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Trafficking in Persons Report 2016 - Country Narratives - Macau

MACAU: Tier 2

The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination and, to a much lesser extent, a transit territory for women and children subjected to sex trafficking and forced labor. Sex trafficking victims originate primarily from mainland China; many are from inland Chinese provinces and travel to the border province of Guangdong in search of better employment. Some are from Asia, Russia, Africa, and South America. Many trafficking victims respond to false advertisements for jobs, including in casinos in Macau, but upon arrival are forced into prostitution. Traffickers sometimes confine victims in massage parlors and illegal brothels, where they are closely monitored, threatened with violence, forced to work long hours, and have their identity documents confiscated. Children are reportedly subjected to sex trafficking in connection with the gambling and entertainment industry in Macau. Some brokers who bring foreign men and women to Macau to renew work visas to other countries restrict these workers' movements and withhold their passports in conditions indicative of debt bondage and forced labor.

The Government of Macau does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government set up a communication mechanism with hotel employees to report potential trafficking situations directly to police and conducted a two-day training on combating trafficking crimes and protection of trafficking victims for 170 front-line government officials. The government allocated 3.2 million patacas (\$400,000) for preventing and countering trafficking. Macau's Judicial Police set up a new anti-trafficking taskforce within the organized crime division. However, there were no trafficking convictions in 2015, and the government identified only six sex trafficking victims. While it investigated three cases of potential labor trafficking, the government concluded that the individuals in question were not trafficking victims.

RECOMMENDATIONS FOR MACAU:

Increase efforts to investigate, prosecute, and convict sex and labor traffickers; institute a minimum wage for foreign domestic workers; continue to improve and consistently implement proactive victim identification methods, especially among vulnerable populations such as migrant workers and children exploited in commercial sex; continue to educate law enforcement and other officials and the public on forced labor and sex trafficking; conduct sex trafficking awareness campaigns so visitors in Macau understand soliciting or engaging in prostitution with children is a crime; and conduct a survey of the migrant labor population to identify its vulnerabilities to trafficking.

PROSECUTION

Authorities decreased anti-trafficking law enforcement efforts during the reporting period. The anti-trafficking law, Law Number 6/2008 within the penal code, prohibits all forms of trafficking in persons and prescribes penalties of three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The relatively small population of Macau (600,000) in comparison to its over 30 million yearly visitors exacerbated law enforcement and judicial capacity constraints, which continued to pose major challenges in addressing trafficking crimes.

Authorities conducted investigations of five sex trafficking cases and three labor trafficking cases, compared with five sex trafficking cases in 2014. Police found the cases of alleged labor trafficking did not reach the level of criminal labor trafficking and did not refer them for criminal prosecution. Of the five sex trafficking investigations, prosecutors dropped one case and initiated prosecution of the other four cases; however, three of those cases were tried under charges other than sex trafficking. One case, involving one defendant, was tried under the anti-trafficking law, but the defendant was found not guilty. The government obtained no trafficking convictions in 2015, compared with six in 2014. Prosecutors continued to use the "procuring of prostitution" provision for many cases with elements of trafficking. This crime has simpler evidentiary standards but carries lighter penalties than the trafficking law. Authorities reported screening for potential victims of labor trafficking and investigating three suspected cases, but did not report any prosecutions or convictions for labor trafficking.

In addition to providing standard trafficking awareness training to all judiciary police and public security police officers, authorities organized and attended numerous anti-trafficking trainings during the year. In January 2016, Macau's anti-trafficking committee co-hosted with another government a two-day workshop on combating trafficking crimes and protecting trafficking victims for 170 front-line government officials. Authorities reported cooperating with mainland Chinese and Hong Kong authorities on anti-trafficking efforts through intelligence exchanges and joint investigations. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

PROTECTION

Authorities sustained efforts to protect trafficking victims. Authorities identified six victims of sex trafficking, an increase from five in 2014 but continuing the decline from 38 in 2013. Four victims were children; five were from mainland China and one was from South America. Authorities did not identify victims of forced labor in 2015, although three suspected cases were referred to police for investigation. The Social Welfare Bureau (SWB) reported assisting and offering shelter to all identified victims in cooperation with local NGOs. Authorities designated 21 beds for female trafficking victims at a shelter managed by SWB. An NGO-run home housed child victims. SWB continued to operate a shelter for male victims, although authorities did not identify any male victims during the reporting period. The government spent 1.5 million pataca (\$187,500) on victim protection services, including allocations to NGOs for service provision at shelters. Authorities had a formal victim identification process, operational referral process, and standardized screening questionnaire that guided law enforcement, immigration, and social services personnel. Authorities sustained an existing partnership with local NGOs to provide interpreters to assist in interviewing foreign trafficking victims and to operate a 24-hour general hotline that could be used by trafficking

victims. Authorities encouraged victims to assist in the investigation and prosecution of trafficking crimes by providing temporary shelter and assistance, but reported difficulty persuading victims to cooperate. Authorities had a policy of offering foreign crime victims legal alternatives to removal to countries in which they would face retribution or hardship; however, no trafficking victims were known to have sought this immigration relief during the reporting period. The legal system allows for civil remedies, but no victim was known to have pursued this option in 2015.

PREVENTION

Authorities sustained efforts to prevent forced labor and sex trafficking. The Labor Affairs Bureau (LAB) and law enforcement agencies continued to disseminate thousands of leaflets, pamphlets, video clips, radio and television advertisements, and posters to raise awareness of labor trafficking. LAB continued a trafficking awareness education project in high schools, and held four seminars on labor rights and obligations for domestic workers and employment agency workers. Authorities also inspected construction sites, employment agencies, and companies with gaming licenses for labor trafficking, but despite these efforts did not identify any labor trafficking victims. The government worked with local hotels to promote awareness of trafficking crimes to hotel staff and set up a mechanism that required hotel employees to report any suspected case of trafficking immediately to police; one trafficking victim was identified during the reporting period through this mechanism. In an attempt to reduce demand for commercial sex acts, law enforcement authorities continued to combat the distribution of prostitution-related advertisements and increased the number of inspections of illegal brothels. Despite the majority of identified trafficking victims being child sex trafficking victims (four of six), authorities did not report any investigations or prosecutions for child sex tourism.