

120. To protect the rights of persons with disabilities, the Disability Discrimination Ordinance has been in force since 1995. With the ratification of the Convention on the Rights of Persons with Disabilities by the Central People's Government, this Convention has been applied to the HKSAR since 31 August 2008.

121. The interests of the child are primary in the HKSAR Government's formulation and dispensation of legislation and policies relating to or affecting children. It is also paramount in actions undertaken by courts of law and administrative authorities in charge of child welfare. Children in the HKSAR are now entitled to 12 years of free education in public schools. The HKSAR Government also organizes activities and provides funding for community projects to promote public awareness of and respect for children's rights. The HKSAR Government pioneered the Children's Council project and established the Children's Rights Forum to provide a platform for exchange and to solicit the views of children representatives on matters relating to their interest.

122. To encourage community involvement and seek contribution from the civil society, the HKSAR Government maintains continued dialogue with relevant NGOs and has in recent years established regular channels including the Human Rights Forum, the Ethnic Minorities Forum, the Sexual Minorities Forum as well as the Children's Rights Forum to facilitate communication, exchange of views and mutual understanding.

123. Through the various channels, the HKSAR Government receives views and suggestions from the public on human rights issues. Some have proposed that the establishment of a Human Rights Commission be considered. Since the HKSAR's existing framework is operating well, the HKSAR Government does not see the need to establish a separate human rights institution to supersede or duplicate existing institutions. We do recognize that, with the development of society, there will be a need for further work and continued demand from different sectors for more to be done. The HKSAR Government will continue to gauge the views of all relevant sectors and balance different interests in the community. The HKSAR Government will also have to ensure that measures to be taken will suit local circumstances and fit the evolving situation in Hong Kong.

VII. PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE MACAO SPECIAL ADMINISTRATIVE REGION

[Original: Chinese and English]

A. Consultation process

124. The draft Macao Special Administrative Region (MSAR) report was made available for comments and proposals at the MSAR Government website.

B. Background and framework for the promotion and protection of human rights

125. On 20/12/1999, China resumed the exercise of sovereignty over Macao, the MSAR was established and its Basic Law (BL) entered into force. The BL, which has constitutional value, is based on the principle "One Country, Two Systems". Under this principle, the previous capitalist system and way of life shall remain unchanged for 50 years. The MSAR enjoys a high degree of autonomy (except for defence and foreign affairs) and executive, legislative and independent judicial powers, including that of final adjudication. All systems and policies, including the system for safeguarding fundamental rights and freedoms, are based on the BL, and no law can contravene the BL.³

126. Human rights (HR) are safeguarded at all levels. First, the BL itself sets forth directly a broad range of human rights (political and some social rights are provided for in Chapter III, economic rights in Chapter V, and cultural and other social rights in Chapter VI). Second, its article 40 (1) ascertains that the provisions of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and international labour conventions, as applied before, shall remain in force and shall be implemented through the laws of the MSAR. Article 40 (2) determines that restrictions to rights and freedoms have to be prescribed by law and in any case cannot contravene the provisions of article 40 (1), granting, therefore, reinforced protection to human rights by forbidding restrictions in breach of such treaties. Third, by virtue of articles 8 and 18 of the BL, previous laws that do not contravene it or have not been subject to amendments remain in force. As a result, the continuity of the legal system is ensured, and implicitly also of all HR and freedoms provided for at the level of ordinary law. Overall, the BL secures constitutional protection to human rights.

127. The MSAR legal system is a civil law system, underpinned on principles (of equality, legality and publicity of Law) that shape all laws. Applicable international law is directly received, prevails over ordinary law and may be directly applied and invoked before a court of law. Altogether, the mentioned articles of the BL, applicable international law, and subsequent ordinary law fully safeguard fundamental rights and freedoms.

C. Promotion and protection of human rights on the ground

128. The two Covenants, the most important human rights treaties, humanitarian law treaties, and ILO conventions are applicable in the MSAR.⁴

129. The supervisory mechanism of internal observance of treaty obligations rests primarily with the judiciary.⁵ However, other institutional bodies, such as the Ombudsman (Commission Against Corruption - CAC), several Commissions on specific human rights (e.g. for Women's Affairs, Senior Citizens' Affairs, Refugees, Trafficking in Persons, Disciplinary Control of the Security Forces, Fight against Drug, Mental Health, Rehabilitation's Affairs, etc.) and an extensive social partnership between the MSAR Government and private associations uphold the legal protection mechanism.

130. Fundamental rights and freedoms are the object of the MSAR Government's policy of systematic and continued divulgation, carried out by all sorts of means (Internet, media, distribution of brochures and leaflets in public places, interactive campaigns, etc.), specifically aimed at increasing public awareness on the existence of rights and freedoms, manners of exercising them, and available remedies.

D. Achievements, best practices, challenges and constraints

131. The MSAR legal system is anchored on the rule of law and operates through the due process of law. Judges are fully independent and the Procuratorate is an autonomous organ, i.e. outside the Executive branch of the MSAR Government, that carries out its powers and functions independently and free from any interference.

132. The respect for fundamental rights and freedoms is deeply rooted in the MSAR legal system and is cherished by Macao residents as a cornerstone of their way of living.

133. Regular dialogue with the civil society, including the participation of local associations in many consultative mechanisms, namely for setting up the MSAR Government's policies, is an important feature of Macao governance.

134. The rapid economic development of Macao, albeit contributing to a high level of employment, led to a rise in the number of non-resident workers. One of the main challenges facing the MSAR in the last years lies on the need to balance the continuous demand for additional qualified manpower from abroad with an adequate protection of Macao residents' expectations as regards the improvement of their living conditions.

135. Significant achievements have been obtained in the phased setting up of a compulsory education system and on the generalization of universal and free education.

136. New legislation was adopted and several preventive measures against terrorism and terrorism financing were taken. Nonetheless, an appropriate balance between the need to guarantee the security of persons and the respect for human rights was kept.

137. In spite of the MSAR Government efforts and the CAC achievements, major challenges and constraints still exist in the path for a fair and clean society. Measures have been taken to strengthen anti-corruption and auditing monitoring of government departments or administrative procedures that are more prone to corruption. Yet more efforts, particularly at the educational and the prevention levels, need to be undertaken to effectively promote a culture of integrity. A particular constraint and area of concern is electoral corruption where the political culture of many Macao voters still creates difficulties on the fight to completely eradicate electoral bribery.

138. Another particular challenge lies on the need to build a more accountable Government to the citizens.

139. The MSAR Government dedicates great attention to the preservation and promotion of Macao's historic buildings and heritage, namely to the sites ("Historic Centre of Macao") included in the UNESCO World Heritage List. Macao also hosts annually international arts events. Yet the Macao residents feel constrained by the limited number of museums and artistic and cultural events available.

140. Tolerance and respect for cultural differences constitutes a cornerstone of the MSAR lifestyle. Such cultural diversity, also characterized by the cross-cultural features from both the East and the West, contributes to the unique identity of the MSAR. Another important challenge facing the MSAR ability to maintain this key feature of Macao's identity lies in the need to integrate a relevant number of immigrants to Macao at a time of significant influx of non-resident workers that is provoking reactions from some sectors of Macao's population.

141. The MSAR Government has undertaken effective measures to promote adequate education on issues of tolerance and bias, in particular through the teaching of, and the conducting of public awareness campaigns on, equality and the fundamental rights, the youth being the main target group.

E. Priorities, initiatives and commitments

142. The MSAR Government remains deeply committed to ensure the enjoyment and protection in an effective manner of the fundamental rights and freedoms enshrined in the BL, in the human rights treaties applicable in Macao, as well as in ordinary legislation.

143. The MSAR Government recognizes the importance of the reporting mechanism to the United Nations human rights treaty bodies and takes seriously their observations and recommendations.

144. The MSAR Government pledges to continue to promote human rights, with due regard to the young generations, in order to assure a multicultural and ethnic society based on harmony, anti-bias and tolerance education.

145. The MSAR Government shall strive to maintain a proper balance between the enjoyment of civil and political rights and social, economic and cultural rights, particular consideration being given to the rights of vulnerable groups, such as the disabled, the elderly, the children, the women and persons under custody.

146. The MSAR Government commits to improve social rights. Cooperation with the civil society and NGOs will be enhanced.

147. The MSAR Government commits to extend compulsory education until the end of secondary school.

148. The MSAR Government is committed to fully protect personal freedom and human dignity, inter alia, by reinforcing preventive measures and suppressing the trafficking of human beings and the exploitation of women and children and protecting victims' rights.

149. The MSAR Government pledges to increase its fight against corruption. To this end, the scope and powers of the CAC shall be broadened and reinforced. The CAC's jurisdiction will be extended to the private sector, in order for the MSAR Government and the community to play a bigger part in building a probity culture. Anti-corruption mechanisms for administration and financial management systems related to public resources shall be put in place. Additional efforts shall be undertaken, together with the civil society and NGOs, to further promote a corruption-free society and to maximize the effectiveness of publicity campaigns to build a clean society.

150. In line with the commitment to a government more accountable to the citizens, the MSAR Government shall strengthen its accountability system for bureau directors, department heads and division chiefs in systemic and disciplinary terms.

151. The MSAR Government shall continue to dedicate great attention to the preservation and promotion of Macao's historic buildings and heritage, namely to the sites ("Historic Centre of Macao") included in the UNESCO World Heritage List. The annual international arts events that are currently hosted in Macao will be improved. Studies will be made with a view to promote new museums and artistic and cultural events that have good potential for Macao's cultural development and economic diversification.

152. Monitoring mechanisms of government policies in the field of human rights shall be strengthened, along with other means to improve "law in action" and to assess its effectiveness.

Notes

¹ 参加投票人数与选民总数的比例

² 恩格尔系数 (%) = 食品支出总额/家庭或个人消费支出总额*100%。该系数反映随着家庭和个人收入增加，收入中用于食品方面的支出比例将逐渐缩小。根据联合国粮农组织提出的标准，恩格尔系数在59%以上为贫困，50-59%为温饱，40-45%为小康，30-40%为富裕。

³ For further detail as to the MSAR background and institutional framework, please refer to Part III of China's Core Document [HRI/CORE/1/Add.21/Rev.2].

⁴ A complete list of applicable treaties is available on the MSAR Government website.

⁵ For an updated description on human rights protection mechanisms under such treaties and available remedies, please refer to Part III of China's latest reports to each of the relevant UN HR treaty bodies.