other similar violations and were rarely applied.

In May President Wong Wai-man of the Bar Bending Industry Workers' Union called off a small-scale May 1 Labor Day march due to soft and hard lobbying by police. Wong said he was accosted by plainclothes policemen for days after he notified police about the march, and some uniformed officers subsequently advised him to cancel the march to avoid it being "hijacked and politicized." Within two days of Wong's allegations, the secretary for security ordered the Judiciary Police to conduct a thorough investigation. On May 10, the Judiciary Police found that Wong's allegation was unsubstantiated.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

The law prohibited all the worst forms of child labor. A law prohibited children younger than age 16 from working, although children ages 14 and 15 could work in "exceptional circumstances" if they obtained a health certificate to prove they had the "necessary robust physique to engage in a professional activity." The law governing the number of working hours was equally applicable to adults and legally working children, but the law prohibited children from working overtime hours.

The law prohibited children younger than age 16 from certain types of work, including but not limited to domestic work, employment between 9 p.m. and 7 a.m., and employment at places where admission of children was forbidden, such as casinos. The government required employers to assess the nature, extent, and duration of risk exposure at work before recruiting or employing a child. These regulations protected children from physically hazardous work, including exposure to dangerous chemicals, and jobs deemed inappropriate due to the child's age.

The LAB was responsible for enforcing the law through periodic and targeted inspections and prosecutions but did so inconsistently. LAB operations were adequately resourced, but there were no prosecutions for labor trafficking and the Public Prosecutions Office did not convict any traffickers during the year.

Penalties for noncompliance with minimum wage law and child labor provisions fell under the labor ordinance and were financial; they were not comparable to those for other analogous serious crimes, such as kidnapping. If a child was a victim of forced labor, however, the penalties were commensurate with those for kidnapping. Penalties were regularly applied against violators.

There were no confirmed reports during the year of the worst forms of child labor.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: Labor laws established the general principle of fair wages and mandated compliance with wage agreements. The SAR did not calculate an official poverty line, but the minimum wage was well above the World Bank's poverty line. The law provided for a 48-hour workweek, an eight-hour workday, paid overtime, annual leave, health care, and maternity care. The law provided for a 24-hour rest period each week. All workers, whether under a term contract or an indefinite contract, were entitled to benefits including specified working hours, weekly time off, statutory holidays, annual leave, and sick leave. The law prohibited excessive overtime but permitted legal overtime (a maximum of eight hours per day and irrespective of workers' consent) in force majeure situations or in response to external shocks, at the discretion of the employer. Overtime and wage laws were part of the labor ordinance, which was part of the civil code; penalties for their violation were exclusively financial penalty and were not commensurate with penalties for similar crimes, such as fraud, which was a criminal violation for which imprisonment could be ordered. The construction sector had the highest rate of overtime payment arrears or wage garnishments.

All workers, including migrants, had access to the courts in cases in which an employee was unlawfully dismissed, an employer failed to pay compensation, or a worker believed their legitimate interests were violated. If an employer dismissed staff "without just cause," the employer had to provide economic compensation indexed to an employee's length of service. In June a group of Filipino migrant workers won a civil case against their former employer, who was found guilty of nonpayment of wages and other offenses. The court awarded the workers almost 240,000 patacas ($30,000) in back pay.

The LAB provided assistance and legal advice to workers upon request, and cases of labor-related malpractice were referred to the LAB.

Occupational Safety and Health: The law required that employers provide a safe working environment. The LAB set industry-appropriate occupational safety and health (OSH) standards and enforced occupational safety and health regulations. Failure to correct infractions could lead to prosecution. Inspectors, and not the worker, were responsible for identifying dangerous working conditions.

The law allowed workers to remove themselves from hazardous conditions without jeopardy to their employment. The most hazardous sector of the SAR's economy was the construction industry. In 2022 the LAB imposed fines of 6,500 patacas ($810) on two employers judged responsible for accidents that occurred due to discrepancies and irregularities in the work environment. The LAB also fined 29 employers a total of 195,500 patacas ($24,400) for failing to comply with workers' compensation requirements. The LAB enforced OSH laws to ensure safe workplace conditions and standards at construction, commercial, and industrial sites. LAB enforcement officers conducted OSH compliance inspections on a regular basis, as well as unannounced visits to hazardous sites such as docks. Workers could make OSH complaints in person at six different service locations or anonymously by email, telephone, fax, or mail. LAB actively investigated OSH complaints.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, overtime, and OSH laws. Penalties for violations were not specified in the labor ordinance, other than holding the employer liable and were, therefore, not commensurate with those for similar crimes, such as fraud and negligence. Penalties were regularly applied against violators. The number of labor inspectors was adequate to enforce compliance. Inspectors were authorized to conduct unannounced visits and levy sanctions, especially targeting construction sites where industrial accidents often occurred. Civil rights advocates criticized the minimum wage regime because it did not apply to nonresident domestic workers or persons with disabilities.

LAB encouraged employers to adhere to wage, hour, and OSH regulations through a variety of methods, particularly through close collaboration with casinos, the primary employers in the SAR.

Wage and hour regulations did not cover some vulnerable populations. For example, the minimum wage system did not apply to more than 100,000 migrant workers working in the SAR. Many OSH materials were only accessible in Chinese, which many migrant workers could not comprehend.

Associated documents

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China

Annual report on human rights in 2023

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