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2019 Trafficking in Persons Report: Macau

MACAU: Tier 2

The Government of the Macau Special Administrative Region of the People’s Republic of China does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Macau was upgraded to Tier 2. These efforts included convicting sex traffickers for the first time since 2014, providing numerous anti-trafficking trainings for government officials, and investigating suspected cases of forced labor. However, the government did not meet the minimum standards in several key areas. The government identified only one victim, did not utilize its trafficking law to prosecute traffickers, and has never obtained a conviction for labor trafficking.

PRIORITIZED RECOMMENDATIONS

Significantly increase efforts to investigate, prosecute, and convict sex and labor traffickers, and do so using the trafficking law. • Provide training on the use of the trafficking law to prosecutors and judges. • Improve and consistently implement proactive victim identification methods, especially among vulnerable populations such as migrant workers and persons in commercial sex. • Significantly increase efforts to screen for and identify labor trafficking and male victims. • Institute a minimum wage for foreign domestic workers.

PROSECUTION

Authorities increased anti-trafficking law enforcement efforts. Law 6/2008 in the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 15 years’ imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 170 criminalized the “pimping of minors” and prescribed penalties of one to five years, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities initiated one sex trafficking and two forced labor investigations in 2018 (three sex trafficking and zero labor trafficking investigations in 2017). The government initiated two prosecutions (one in 2017) and convicted two sex traffickers in 2018; courts sentenced these offenders to 15 and 18 months’ imprisonment. This represented the first convictions of traffickers in Macau

since 2014. However, authorities used the “pimping of a minor” statute and did not prosecute any cases under the trafficking statute, which carried higher penalties. Observers reported prosecutors and judges often believed trafficking crimes must involve organized groups or evidence of physical force. The Court of Final Appeals sentenced two previously convicted sex traffickers to nine and 16 years’ imprisonment. The government continued to include a trafficking component in mandated training for new police, fire, customs, and immigration recruits and provided additional training when officials were promoted. Authorities also organized numerous trainings focused on trafficking awareness and victim protection for police, customs, immigration, social welfare, and other law enforcement personnel in 2018. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses.

PROTECTION

Authorities maintained minimal efforts to protect trafficking victims. Police identified one child victim of sex trafficking in 2018 (three sex trafficking victims identified in 2017). The government has never identified labor trafficking victims in Macau. Authorities had formal victim identification procedures, an operational referral process, and standardized screening questionnaires that could guide law enforcement, immigration, and social services personnel to screen individuals vulnerable to trafficking. Officials distributed questionnaires to suspected illegal workers to promote self-identification. However, it was unclear if officials routinely screened individuals in prostitution for indicators of trafficking when conducting law enforcement operations in suspected brothels, massage parlors, and spas or among migrants working in industries vulnerable to forced labor, such as domestic work and construction. Police and social welfare bureau (SWB) officials referred the child victim identified in 2018 to a government-funded NGO that offered shelter, counseling, and economic and medical assistance. SWB designated shelters for female and male trafficking victims but did not report providing shelter to any adult victims in 2018. The government allocated approximately 1.77 million patacas (\$220,630) on victim protection services, including allocations to NGOs for service provision at shelters, compared to 1.9 million patacas (\$237,500) allocated in 2017. Insufficient screenings may have resulted in the penalization of victims for unlawful acts their traffickers compelled them to commit. The government took steps to establish a standard operating procedure for ensuring safe repatriation of foreign victims. Macau law did not provide trafficking victims with permanent residency as a legal alternative to removal to countries in which they would face retribution or hardship; however, authorities reported a policy that allowed foreign victims to reside and work in Macau on the basis of “well-founded humanitarian reasons,” although no victims benefited from this policy.

PREVENTION

Authorities slightly increased efforts to prevent trafficking. The interagency Human Trafficking Deterrent Measures Concern Committee, led by the security bureau, coordinated Macau’s anti-trafficking efforts. In March 2019, the government completed an anti-trafficking national action plan. The government allocated 3.7 million patacas

(\$462,500) to the committee for anti-trafficking activities in 2018, compared to 3.6 million patacas (\$450,000) allocated in 2017. The labor affairs bureau (LAB) and law enforcement agencies disseminated television commercials, online videos, as well as pamphlets and posters in several different languages to raise awareness of trafficking. The government ran trafficking awareness videos at all border checkpoints. Authorities held labor rights seminars that reached more than 20,000 students and migrant workers, including those in the domestic helper and construction industries. SWB collaborated with an NGO to organize seminars for university students and sponsor the launch of an awareness-raising video created by students. There was no minimum wage established for foreign domestic workers, which may have increased their vulnerability to being subjected to exploitation. LAB adjudicated the labor dispute cases of 1,280 migrant workers, and it conducted 43 inspections at construction sites and at 220 employment agencies for labor violations. In March 2019, the government shut down an employment agency that created fraudulent employment contracts for migrant workers. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Macau. Sex trafficking victims originate primarily from mainland China and Southeast Asia; many are from northern Chinese provinces. Many trafficking victims respond to false advertisements for jobs, including in casinos in Macau, but upon arrival, traffickers force them into prostitution. Traffickers sometimes exploit victims in massage parlors, illegal brothels, apartments, and houses where they are closely monitored, threatened with violence, forced to work long hours, and have their identity documents confiscated. Migrant construction and domestic workers may be vulnerable to labor exploitation. Some brokers bring foreign workers to Macau to renew work visas for other countries while restricting their movement and withholding their passports.

TAGS

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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