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Country Report on Human Rights Practices 2016 - China (includes Tibet, Hong Kong, and Macau) - Macau

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). A 400-member Election Committee reelected Chief Executive, Fernando Chui Sai-On, in 2014.

Civilian authorities maintained effective control over the security forces.

Prominent human rights problems reported during the year were limits on citizens' ability to change their government, constraints on press and academic freedom, and concerns regarding extradition of criminals to jurisdictions with harsher criminal punishments.

Trafficking in persons remained a problem, although authorities were building capacity to pursue trafficking cases. While there were continuing concerns that national security legislation passed in accordance with article 23 of the Basic Law in 2009 could compromise various civil liberties, from July 2015-June, the Macao SAR Government filed no cases against individuals or organizations in relation to this article.

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 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 government officials employed them.

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 Macau Prison, the SAR's only prison, has a maximum capacity of 1,565 persons, and the occupancy rate as of June was approximately 84 percent of capacity. As of June there were 1,317 inmates who were 16 years old (the age of criminal responsibility) and older; of these 1,116 were men and 201 were women. Offenders between the ages of 12 and 16 years old were subject to an "education regime" that, depending on the offense, could include incarceration. Between July 2015 and June, authorities held 16 juveniles at the Youth Correctional Institution, 15 male and one female.

Administration: The government's recordkeeping procedures were adequate. The government continued to use alternative sentencing for nonviolent offenders. Ombudsmen were able to serve prisoners and detainees. Authorities allowed prisoners and detainees reasonable access to visitors. Inmates are eligible for a weekly one-hour visit, with video visits arranged when necessary. Inmates with children may apply for weekend visits in a designated family room. Authorities permitted religious observance, including organized activities held within the prison. 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 Macau Prison. Judges and prosecutors visited the prison at least monthly.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Activists expressed concern that the Macau Government abused prosecutorial procedures to target political dissidents, while police said they charged those they arrested with violations of the law.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the Public Security Police (general law enforcement) and the Judiciary Police (criminal investigations), and the government had 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 had access to a lawyer of their choice or, if indigent, to one provided by the government. Detainees had prompt access to family members. Police must present persons in custody to an examining judge within 48 hours of detention. Detainees were promptly informed of charges against them. 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." Investigations by the prosecuting attorney should end with charges or dismissal within eight months, or six months when the defendant is in detention. The pretrial inquiry stage must conclude within four months, or two months if the defendant is 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; there were no reported cases of lengthy pretrial detentions. There is a functioning bail system; however, judges often refused bail in cases where sentences could exceed three years.

From June 2015-July, there were five complaints of police mistreatment reported to the Commission for Disciplinary Control of the Security Forces and Services of the Macao SAR and two complaints lodged with the Commission Against Corruption. All complaints were dismissed for lack of evidence. Authorities reported there was one case of death while in police custody during the second half of 2015. According to police the case concerned a Filipino man who was brought to a police station after illegally consuming narcotic drugs and psychotropic substances. Police said during their investigation, the man reported feeling ill, and police accompanied him to Conde S. Januario Hospital for treatment where he died of suspected myocardial infarction despite efforts to resuscitate him.

e. Denial of Fair Public Trial

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

Macau's unique, civil-code law judicial system, which is derived from the judicial framework of the Portuguese legal system, operates within the PRC. 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 Standing Committee (NPCSC). Macau's Basic Law requires that courts follow the NPCSC's interpretations when cases intersect with central government jurisdiction, although judgments previously rendered are not affected, and 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." As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

Trial Procedures

The law provides for the right to a fair public 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 be public except when the court rules otherwise to "safeguard the dignity of persons, public morality, or to provide for 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. The government provides public attorneys for those 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. Under the provisions of the civil procedural law, courts schedule hearings in civil cases after a series of procedural acts have been met to provide for the parties' rights at different stages of the judicial process. According to the government, as of June 30, the longest average waiting time for civil cases to be heard by a collegial panel of the Court of First Instance was 86 working days, while the average waiting time for cases to be heard officially by a sole judge was 29 working days. The average waiting time for criminal cases was less than one year, 84 working days involving someone on remand, and 210 working days in cases without remand. The average waiting time for cases to be heard by a sole judge was 56 working days. Activists said a lack of administrative capacity delayed the adjudication of both civil and criminal cases during the year.

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. 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.

f. Arbitrary or Unlawful 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 telephone conversations and internet usage.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Expression

The law provides for freedom of speech and expression, 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 it would not use the law to infringe on peaceful political activism or media freedom.

The Macau Penal Code states that anyone who initiates or organizes, or develops propaganda that incites or encourages, discrimination, hatred, or racial violence, will be liable to imprisonment for one to eight years. The law also states that anyone who, in a public meeting or in writing intended for dissemination by any means or media, causes acts of violence against a person, or group of persons on the grounds of their race, color, or ethnic origin, or defames, or insults a person, or group of persons on those grounds with the intention of inciting or encouraging racial discrimination, will be liable to imprisonment for between six months and five years.

During the year there were no arrests or convictions under this article.

Press and Media Freedoms: Independent media were active and expressed a wide range of views, and international media operated freely. The government heavily subsidized major newspapers, which 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 SAR government. Two independent media websites known to be critical of the Macau government alleged cyberattacks and intrusions prior to PRC Premier Li Keqiang’s October visit to the Macau SAR.

Violence and Harassment: Activists alleged that authorities misused criminal proceedings to target government critics. There were no significant instances of violence or harassment directed at journalists.

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

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no reports the government monitored private online communications without appropriate legal authority.

According to the Statistics and Census Service, as of July there were 317,981 internet subscribers of a population of 646,800. This total did not take into account multiple internet users for one subscription, nor did it include those who accessed 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 provide authorities with a range of data. Some legislators expressed concern the law granted police authority to take these actions without a court order under some circumstances.

Twitter, which the PRC banned on the mainland, was available on the government-provided free Wi-Fi service. Activists reported they freely used Facebook and Twitter to communicate. Activists also reported the government had installed enterprise-grade software capable of censoring, decrypting, and scanning secured transmissions on its free Wi-Fi service without notifying users.

Academic Freedom and Cultural Events

Academics reported self-censorship and also reported that they were deterred from studying or speaking on controversial topics concerning China. Scholars also reported that they were warned not to speak at politically sensitive events or on behalf of certain political organizations. University professors reported the SAR’s universities lacked a tenure system, which left professors vulnerable to dismissal for political reasons.

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 involving public roads, public places, or places open to the public. In cases where 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 demonstration marching routes, but organizers have the right to challenge such decisions in court.

Activists alleged authorities were making a concerted effort to use both intimidation and criminal proceedings against participants in peaceful demonstrations to discourage their involvement. Activists reported police routinely attempted to intimidate demonstrators by ostentatiously taking videos of them and advising bystanders not to participate in protests. Activists also stated authorities gave orders to demonstrators verbally rather than through written communication, which made it difficult to challenge their decisions in court. Activists reported the use of internal circulars and “rumors” threatening civil servants not to join politically sensitive events and demonstrations.

Further, activists alleged the Macau High Court had begun to adjudicate against defendants in freedom of assembly cases. In March, Macau police shrank the area requested by an antigovernment political organization to host an assembly in the Senado Square. The court upheld the restriction and dismissed the applicant's citation of law that “any restriction on the exercise of the right of peaceful assembly must conform to the strict tests of necessity and proportionality.” In June approximately 400 persons participated in a vigil at Senado Square to mark the 27th anniversary of the 1989 Tiananmen Square crackdown.

Freedom of Association

The law provides for freedom of association, and the government generally respected it. No authorization is required to form an association, and the only restrictions on forming an organization are that it not promote racial discrimination, violence, crime, or disruption of public order, or be military or paramilitary in nature. The SAR registered 570 new organizations from July 2015 to June.

c. Freedom of Religion

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

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 deport or deny entry to nonresidents whom they regard under the law as unwelcome, as a threat to internal security and stability, or as possibly implicated in transnational crimes.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status under the UN Convention Against Torture, and the government has established a system for providing protection to refugees. Persons granted refugee status ultimately enjoy the same rights as other SAR residents. The head of the SAR's Refugee Commission made clear that resource shortages and other priorities meant resolution of the cases would likely take several years.

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. Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and education for children.

Section 3. Freedom to Participate in the Political Process

The law limits citizens' ability to change their government through free and fair periodic elections, and citizens did not have universal suffrage. Only a small fraction of citizens played a role in the selection of the Chief Executive, who was chosen in August 2014 by a 400-member Election Committee consisting of 344 members elected from four broad societal sectors (which themselves have a limited franchise) and 56 members chosen from among the SAR's legislators and representatives to the National People's Congress and Chinese People's Political Consultative Conference.

Elections and Political Participation

Recent Elections: In 2014 a 400-member selection committee reelected Chief Executive Fernando Chui Sai-On. Chui ran unopposed and won 97 percent of the vote. The most recent general election for the 14 directly elected seats in the 33-member Legislative Assembly occurred in 2013. A total of 145 candidates on 20 electoral lists competed for the seats. The election for these seats was generally free and fair.

There are limits on the types of bills 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 and Political Participation: The SAR has no laws on political parties. Politically active groups registered as societies or limited liability companies were active in promoting their political agendas. 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 no laws or practices preventing women or members of minorities from voting, running for office, serving as election monitors, or otherwise participating in political life on the same basis as men or nonminority citizens, and women and minorities did so. According to the Public Administration and Civil Service Bureau, as of June, there were 12,619 women working for the Macao SAR Government, 389 at the judicial organs and 60 at the 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 women were 43 percent of the SAR government, 56 percent of the judiciary, and 48 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, 38 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 cases of officials engaging in corrupt acts.

Corruption: The government's Commission Against Corruption (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 mismanagement or abuse by the CAC. There was also an independent committee outside the CAC entitled the Monitoring Committee on Discipline of CAC Personnel, which accepted and reviewed complaints about CAC personnel. According to Macau government statistics, in the second half of 2015 there were two complaints lodged at the CAC; however, no illegality was found. No complaints were lodged in the first half of the year.

Financial Disclosure: By law the chief executive, cabinet, judges, members of the Legislative Assembly and Executive Council, and executive agency directors must disclose their financial interests upon appointment, promotion, retirement, and at five-year intervals while in the same position. The information is available to the public on the website of the Macau Courts. The law states that if the information contained in the declaration is intentionally incorrect, the declarant shall be liable to imprisonment not exceeding three years or a fine, the amount of which shall not be less than 6 months of the remuneration of the position held. Additionally the declarant may be prohibited from being appointed to public office or performing public duties for up to 10 years.

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 principal government 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

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government effectively enforced the law. From July 2015-June, police received 25 complaints of rape and made 17 arrests.

In May, Macau's Legislative Assembly adopted the Law on Preventing and Combating Domestic Violence, but same-sex couples are not under its purview. Under the new law, a victim can decide whether to pursue charges if the consequences of the violence are "mild." The new law provides avenues for victims of domestic violence to leave dangerous environments as soon as possible and provides them with social services. Under the new law, the Social Welfare Bureau (SWB) is responsible for coordinating the application of protective and assistance measures to victims, such as temporary shelters, access to legal aid, financial assistance, health care, individual and family counseling, and assistance in access to education or employment. The law stipulates that a judge may order urgent coercive measures imposed upon the defendant individually or cumulatively, which can include: removing the offender from the victim's family residence; forbidding the offender to contact, harass, or pursue the victim; barring the offender from owning weapons, objects, or tools that can be used for perpetrating acts of domestic violence; or other measures aimed at preventing the reoccurrence of domestic violence. According to the government, the application of these measures does not preclude the possibility of prosecuting the perpetrators for criminal responsibilities as stipulated in the criminal code. From June 2015-July, police received 322 reports of domestic violence. Various NGOs and government officials considered domestic violence against women to be a growing problem.

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 SWB handled 90 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 SWB, helped female victims of domestic violence by providing a safe place for them and their children and by providing 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. From July 2015- June, authorities received 13 complaints of sexual coercion and made 13 arrests.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and the right to both fertility and contraceptive treatment, free from discrimination, coercion, and

violence. Access to information on family planning, 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 Labor Affairs Bureau (LAB) or other entities. Gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs. Observers estimated there was a significant difference in salaries between men and women, particularly in unskilled jobs. The CAC received no complaints of gender discrimination during the first six months of the year.

Children

Birth Registration: According to the Basic Law, children of Chinese national residents of Macau who were 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.

Child Abuse: Four cases of child abuse were reported to the authorities from June 2015-July. The SAR's Health Bureau handled 15 suspected child abuse cases during the year, all of which were transferred to appropriate governmental or nongovernmental institutions for follow up after hospitalization. In addition to providing measures to combat abuse, neglect, and violence against children by criminal law, the law establishes relief measures for children at risk. In this regard the SWB reported it handled 27 cases of abuse or neglect during the year.

Early and Forced Marriage: The minimum age of marriage is 16 years old. Children between ages 16 and 18 years old who wish to marry 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 years as the age of sexual consent and 16 years old as the age for participation in the legal sex trade. The law prohibits child pornography. From July 2015-June, there were nine reported cases of child sexual abuse and five reported cases of rape of a minor. Police arrested seven suspects in reported cases of child sexual abuse and three suspects in cases of rape of a minor. Police received eight complaints and arrested seven in cases of sex with a minor during the same period.

International Child Abductions: The SAR is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish population was extremely small. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

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. The law mandates access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively. The government provides a variety of services to persons with disabilities, including discounted fares on wheelchair-accessible public transportation. The SWB 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.

National/Racial/Ethnic Minorities

Although the government has made efforts to address the complaints of individuals of Portuguese descent and the Macanese (Macau's Eurasian minority), members of these two groups continued to claim that they were not treated equally by the Chinese majority.

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

There are no laws criminalizing sexual orientation or same-sex sexual contact and no prohibition against lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons forming organizations or associations. There were no reports of violence against persons based on their sexual orientation or gender identity. LGBTI groups openly held several public events, and one registered LGBTI group openly lobbied the government and international organizations for an extension of protections to same-sex couples in a draft law on domestic violence.

HIV and AIDS Social Stigma

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 no reported incidents of violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to form and join unions or "labor associations" of their choice. The law does not provide that workers can collectively bargain, and, while workers have the right to strike, there is no specific protection in the law from retribution if workers exercise this right. The law prohibits antiunion discrimination, stating employees or job seekers shall not be prejudiced, deprived of any rights, or exempted from any duties based on their membership in an association. The law does not require reinstatement of workers dismissed for union activity.

Workers in certain professions, such as the security forces, are forbidden to form unions, 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. Vulnerable groups of workers, including domestic workers and migrant workers, could freely associate and form and join unions, as could public servants.

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 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. The government asserted striking employees are protected from retaliation by provisions of the law requiring an employer to have justified cause to dismiss an employee.

The government generally enforced the relevant legislation. The law imposes penalties ranging from MOP 20,000 to 50,000 (\$2,500 to \$6,300) for antiunion discrimination. Observers noted 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 LAB or the CAC, which also has an Ombudsman Bureau to handle complaints over administrative violations. The bureau makes recommendations to the relevant government departments after its investigation.

Even in the absence of formal collective bargaining rights, companies often negotiated with unions, although the government regularly acted as an intermediary. There were no indications that disputes or appeals were subjected to lengthy delays. 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 LAB, which is responsible for adjudicating labor disputes.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. Penalties range from three to 12 years' imprisonment with the minimum and maximum sentences increased by one-third if the victim is under the age of 14 years old. Observers noted these penalties generally were considered sufficient to deter the use of forced labor. The

government has a special, interagency unit to fight human trafficking, the Human Trafficking Deterrent Measures Concern Committee. In addition to holding seminars to raise awareness about human trafficking, the committee operates two 24-hour telephone hotlines, one for reporting trafficking and another to assist trafficking victims.

There were reports forced labor occurred in conjunction with commercial sexual exploitation of migrant women.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

A chief executive order prohibits minors under the age of 16 years old from working, although minors between ages 14 and 16 years old may work in "exceptional circumstances" if they obtain a health certificate to prove they have the "necessary robust physique to engage in a professional activity." Under the Labor Relations Law, "exceptional circumstances" are defined as: the minor (under the age of 16) has completed compulsory education and has the authorization of the Labor Affairs Bureau after hearing the Education and Youth Affairs Bureau's opinions; minors between 14 and 16 years of age may work for public or private entities during school summer holidays; minors of any age may be employed for cultural, artistic or advertising activities upon authorization of the Labor Affairs Bureau after hearing the Education and Youth Affairs Bureau's opinions and when such employment does not adversely affect their school attendance. 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. According to the civil code, minors 16 years old can acquire full legal capacity by emancipation if they get married, so they can deal with their personal matters and dispose their properties by themselves.

Minors below 16 years old are forbidden from certain types of work, including but not limited to domestic work, employment between 9:00 p.m. and 7:00 a.m., and employment at places where admission of minors is forbidden, such as casinos. The government requires employers to conduct an assessment of the nature, extent, and duration of risk exposure at work before recruiting or employing a minor. These regulations are intended to protect children from physically hazardous work, including exposure to dangerous chemicals, and jobs deemed inappropriate due to the child's age.

The LAB enforced the law through periodic and targeted inspections, and prosecuted violators. Regulations stipulate LAB inspectors shall be trained to look for child labor in order to carry out their responsibilities. Information on the penalties for violations was not available. Employers are obligated to provide professional training and working conditions appropriate to a minor's age to prevent situations that undermine his/her education and could endanger health, safety, and physical and mental development.

Child labor occurred, with some children reportedly working in family-operated or small businesses, while others were subject to commercial sexual exploitation (see section 6, Children).

d. Discrimination with Respect to Employment and Occupation

The Basic Law and the Labor Relations Law provides that all 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. The Labor Relations Law expands on this list to include discrimination based on national or social origin, descent, race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership of associations, education, or economic background (see section 6, Women). The law also states that all residents have a right to privacy as it relates to access to and disclosure of information related to their family life, emotional and sexual life, state of health, and their political and religious convictions. Local law requires employers to provide equal pay for equal work, regardless of gender. Between July 2015 and June, there were no cases of termination of employment due to HIV/AIDS infection.

There were no reports of the government failing to enforce the relevant laws but some discrimination occurred. For example, under the law migrant workers enjoy treatment equal to that of local workers, including the same rights, obligations, and remuneration. According to official statistics, at the end of July, there were 182,459 nonresident workers who accounted for approximately 28 percent of the population. They frequently complained of discrimination in the workplace. Most worked in the restaurant and hotel industry, but others are employed as domestic servants, in the hotel and hospitality industry, or in construction and retail trade.

e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. Effective January 1, the mandatory minimum wage for security guards and cleaners was raised to MOP 30 (\$3.75). The SAR does not calculate an official poverty line, and its median monthly income is MOP 13,000 (\$1,625). The law 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. 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. All workers employed in the SAR, 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. At the end of September, there were 10,822 part-time workers, accounting for 5.5 percent of total worker population. No data on the number temporary contract workers is available. The law does not apply to part-time workers and workers on temporary contracts.

The law includes a requirement that employers provide a safe working environment, and the LAB sets occupational safety and health standards. The law prohibits excessive overtime but permits legal overtime (up to eight hours, and irrespective of workers' consent) in force majeure cases or as a response to external shocks, at the discretion of the employer.

All workers, including migrants, have access to the courts in cases in which an employee is unlawfully dismissed, an employer fails to pay compensation, or a worker believes his/her legitimate interests were violated. Employers can dismiss staff "without just cause" if they provide economic compensation indexed to an employee's length of service.

The LAB provides assistance and legal advice to workers upon request, and cases of labor-related malpractices are referred to the LAB. From July 2015-June, the LAB provided assistance for 6,417 cases. Additionally, the LAB could charge the worker or union a fee to process such complaints.

The LAB enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. There were approximately 140 labor inspectors in the country, which was adequate to enforce compliance; almost all inspectors held university degrees and most had more than five years' experience. Health Bureau guidelines protect pregnant workers and those with heart and lung diseases from exposure to secondhand smoke by exempting them from work in smoking areas, such as casinos.

Local employers favored unwritten labor contracts of indefinite duration, except in the case of migrant workers, who were issued written contracts for specified terms. Labor groups reported 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 written contracts made it easier to dismiss workers through nonrenewal. The law provides for workers to remove themselves from hazardous conditions without jeopardy to their employment, but some workers reported being dismissed for refusing to work in unhealthy environments.

The SAR recorded 7,499 workplace accidents from July 2015-June. Authorities recorded 17 workplace fatalities, of which seven were judged to have possible links to the individuals' preexisting health conditions. Most workplace injuries reported were minor, with one in seven injured workers returning to their duties the same day. Workplace injuries permanently incapacitated 22 persons.