

**2004 CONCLUDING OBSERVATIONS OF THE  
CESCR IN RELATION TO THE PR OF CHINA  
(MACAO SAR) \* \*\***

**(PART III)**

**MACAO SPECIAL ADMINISTRATIVE REGION**

1. The Committee on Economic, Social and Cultural Rights considered the initial report of the People's Republic of China (including Hong Kong and Macao) on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.59) at its 6<sup>th</sup> to 10<sup>th</sup> meetings, held on 27, 28 and 29 April 2005 (E/C.12/2005/SR.6-10), and adopted, at its 27<sup>th</sup> meeting held on 13 May 2005, the following concluding observations.

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\* E/C.12/1/Add.107, of 13 May 2005.

\*\* Consideration of reports submitted by States Parties under Articles 16 and 17 of the Covenant.

## **A. Introduction**

2. The Committee welcomes the submission of the initial report of the State party, which was submitted on time and prepared in general conformity with the Committee's guidelines. The Committee also notes with appreciation the comprehensive written replies to its list of issues.

3. The Committee welcomes the constructive dialogue with the delegation of the State party, which included representatives of Hong Kong Special Administrative Region (HKSAR) and Macao Special Administrative Region (MSAR). The Committee appreciates that the delegation was composed of experts in the different areas covered by the Covenant.

(...)

## **III. MACAO SPECIAL ADMINISTRATIVE REGION (MSAR)**

### **B. Positive aspects**

103. The Committee welcomes the assurance that the Covenant may be directly invoked before domestic courts in MSAR, and that there have been specific decisions of domestic courts in which reference has been made to the Covenant and its provisions.

104. The Committee welcomes the assurance provided by MSAR that the Office of the Ombudsman has the mandate to receive complaints on violations of economic, social and cultural rights.

105. The Committee commends MSAR for the establishment of a special unit within the Social Welfare Institute offering assistance to victims of domestic violence.

106. The Committee welcomes the planned enactment of legislation

to protect the rights of children, specifically aimed at protecting their rights and interests.

### **C. Factors and difficulties impeding the implementation of the Covenant**

107. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in MSAR.

### **D. Principal subjects of concern**

108. The Committee expresses its concern that women continue to be in a disadvantaged position in society in MSAR, especially with regard to employment and equal pay for work of equal value and participation in decision-making.

109. The Committee is concerned about the differences in the criteria for entitlement to maternity leave for workers in the public and private sectors, and that the entitlement of male workers to five days of paternity leave is only applicable in the public sector.

110. The Committee is concerned that no legislation exists to criminalize sexual harassment in the workplace.

111. The Committee expresses its concern that persons with disabilities are not sufficiently integrated in the labour market.

112. The Committee is concerned about the increasing incidence of domestic violence in MSAR and the irregular protection given to victims of domestic violence under existing legislation.

113. The Committee notes with concern that trafficking in women

and children for sexual exploitation is a serious problem in MSAR and that prosecution of traffickers generally has not been effective.

114. The Committee is seriously concerned that migrant workers, who account for a significant proportion of the working population of MSAR, are excluded from the social welfare system.

115. The Committee is concerned about the high incidence of consumption of illicit drugs and the ineffective enforcement of the law prohibiting it.

116. While welcoming efforts made by MSAR to enable the integration of children of migrants in the school system, the Committee notes with regret that education provided to children of migrant workers is not free of charge.

117. The Committee notes the lack of sufficient information on efforts made by MSAR to involve non-governmental organizations in the preparation of the report.

## **E. Suggestions and recommendations**

118. The Committee recommends that MSAR establish a State institution responsible for the promotion and protection of gender equality and engage in sensitization campaigns to raise awareness on gender equality, particularly in employment, and to report, in its next periodic report, on the results achieved in this regard.

119. The Committee recommends that MSAR take effective measures to increase public awareness, especially in the private sector, about the importance of maternity and paternity leaves that reconcile professional and family life for men and women. The Committee further recommends that MSAR take immediate measures to ensure workers in the private

sector their right to maternity leave, without placing limitations on the number of births, and to ensure that male workers in the private sector are granted the right to five days of paternity leave, as in the public sector.

120. The Committee urges MSAR to consider enacting legislation to criminalize sexual harassment in the workplace.

121. The Committee recommends that MSAR take effective measures to promote the integration of people with disabilities into the labour market, including by providing incentives to employers and strengthening the system of job quotas for persons with disabilities.

122. The Committee calls upon MSAR to intensify its efforts to combat domestic violence. In particular, the Committee encourages MSAR to consider enacting specific legislation criminalizing domestic violence and affording effective protection to victims. The Committee also urges MSAR to take effective measures to provide training for law enforcement personnel and judges regarding the criminal nature of domestic violence. Moreover, the Committee urges MSAR to ensure the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.

123. The Committee recommends that MSAR make concerted efforts to combat the phenomenon of trafficking in persons. MSAR should also ensure that victims of trafficking have access to crisis centres where they can receive assistance. The Committee also recommends that MSAR provide in its next periodic report detailed information on the measures taken to combat trafficking and commercial sexual exploitation of women and children, as well as comparative statistical data indicating the extent of the problem.

124. The Committee recommends that MSAR take effective

measures to ensure that all workers are entitled to adequate social security benefits, including migrant workers. The Committee requests MSAR to provide detailed information in its next periodic report on the extent of the coverage of its social security system, including protection for migrant workers and other disadvantaged and marginalized groups.

125. The Committee recommends that measures be continued and strengthened for the effective implementation of programmes to prevent illicit drug consumption, and to report back to the Committee on the progress achieved in its next periodic report.

126. The Committee recommends that MSAR strengthen its efforts to provide free compulsory education to all school-age children, including children of migrant workers.

127. The Committee encourages MSAR to ensure that human rights education is provided in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

128. The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that MSAR consult NGOs and other members of civil society in Macao during the preparation of the next periodic report.

129. The Committee requests the State party to include, in its second periodic report on the implementation of the Covenant, all available information on any measures taken and progress made, particularly with regard to the suggestions and recommendations made by the Committee in the present concluding observations.

130. The Committee requests the State party to widely disseminate the present concluding observations among all levels of society, and in

particular, members of the judiciary, law enforcement officials and NGOs. It also encourages the State party to engage NGOs and other members of civil society in the process of discussions at the national level prior to the submission of the second periodic report.

131. The Committee requests the State party to submit its second periodic report before 30 June 2010.