

**The 6th Periodic Report Submitted by the Macao Special Administrative Region
of the People’s Republic of China on the Implementation of the Convention
against Torture and Other Cruel, Inhuman or Degrading Treatment or
Punishment**

Response to the List of Issues of the Committee against Torture

Question 1:

(a)

1. As mentioned in paragraphs 6 to 11 of the report (CAT/C/CHN-MAC/5), the Criminal Code refers the subjects of the crimes of torture not only as those who are legally assigned with the functions of preventing, prosecuting, investigating or hearing of criminal or disciplinary infractions, or executing corresponding sanctions, or with the functions of protection, guard or surveillance of a detainee or prisoner but also “those public officials who, either by their own initiative or by superior order, actually usurp the functions mentioned”. Therefore, the definition is in line with the term “public officials” or “any other persons acting in an official capacity”, as defined in Article 1 of the Convention.

(b)

2. Although the definition of “torture” in the Criminal Code is not in full conformity with the one in Article 1 of the Convention, illegal acts can still be punished under other crimes provided for in the Criminal Code, such as under the aggravated crime to physical integrity provided for in Article 140, for which the maximum penalty may reach 20 years’ imprisonment, similar to the maximum penalty for the crime of serious torture provided for in Article 236. In the future, when the Macao SAR Government reviews and amends the Criminal Code, it will refer to the provisions of the Convention and study the definition of “torture”.

(c)

3. Articles 234 and 236 of the present Criminal Code provide for the crimes of “torture” and “serious torture”. The former is the general crime of torture while the latter is the aggravating circumstances of the crime of torture. Article 236(1) embodies an aggravation based on the terms and conditions of the crime whereas Article 236(2) provides for an aggravation on the basis of its consequences (suicide or death of the victim). Therefore, the present provisions are already in conformity with the recommendations of the Committee.

Question 2:

4. In accordance with Article 2 of Law no. 10/2000, Organic Law of the Commission against Corruption of the Macao Special Administrative Region (Macao SAR), as amended, the Commission against Corruption functions independently and the Commissioner against Corruption is accountable to the Chief Executive. It is worth mentioning that the Commission against Corruption amended its Organic Law in 2012. Apart from maintaining its “ombudsman” functions, the Commission further reinforces its functions in promoting the protection of the rights, freedoms, safeguards and legitimate interests of individuals as well as ensuring the justice, legality and efficiency in public administration.

5. The functions of the Commission against Corruption in the monitoring of human rights embody mainly the following.

- (1) It is an independent body, free from interference of the administration or any form of restraint, when adopting any measures to promote and protect human rights.
- (2) It submits proposals or reports to the Government, Legislative Assembly or other competent entities to request for the addition, amendment or revocation of existing laws when it discovers that any laws violate human rights.
- (3) It directly issues recommendations to government entities that are found to be violating human rights in order for the relevant entities to adopt measures to stop such illegal acts.
- (4) It performs ombudsman activities with a view to promoting the protection of the rights, freedoms, safeguards and legitimate interests of individuals and ensuring the legality, justice and efficiency in the exercise of public authority.

6. Details of complaints related to the crimes of torture received by the Commission against Corruption between 2005 and 2014 are illustrated below. It has to be stressed that only 5 cases are still being followed up while the others were already filed.

Year		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Number of cases		18	10	4	5	3	0	6	6	3	2
Result	Filed	18	10	4	5	3	0	2	6	3	1
	Being followed up	0	0	0	0	0	0	4	0	0	1

Source: Office of the Commissioner against Corruption

7. In relation to unannounced visits to detention centres, pursuant to Article 13 of Decree-law no. 86/99/M, Regime on the Judicial Intervention on the Execution of Penalties of Imprisonment and of Security Measures involving Internment and its Respective Effects, judges shall visit correctional facilities at least once a month and may circulate freely in such facilities and inquire any staff members, prisoners or detainees. Prisoners have the right to lodge petitions with the judges.

8. The recommendation of establishing an independent human rights institution is not applicable in the Macao SAR, as an administrative region of the People's Republic of China. The Macao SAR does not have an independent human rights institution but it has to be stressed that existing legal stipulations and systems ensure the full protection of human rights.

9. Apart from the Commission against Corruption being an independent government institution that monitors human rights situations, committees in different areas comprising representatives from the civil community and NGOs, with the aim of promoting and facilitating the implementation of human rights, constitute a series of regulatory mechanisms.

10. In respect of enhancing the awareness of the general public of their own rights and of relevant legal protection, the Legal Affairs Bureau (LAB) has been disseminating legal information of different areas through various forms, such as dissemination seminars, contests, bazaars and pamphlets.

11. Furthermore, if a resident considers his rights to be violated, he may initiate legal proceedings in court by directly invoking the provisions of the human rights conventions applicable in the Macao SAR through its independent judicial system.

12. The rights stipulated in the human rights conventions applicable in the Macao SAR have been extensively disseminated in the Macao SAR through different measures mentioned above and such rights are safeguarded through the highly strict monitoring mechanism.

Question 3:

13. Law no. 1/2009 amended Law no. 21/88/M, Access to the Law and to the Courts, by adding Article 4-A where its paragraph 1 reads as “*Everyone is guaranteed the access to the law, to the courts, assistance of a lawyer in any and at any stage of proceedings even participating as a witness, declarant or suspect and to obtain judicial remedies and no one shall be obstructed from seeking justice due to insufficient economic resources*”.

14. Paragraph 2 of Article 4-A of the aforementioned Law further protects the person involved, whether he is deprived of his liberty. It expressly stipulates that everyone, regardless of being a prisoner, suspect, witness or declarant, is entitled to legal information and consultation, legal representation and be accompanied by a lawyer before any public authorities. Under the protection of the above-mentioned Law, there is no situation whereby a person will be compelled to face any public authorities without a lawyer due to the inexistence or failure of demonstration of prior authorization, thus suppressing the possibility of the use of torture by public authorities.

15. According to Article 7 of the same Law, a person, even with insufficient economic resources, has the right to obtain legal aid in order to protect his legitimate rights and interests through legal proceedings. The SAR Government adopted the new Legal Aid System through Law no. 13/2012 in 2012, extending applicants for legal aid from Macao residents and legal persons established in Macao to non-resident workers and their family members with special permits to stay in Macao, individuals with refugee status recognized by the Macao SAR, overseas students, applicants for residency and other persons who are entitled to legal aid in accordance with other laws. The Law also provides that the grant of legal aid is independent of the status of the applicant in legal proceedings.

Question 4:

(a)

16. The following tables demonstrate information on suspected cases of trafficking in persons and on victims of trafficking in persons since the entry into force of Law no. 6/2008, the Combat against the Crime of Trafficking in Persons:

Year	Number of cases investigated by police	Number of cases qualified by the Public Prosecutions Office as cases of trafficking in persons	Number of cases filed	Number of cases pending	Number of cases prosecuted	Number of persons prosecuted	Judgment	
							Acquittal	Convicted of the crime of trafficking in persons ¹
2008	20	14	12	-	2	9		2 ²
2009	8	5	5	-	-	-	-	-
2010	14	16	11	1	4	27	-	1 ³
2011	13	11	10	1	-	1	-	-
2012	19	15	9	3	3	18	-	1 ⁴
2013	34	35	25	7	3	9	-	-
2014	5	4	2	2	0	0	-	-

Source: Security Forces Coordination Office

Note : 1. Some cases, in the end, were considered by the courts as other crimes (e.g. controlling of prostitution, assistance in illegal immigration, *etc.*).

2. One person was sentenced to 7 years and 6 months' imprisonment on 18 November 2009 while another person was sentenced to 5 years' imprisonment on 26 October 2011.

3. One person was sentenced to 3 years' imprisonment on 29 October 2010.

4. Seven persons were sentenced to imprisonment on 8 March 2013, ranging from 12 years 9 months to 13 years 3 months.

Year	Number of cases	Number of victims	Sex	Age		Nationality	
				≥18	<18	Mainland China	Others
2008	14	19	F	7	12	18 (2 of them are Macao residents)	-
2009	5	5	F	3	2	4	1 (Mongolian)
2010	16	29	F	10	19	25	-
2011	11	11	F	5	6	11	-
2012	15	25	F	12	13	31	-
2013	35	38	F	24	14	36	2 (Ukrainian)
2014	4	4	F	3	1	4	-

Source: Security Forces Coordination Office

17. Regarding the report, accusation or complaint of trafficking in persons, until now, there have been no government officials, especially law enforcement agents, involved.

(b)

18. In order to combat illegal activities related to child sex tourism, the police keeps on increasing patrols and taking actions in tourist areas, such as areas around large casino hotels in the Cotai area, including increasing the number of inspection of illegal accommodation, in order to lower the possibility that these places will become vice establishments and to strengthen the fight against the controlling of prostitution.

(c)

19. Five Working Groups (*i.e.* Working Group on Prevention and Awareness, Working Group on the Protection of Victims, Working Group on Investigation and Prosecution, Working Group on the Prevention of Forced Labour, Working Group on the Prevention of Trafficking in Human Organs and Tissues) were set up under the Human Trafficking Deterrent Measures Concern Committee, comprising representatives from different policy areas of the Macao SAR Government. The groups hold regular monthly meetings where members of the Committee coordinate themselves for the difficulties they have and come up with practical solutions. Referral mechanisms have also been put in place between relevant departments and law enforcement agencies for them to work together to prevent and combat trafficking in persons with the purpose of sexual and labour exploitation.

20. The SAR Government has been providing specialised training on the fight against trafficking in persons to judicial officers, labour inspectors, law enforcement agents, medical staff and social workers. At the same time, it also organises various lectures on the prevention of and fight against trafficking in persons for students and the general public. The following table shows the number of law enforcement agents attending related training programmes, lectures and seminars:

	Training programmes, lectures and seminars attended by law enforcement agents						
Year	2008	2009	2010	2011	2012	2013	2014
Number of persons	929	795	2481	1119	2719	2198	1388

Source: Office of the Secretary for Security

(d)

21. Victims of trafficking in persons are provided with a series of assistance measures, as stipulated in Article 6 of Law no. 6/2008, the Combat against the Crime of Trafficking in Persons, including protection by police, legal consultation service, recourse for civil compensation, psychological, medical and pharmaceutical support,

interpretation assistance. The Social Welfare Bureau (SWB) provides major support, including medical examinations, temporary accommodation in shelters or institutions, financial assistance, 24-hour support services. Moreover, depending on the needs of the victims, it provides them with individual counselling, drug treatment, legal consultation, vocational skill training and escort service to place of origin, in order to safeguard their personal safety and access to adequate care and to help them reintegrate into normal life. Since the provision of services in 2008, the SWB has handled 122 cases until 2014. Details are illustrated as follows:

Year	Number of cases	Placement			Follow-up			Others
		Accommodation in shelters	Accommodation in institutions	Not accommodated in facilities	Returned to place of origin	Left on their own	By the end of 2014	
2008	23	21	2	0	19	2	-	2 ¹
2009	5	2	3	0	4	1	-	0
2010	13	11	2	0	11	2	-	0
2011	13	7	6	0	7	6	-	0
2012	29	14	9	6	26	3	-	0
2013	33	13	19	1	30	3	-	0
2014	6	2	4	0	4	1	1 (being followed up)	0
Total	122	70	45	7	101	18	1	2

Source: Social Welfare Bureau

Note 1 : Two victims that had been lured to Japan were rescued and returned to Macao. They have reintegrated into community life through appropriate assistance.

22. Since the conclusion of a cooperation agreement in 2011 between the International Organisation for Migration (IOM) and the SWB, until 2015, 4 foreign victims have been escorted to return to their places of origin (2 Ukrainian women, 1 Tanzanian woman and 1 Brazilian woman; all adults). Before escorting the victims, the IOM will first meet the victims to understand their needs and conduct an assessment. Then it will make appropriate arrangements for them to return to their places of origin, including the arrangements of air tickets and escort services by IOM staff from airport to home and to find out future needs and arrangements of victims and to provide assistance. The IOM, after the victims return home and settle down, will provide the SWB with a report with detailed information about the living conditions of the victims after returning to places of origin.

23. In addition, at present, the Macao Customs Service has already formulated written procedures for its front-line staff to identify proactively potential victims of trafficking in persons during their contact with illegal immigrants and non-resident

workers. Similarly, the Public Security Police Force (PSP) has already a new mechanism in place to strengthen identification of potential victims of trafficking in persons. It will also conduct questionnaires with young women who are suspected of being in the sex industry and illegal immigrants in order to verify if they are victims of trafficking in persons. In the area of health, the Health Bureau also provides medical staff with specialised training on the fight against trafficking in persons, so as to enhance the ability of its staff to identify cases of trafficking in persons.

(e)

24. When a foreign victim of human trafficking may face retribution or hardship in the country to which he would be deported, Article 9 of Law no. 4/2003, Regulations of the Entry, Stay and Residence Authorization, entrusts the exclusive authority to the Chief Executive to grant such person residency due to well-founded humanitarian reasons, particularly if there is a lack of living conditions or family support in other countries or territories. Until now, there are no such cases based on humanitarian reasons.

(f)

25. Since the conclusion of the cooperation agreement to combat trafficking in persons with the Government of Mongolia in 2010, the SAR has not detected any cases involving any persons of Mongolian nationality.

26. Apart from Mongolia, the Macao SAR, at present, has not yet concluded any cooperation agreements to combat trafficking in persons with other countries. Nevertheless, the SAR Government maintains close contact with neighbouring regions, including the Ministry of Public Security of the People's Republic of China through the Liaison Office of the Central People's Government in the Macao SAR, and shares intelligence with overseas counterparts such as the Expert Group on Asian Organised Crime (AOC) in order to combat cross-border criminal activities including the crime of trafficking in persons. Moreover, the Macao SAR law enforcement agencies also hold regular meetings with its counterparts from neighbouring regions to reinforce police cooperation.

Question 5:

(a)

27. The Legislative Assembly approved the general outline of the draft Domestic Violence Prevention Law, which is now being analyzed in details. Its Article 2 defines domestic violence as illicit acts of physical or psychological abuse, causing offences

against an individual's life, or offenses to the body and triggering consequences that are not minor, sexual offenses, violations of personal freedom, committed intentionally between family members. Such acts are designated as public crimes, that is, allowing the Public Prosecutions Office to conduct investigation on its own, even without complaints from the victims. Family members refer to the spouse or former spouse of the perpetrator, his ascendants or descendants by lineal consanguinity or affinity, siblings, adopted parents or children of the perpetrator or of his spouse, persons with whom the perpetrator has a guardianship relationship, persons with whom the perpetrator cohabits in a situation analogous to that of spouses and persons with diminished capacity cohabiting with the perpetrator, who are under his care or protection, on grounds of age, illness, pregnancy or physical or mental disabilities.

28. In order to combat the crime of domestic violence, Article 5 of the draft Law stipulates that any public entities and their staff, during the exercise of their functions, and any private entities providing medical and nursing services, educational activities, social services, counselling and child care services and their staff, during the exercise of their professional activities, have the obligation to inform the SWB immediately if they realise or suspect the occurrence of domestic violence. On the other hand, the draft Law also pays attention to the protection of and assistance to victims by providing the following measures to victims and family members cohabiting with the victims that are affected by domestic violence: temporary placement, financial assistance, legal aid, public healthcare, access to schooling or employment, individual and family counselling, police escort services, *etc.* Moreover, the draft Law also introduces independent judicial protection measures to allow public authorities to interfere immediately to protect victims by applying urgent coercive measures to offenders.

(b)

29. With the subsidies of the SWB, there are, at present, 2 non-governmental organisations providing shelter services to women and children subject to violence. The Office for Family Action, a special unit established under the SWB, provides assistance, such as financial assistance, psychological and legal counselling services, to families in need. In terms of hotlines, apart from the 24-hour hotlines and emails provided by the PSP and the Judiciary Police for anonymous reporting or provision of information related to crimes, the SWB also subsidizes a non-governmental organisation (Lai Yen Centre of the Women's General Association of Macao) to set up a 24-hour hotline to provide support and inquiry services to women and children

affected by domestic violence.

30. In the dissemination of the prevention of domestic violence, the LAB has always been positively disseminating legal information related to the rights of women and children, prevention of domestic violence and its consequences through different channels, such as newspaper columns, television and radio programmes, lectures, training seminars for professionals, internet, law dissemination leaflets and brochures, contests and bazaars, *etc.*. In addition, the Commission for Women’s Affairs, by case analysis and policy promotion in its “*Encantos*” magazine, a public education publication, raises public awareness of the prevention of domestic violence and advocates positive information on maintaining family harmony. There are also leaflets and posters for the public in health centres, hospitals, schools, government departments and immigration border points to raise public awareness of reporting crimes and the respective methods.

31. According to the general statistics contained in the Report on the Status of Women in Macao 2012, 10.5% of women interviewed expressed that they had experienced domestic violence in the past. The Report also indicated that women with income less than MOP3,000 (19.8%) were more likely to experience domestic violence when compared with women with other income levels, showing that the problem of domestic violence is more serious for women with low income. The SAR Government will continue to conduct studies on the causes of domestic violence in order to further prevent domestic violence.

(c)

32. Please see the following table for the number of domestic violence cases received by the police.

	2013		2014	
	Jan - Jun	Jul - Dec	Jan - Jun	Jul - Dec
Domestic violence cases* (number of cases)	164	132	185	168
Spousal abuse (number of cases)	116	87	123	118
- Woman victims	106	80	114	115
- Man victims	10	7	9	3
Abuse involving other family members (number of cases)	48	45	62	50
- Victims (number of persons)	43	30	45	45
- Victims under 15 years of age (number of persons)	5	3	11	4

Source: Security Forces Coordination Office

* Under the present Criminal Code, “domestic violence” or “gender-based violence” are not autonomous crimes. As a result, there is no information on the sentences handed down for such crimes. Related acts are punished under different crimes according to concrete situations.

(d)

33. Regarding the progress on the review of the criminal system related to sexual harassment, including sexual harassment in the workplace, the Legal Reform and International Law Bureau has already finished the basic studies. The SAR Government will, with the result of the studies, gradually start the concrete work on the review of the Criminal Code, conduct public consultation in due time and amend the Code according to the overall opinions of the consultation.

Question 6:

34. Between 2005 and 2014, there were 9 refugee cases, involving 14 persons:

Number	Nationality	Age (at present)	Number of persons	Sex	Year of application	Situation
Cases being processed						
1	Indian (one family)	44 43 16	Father 1 Mother 1 Child 1	2M 1F	2010	Being considered
2	Cameroonian	47	1	M	2011	Being considered
3	Syrian	60	1	M	2012	Being considered
Completed cases						
4	Sri Lankan	24	1	M	2006	The application was denied. The applicant was repatriated on 30/03/2006.
5	Sri Lankan	31	1	M	2006	The application was denied. The applicant was repatriated on 30/03/2006.
6	Syrian	30 30 4 1	4	1M 3F	2008	The United Nations High Commissioner for Refugees Sub-Office at Hong Kong SAR recognized the applicants' refugee status on 05/10/2009. ¹
7	Iraqi	33	1	M	2008	The applicant was officially notified of the denial of his application in 12/2009. ¹
8	Pakistani	39	1	M	2008	The applicant died in 2009 while waiting for approval.

Number	Nationality	Age (at present)	Number of persons	Sex	Year of application	Situation
						The application was therefore filed.
9	Pakistani	27	1	M	2010	The applicant gave up his application in 2012 and was officially deported by the Immigration Service on 27/04/2012 to repatriate to his place of origin.

Source: Immigration Service of the PSP

Note 1: The Immigration Service of the PSP received letters from the IOM, indicating that the Canadian authority would take in the applicants in cases 6 and 7 above to settle in Canada. They went to Canada through Hong Kong on 13/12/2012 and 11/12/2012 respectively.

35. Until now, there are no applications or appeal cases submitted to the Refugee Commission based on grounds of torture. The reasons for the aforementioned cases were mostly related to political oppression, religious persecution, war in homelands and slaughter carried out by terrorists in respective countries. In addition, the Macao SAR has not approved any refugee applications. At present, there are 3 cases being considered.

Question 7:

36. Since there are not many refugee applications, no special procedures have been formulated to identify victims of torture among asylum seekers in the application process.

Question 8:

37. Both Articles 5(1)(c) and 5(2) of the Criminal Code stipulate the requisites for the Macao SAR courts to exercise extra-territorial jurisdiction on acts committed outside the Region.

38. Nevertheless, Article 5 (1) (c) stipulates that the Criminal Code applies to acts committed outside the Region by a Macao SAR resident against a non-resident, or by a non-resident against a resident but one of the requisites is that the acts are also punishable under the legislation in force where the act has been committed and it is not that the *jus puniendi* is not exercised there.

39. On the other hand, Article 5 (2) provides that when according to an international convention or a mutual legal assistance agreement, there is the obligation to bring a

person who is accused of the crime of torture by other countries and who is in the Macao SAR under trial, the Macao SAR court may exercise its extra-territorial jurisdiction on that person in accordance with the Criminal Code, such as the crimes of torture stipulated in Articles 234 or 236.

40. According to the information of the courts, between 2008 and 2014, there were no cases where extra-territorial jurisdiction was exercised according to the aforementioned provisions.

Question 9:

41. The Macao SAR officially started the negotiations with Mainland China on an arrangement on the surrender of fugitive offenders in February 2015. The negotiations have been smoothly conducted. At present, the two sides are studying how to resolve the issues where they have divergent opinions.

Question 10:

42. Since the consideration of the last periodic report, the Macao SAR courts have not received any legal assistance requests related to the Convention. For legal assistance requests received between 2008 and 2014, please see the following table:

Year	Number of requests	Types of request	Crimes involved	Trial result
2010	2	1 request for surrender of fugitive offender	Homicide	Request was denied.
		1 request for transfer of sentenced person	money-laundering and bribery	Request was approved.
2011	1	1 request for legal assistance in criminal matters (appeal)	Triad organisation and murder	Denial of the request was maintained.
2012	1	1 request for legal assistance in criminal matters and for surrender of fugitive offender	Homicide	Temporary detention of the fugitive offender and declaration of his consent to be surrendered were confirmed. The request for surrender was approved.

Source: Office of the President of the Court of Final Appeal

Question 11:

43. In the area of regional legal assistance in criminal matters, the Macao SAR and the Hong Kong SAR are, at present, conducting negotiations on the Arrangement for Mutual Legal Assistance in Criminal Matters and Arrangement for the Surrender of Fugitive Offenders. The two sides have already conducted various rounds of negotiations. Moreover, the Macao SAR and the Republic of Korea have already initialled the Agreement Concerning Mutual Legal Assistance in Criminal Matters and Agreement for the Surrender of Fugitive Offenders at the end of 2013. The Macao SAR Government is now waiting for the authorization of the Central People's Government to conclude the aforementioned Agreements.

Question 12:

44. Between 2008 and 2014, the Legal and Judicial Training Centre organised a total of 13 training activities with themes on the protection of human rights. Participants included magistrates, lawyers, legal professionals in public administration and other interested persons. There were 609 participants in total.

	Legal training courses/seminars/lectures in the area of human rights					
Year	2008	2010	2011	2012	2013	2014
Number of participants	193	24	151	130	64	47
Events	4	1	3	3	1	1

Source: Legal and Judicial Training Centre

45. Moreover, as mentioned in paragraphs 59 to 65 of the report (CAT/C/CHN-MAC/5), the SAR Government has always valued the training of law enforcement agents, especially prison guards, in the area of human rights. Contents of training courses include the prohibition of the use of torture and other inhuman treatment on prisoners and respect and protection of human rights. Between 2012 and 2014, there were 173 new prison guards receiving such training.

Year	Programme	Number of persons entering the career for prison guard	Number of persons attending training courses
2012	Entry training courses for police officers	33	34
2013	Entry training courses for police officers	43	49
	Entry training courses for police officers	29	30
2014	Entry training courses for police officers	59	60
Total:		164	173

Source: Macao Prison

46. With regard to other law enforcement agents, it is expressly provided for in the Internal Guidelines and Work Regulations of the Judiciary Police that, during the exercise of functions, police officers have to ensure that residents will not be subject to any ill-treatment referred to in the Convention.

47. Furthermore, in order to strengthen police officers' knowledge of the provisions with regard to the prohibition against torture and enhance their law-abiding consciousness, the PSP posted the articles of the Convention on the notice boards of its subordinate units for all the frontline police officers' reference and perusal. In addition, issues of the prohibition against the use of torture and so forth are discussed with police officers in weekly regular meetings.

Question 13:

48. There were no cases of torture in the Macao SAR in the past, according to the information provided by the courts. And since the Health Bureau could not engage specialised personnel to provide relevant training courses, the training course on "how to identify and handle victims of torture" has not taken place.

Question 14:

49. Until 31 May 2015, the occupancy rates of the male detention zone and the female detention zone were respectively 79% and 78%. There were altogether 1,232 persons in prison, 34% of them being Macao residents (425 persons), 66% being non-residents, including 500 persons from Mainland China, 101 from Hong Kong, 15 from Taiwan and 191 from foreign countries.

Prisoners disaggregated by situation and sex			
Situation	M	F	Total
Convicted	812	168	980
On remand	208	44	252
Total	1,020	212	1,232

Source: Macao Prison

Source: Macao Prison

Capacity and Occupancy							
Zone		Number of prisoners		Capacity		Occupancy	
Male detention zone		1,020		1,276		79.9%	
Female detention zone		212		271		78.2%	
Total		1,232		1,547		79.6%	
Prisoners disaggregated by age							
Age	Convicted		On remand		Sub-total		Total
	M	F	M	F	M	F	
16-20	13	4	12	1	25	5	30
21-30	237	48	57	12	294	60	354
31-40	237	40	59	16	296	56	352
41-50	214	56	55	12	269	68	337
51-60	93	18	19	3	112	21	133
61-70	17	2	6	0	23	2	25
71-80	1	0	0	0	1	0	1
Total	812	168	208	44	1020	212	1,232

Source: Macao Prison

Question 15:

50. Since the issue of Order no. 19/SS/2009 of the Secretary for Security in 2009, the Macao Prison has not implemented any disciplinary measure or solitary confinement on any person under 18 years of age.

51. Pursuant to Order no. 91/DSAJ/2009 issued by the Director of the LAB in 2009, the Youth Correctional Institution may only arrange a juvenile to stay in an individual sleeping room at night. The juvenile can participate in normal activities with the others during the day. Between 2010 and 2015, there was a gradual decrease in the number of juveniles being imposed disciplinary measures and in the duration during which the measures were imposed. Between January 2014 and June 2015, the Youth Correctional Institution did not arrange any juvenile to stay in an individual sleeping room.

Number of days	Year	1~3	4~6	7~9	10~12	13~15	16~18	19~21	22~24	25~27	28~30	Total
2010	M	2	12	7	5	1	1	1	0	0	0	35
	F	6	0	0	0	0	0	0	0	0	0	

Number of days \ Year		1~3	4~6	7~9	10~12	13~15	16~18	19~21	22~24	25~27	28~30	Total
2011	M	0	0	1	0	0	0	0	0	0	0	1
	F	0	0	0	0	0	0	0	0	0	0	
2012	M	2	1	1	4	1	0	0	0	0	0	9
	F	0	0	0	0	0	0	0	0	0	0	
2013	M	0	1	0	0	0	0	0	0	0	0	1
	F	0	0	0	0	0	0	0	0	0	0	
2014	M	0	0	0	0	0	0	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	
2015	M	0	0	0	0	0	0	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	
Total		10	14	9	9	2	1	1	0	0	0	46

Source: Youth Correctional Institution

52. The Youth Correctional Institution has its internal guideline, which regulates the implementation of special security measures such as physical coercion and confinement to protect juveniles from experiencing any ill treatment specified in the Convention. Meanwhile, the Institution provides pre-employment training courses for new staff and regular internal training for existing staff.

Question 16:

53. As mentioned above, since 2009, prisoners under the age of 18 have not been imposed solitary confinement as a disciplinary measure in prison. Only when a prisoner has contagious disease and has to be medically monitored in isolation, as suggested by a doctor in the Prison, will the Macao Prison arrange him for medical monitoring in isolation. Between 2012 and 31 May 2015, there was no prisoner under the age of 18 subject to medical monitoring in isolation.

54. In accordance with Article 82 of Decree-law no. 40/94/M, which approves the Regime on the Application of Measures Depriving Personal Freedom, prisoners subject to the measure of internment in a disciplinary cell for a period exceeding eight days may, within two days of the notification of such measure, present an appeal in writing to the court. The judge will hear the prisoner within 48 hours and may decide to do the hearing alone in order to decide to maintain, reduce or substitute the measure. For juvenile offenders who are 12 but not yet 16, Article 94 of Law no. 2/2007, the Education and Supervision Regime of Juvenile Offenders, stipulates that solitary confinement is a special security measure and should not be used as a disciplinary

measure in any situation and therefore is not a punishment. Solitary confinement can only take place when other methods are not possible to avoid danger, especially when the behaviour or emotional state of a juvenile offender indicate strong evidence of escape attempt or of the use of violence against himself, other persons or objects or when there is disturbance to the order or security of the Institution, and when other special security measures prove inefficient or inappropriate, given that the juvenile offender was examined by a doctor who proves by writing that he can be subject to confinement. In fact, since the entry into force of the aforementioned Law, the Youth Correctional Institution has never used this special security measure.

Question 17:

(a)

55. To reduce the chance of prison guards using violence or weapons of destruction to handle unexpected events during prisoner transfers and the possibility of harming residents, prisoners and prison guards, the Macao Prison started using electric shock devices as security equipment in 2010. The Prison will only wear electric shock devices around the ankle of a prisoner during prisoner transfers outside the prison, as security equipment to prevent the prisoner from committing infractions or escape.

56. To ensure the safe use of electric shock devices, the Macao Prison has formulated the Guidelines for the Use and Operation of Electric Shock Devices, making the use of electric shock devices as the use of weapons, so that staff, when operating electric shock devices, have to strictly comply with the practices and guidelines. Moreover, all prison guards have to attend training on the operation of electric shock devices, which they may operate only after training. At the same time, the aforementioned Guidelines also specifies that electric shock devices will not be used on pregnant prisoners, prisoners with disabilities, prisoners over 60 years of age or prisoners verified not suitable to wear such devices by a doctor of the Prison. Since the use of electric shock devices, there has been no record of activation.

Question 18:

57. The Commission for Disciplinary Control of the Security Forces and Services of the Macao SAR (CFD) was established in 2005. One of the mandates of the CFD is to give opinions on complaints lodged against any of the security services and forces related to their staff's civic conduct, eventual legality infringements, actions against human rights or any suspicions of irregularities or deficient operation, *etc.* The CFD is composed of 7 members, designated by an Order of the Chief Executive. One of the members is designated as the President of the Commission. The present

President of the Commission is a member of the Legislative Assembly (who is, at the same time, an experienced lawyer). Other members include members of the Legislative Assembly, lawyers and so forth.

58. Should a resident find out any acts of the members of the security forces and services to be against any discipline or law, not only can he lodge a complaint with the related services but he also can lodge a complaint directly with the CFD. He may lodge it in person, by mail, fax, email, *etc.* Within 5 days of the reception of a complaint, the relevant forces or services must send a copy thereof to the CFD. Likewise, all decisions taken in regard to complaints, including disciplinary sanctions or any other measures adopted, are sent to the CFD in the same deadline of 5 days. Complaints of residents, whether they are lodged directly with the CFD or they are submitted to the CFD at the initiative of the forces or services, are verified or validated. When the CFD considers censure on the person or correction of the procedures necessary, it will issue recommendations and transmit them to the relevant services through the Secretary for Security.

59. Between 2006 and 2011, there were 87 cases involving violent acts by members of the security forces and services against physical integrity of victims. After verification, most of them were unsubstantiated. Only 3 cases brought up internal disciplinary procedures, resulting in 5 police officers being fined. No victims requested any financial compensation or any other type of redress from the 172 police officers involved in the cases mentioned.

Question 19:

60. Between 2013 and 2014, there were 11 complaints lodged with the police for acts of torture committed by police officers inside police districts (under surveillance). After investigation, 9 were unsubstantiated while 2 are pending. And there were 13 complaints lodged for acts of torture committed outside police districts (beyond surveillance). After investigation, 9 were unsubstantiated, 1 was fabricated, 1 was substantiated and 2 are pending. For the substantiated complaint, disciplinary procedures have been initiated against the relevant police officer(s) and the case has been forwarded to the Public Prosecutions Office for criminal proceedings.

Question 20:

61. According to the information of the courts, between 2008 and 2014, there was no case where judgment was delivered on crimes of torture. Therefore, there is no

information related to compensation made to victims of torture. For the right of victims of torture to obtain compensation, the situation remains the same as mentioned in paragraphs 196 to 210 (paragraphs 190 to 204 in the Chinese version) of the initial report (CAT/C/MAC/4).

Question 21:

62. Article 146 of the Criminal Code expressly prohibits the act of all forms of corporal punishment and punishment on children. For relevant legal provisions and various measures adopted by the SAR Government to prevent corporal punishment on children, please refer to paragraphs 11 to 16 of the response of the SAR Government to the list of issues adopted by the Committee on the Rights of the Child on 7 February 2013 (CRC/C/CHN-MAC/Q/2/Add.1).

Question 22:

63. The Macao Prison has always been keeping close contact with the Commission against Corruption. If the Macao Prison discovers any suspected illegality, it will immediately communicate the situation to the Commission against Corruption or relevant police departments for follow up and initiate internal investigation against the staff that is suspected for accepting bribes. In addition, the Macao Prison has adopted a series of measures to strengthen internal management and publicity on integrity education, enhance the integrity management of the Prison and the ethics and conducts of its staff. Details are given as follows.

- (1) A database on the accumulation of functions of staff and the basis for the respective decisions was set up in 2006, to clarify the status of the declaration related to the accumulation of functions of staff and the basis for the respective decisions.
- (2) Cooperation agreements of “Integrity Management Plan” were concluded with the Commission against Corruption in 2007 and 2010 respectively to jointly formulate an integrity management plan.
- (3) The “Guidelines on the Procurement and Acquisition of Public Goods and Services” was formulated in 2007 and amended in 2013 for staff to have a clearer notion of the procedures on procurement and acquisition and of the relevant laws and regulations in order to make procurement and acquisition more effective and systematic with the purpose of better allocation of public resources.

- (4) The “Macao Prison Integrity Code” was formulated in 2009, with practical examples related to the work in different areas in the Macao Prison for staff to use as references.
- (5) The “Reports on and Procedures for the Acceptance of Souvenirs/Gifts in Official Capacity” was launched in 2010 for staff to better understand and easier handle the declaration and procedures related to the acceptance of benefits in official capacity.
- (6) Procedures on the implementation of the avoidance system in public exams were formulated in 2010 to strengthen supervision and effectiveness.
- (7) The Macao Prison organised integrity training courses for all the staff, including integrity courses for those entering the career, those working and those that wanted to be promoted in their career. From 2012 to 31 May 2015, 8 training courses on integrity were organised, with 294 person-times. Moreover, there were 116 person-times participating in training courses on integrity organised by other institutions.
- (8) The “Macao Prison Integrity Code” was reviewed and amended in response to practical situations and needs.

Question 23:

64. Between 2012 and 31 May 2015, the Macao Prison allocated resources on the health of prisoners as follows.

- (1) In the area of primary healthcare services, when necessary, the Macao Prison transferred prisoners to specialist departments of the Conde S. Januário Hospital for treatment and medical follow up. Those who were seriously ill were hospitalized (detention wards) for treatment;
- (2) Medical examinations were arranged for new prisoners, mainly including x-rays and blood tests, to confirm if they had any contagious diseases;
- (3) Vaccinations, such as seasonal flu vaccine, tetanus vaccine and hepatitis B vaccine, *etc*, were arranged for prisoners;
- (4) Pap smear tests were provided to female prisoners. Each female prisoner may voluntarily apply for this test every year;
- (5) Voluntary drug treatment and rehabilitation services were provided to prisoners with drug abuse habits to help them get rid of the habit;

- (6) Drug treatments were provided to prisoners who were under the Methadone maintenance treatment programme of the SWB before imprisonment;
- (7) The Macao Prison organised health lectures for prisoners, such as the “Tuberculosis Awareness”, co-organised with the Tuberculosis Prevention and Treatment Center, and showed videos regularly to prisoners, such as “Flu Prevention” and “HIV/AIDS Awareness”, *etc.*;
- (8) The Macao Prison had emergency ambulance available in order to transport prisoners in critical conditions to hospital for treatment when necessary;
- (9) The Macao Prison was equipped with barrier-free facilities and special cells to help prisoners with physically disabilities and reduced mobility to adapt to prison life.