



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
23 April 2012

Original: Chinese/English

**ADVANCE UNEDITED VERSION**

---

**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Combined seventh and eighth periodic reports of States parties**

**Macao, China \***

[20 January 2012]

---

\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**Part III**

**Macao Special Administrative Region of the People's  
Republic of China**

## Contents

	<i>Paragraphs</i>	<i>Page</i>
List of abbreviations .....		3
Introduction .....		5
Articles 1, 2 and 5 (Definition of discrimination against women, duty to eliminate discrimination and elimination of stereotyped roles).....		5
Article 3 (Measures to uphold women’s equality and advancement) .....		11
Article 4 (Temporary and special measures) .....		13
Article 6 (Eradication of trafficking in women and forced prostitution) .....		13
Article 7 (Participation of women in public and political life) .....		19
Article 8 (Participation of women in international affairs) .....		21
Article 9 (Equality of rights to nationality).....		21
Article 10 (Equality of rights between men and women in education).....		21
Article 11 (Equality of rights between men and women in work) .....		24
Article 12 (Equality of rights between men and women in health) .....		28
Article 13 (Equality of rights between men and women in other areas of economic and social life)		31
Article 14 (Rural women) .....		31
Article 15 (Equal treatment of men and women as to legal capacity and choice of place of residence and domicile)		32
Article 16 (Equality of rights between men and women in all matters related to marriage and family relations)		32

## List of abbreviations

BL	Basic Law of the Macao Special Administrative Region of the People's Republic of China
CAC	Commission against Corruption
CCM	Criminal Code of Macao
CCWA	Consultative Commission for Women's Affairs
CSCA	Commission for Senior Citizens Affairs
EYAB	Education and Youth Affairs Bureau
HB	Health Bureau
LAB	Labour Affairs Bureau
LJTC	Legal and Judicial Training Centre
MSAR	Macao Special Administrative Region of the People's Republic of China
MSDB	Macao Sport Development Board
NGOs	Non-governmental organizations
PSP	Public Security Police
SWB	Social Welfare Bureau
WGAM	Women's General Association of Macao

## INTRODUCTION

1. This part of the combined seventh and eighth periodic reports of the People's Republic of China under Article 18(1) of the Convention on the Elimination of all Forms of Discrimination against Women (Convention) pertains to the implementation of the Convention in its Macao Special Administrative Region (MSAR) and it was prepared by the MSAR Government, on the basis of the contributions from its relevant departments and entities, as well as local non-governmental organizations (NGOs) working in the field of human rights and protection of women.
2. This part of the report covers the period from January 2003 to June 2010. It is focused primarily on changes in legislation and other measures and practices relating to material developments occurred in the MSAR during that period. The issues raised by the Committee on the Elimination of Discrimination against Women (Committee) in its Concluding Comments adopted in August 2006 (CEDAW/C/CHN/CO/6) are taken into consideration.
3. In order to limit its extent, information provided in Addendum 2 to China's previous report (CEDAW/C/CHN/5-6/Add.2) and in other parts related to the MSAR of China's latest reports on human rights and connected documents, in particular the Core Document (HRI/CORE/1/Add.21/Rev.2) and its 2010 update (HRI/CORE/CHN/2010 (MAC)), the initial report on the Convention on the Rights of Persons with Disabilities (CRPD/C/CHN/1/Add.2), the responses to questionnaires related with the status of implementation of the Beijing Declaration and Platform for Action and the Millennium Goals, as a rule, is not included herein. Instead, reference is made to such documents.

**Articles 1, 2 and 5 (Definition of discrimination against women, duty to eliminate discrimination and elimination of stereotyped roles)**

4. There is nothing new to remark in respect of Article 1 of the Convention. The information contained in the previous report remains valid.

5. Indeed, in the MSAR, discrimination, on any basis, is forbidden, and affirmative measures are allowed. The rights to equality and non-discrimination, including gender non-discrimination, are explicitly enshrined in Article 25 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China (BL) and special protection of the legitimate rights and interests of women is also explicitly guaranteed in Article 38 (2) of the BL. In addition, equality and non-discrimination are general principles of law that underpin the entire MSAR legal system and that can be directly invoked before the courts or any administrative authority.

6. Notwithstanding, pursuant to its policy of sustained and harmonized development for all, the MSAR Government has been taking steps to ensure the practical realization and full enjoyment of the right to equality, in particular in what concerns hidden forms of discrimination, such as those shown by the increase of certain crimes in recent years.

7. In its Concluding Comments (paragraph 45), the Committee *noted with concern the increase, in recent years, in the number of rape, procurement and domestic violence cases in the MSAR* and recommended (paragraph 46) that it should be given *priority to putting in place preventive measures to address all forms of violence against women*. It also recommended that *research be conducted on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention*.

8. Recognizing the need of adjusting the institutional and legal framework to better address specific problems of women, including violence against women, some new laws have been adopted and some others are nearing completion or being envisaged.

9. In 2005, a high-level body, the *Consultative Commission for Women's Affairs* (CCWA), was established under Administrative Regulation 6/2005 to serve as a monitoring and dialogue mechanism on all policies and initiatives related to women. The CCWA is headed by the Chief Executive and comprises 5 members appointed by the Government and 25 representatives of NGOs for women, education, culture, labour, health, child and youth and/or social assistance purposes.

10. The aims of the CCWA are to promote women's rights and interests and the improvement of their life conditions and the effective sharing of responsibility at the family, professional, social, cultural, economic and political levels, as well as to contribute to improve women's opportunities, rights and dignity and to encourage the full participation of women in the development of the MSAR.

11. The CCWA is divided in three sub-committees, which are for: *i) women's policy – aiming at the study of policies and measures related to women and at making relevant suggestions; ii) women's rights and legal affairs – handling issues related to protection of women's rights, collecting opinions and giving suggestions; and iii) women's education and promotional affairs – handling cooperation with and suggestions of related institutions on the law promotion for women's issues, and proposing training and educational programmes with reference to the information and data collected*.

12. At the request of the CCWA, a thorough study on the condition of women in the MSAR was conducted by the University of Macao (*Report on the Status of Women in Macao 2008*) on the basis of a survey, held in the end of 2008, in which a total of 1,107 local women participated.

13. This study revealed that the MSAR gender-gap general index and the 4 major sub-index scores were higher than the overall media (0.7067 for the general index, and 0.99, 1.00 and 0.67 and 0.17 for health, educational attainment, economic participation/opportunity and political empowerment sub-indexes, respectively). In terms of main characteristics, it showed that Macao women are strongly attached to family, do not have enough civic participation and, in general, are healthy, both physically and mentally. As to major problems that specifically affect Macao women, the report identified as such the shortage of current psychological counselling services and of support to family services, lack of recreation facilities, deficiency on the geographical allocation of health care, work in shifts, economic participation, social mobility and life conditions of women with low income<sup>1</sup>

14. Accordingly, the MSAR Government has been trying to formulate policies in the pertaining areas to adequately address those problems (further details are given in regard to each of the relevant Articles of the Convention).

15. In 2007, the *Commission to Follow Up the Implementation of Dissuasive Measures against Trafficking in Persons* (Commission against Trafficking) was set up by Order of the Chief Executive 266/2007, and, in 2008, a new law on the fight against trafficking in persons, Law 6/2008, was adopted. This law, based on the international law concept of trafficking, criminalizes trafficking autonomously and establishes a comprehensive victim assistance and protection framework. At present, a public survey, conducted by the Commission against Trafficking, is being held, which should produce more reliable data on trafficking (developments on the issue of the combat against trafficking in persons are described in relation to Article 6).

16. A criminal law aiming at enhancing the prevention and suppression of domestic violence and the protection of victims is currently being drafted. This law will also establish victims' rights and the necessary measures to protect and support them.

17. In this respect, it should be recalled that, as indicated in the previous report, conducts which constitute domestic violence are already considered criminal offences under the Criminal Code of Macao (CCM), in particular, but not exclusively, under its Article 146 that establishes the crime of *ill-treatment of minors, persons with incapacities or spouse* (punishable with imprisonment penalties ranging from 1 to 5 years and 2 to 8 years or 5 to 15 years if the ill-treatment leads to serious physical injury or death of the victim, respectively).

18. However, on the basis of the information collected in the field by the MSAR Social Welfare Bureau (SWB), the CCWA and local NGOs that run programmes to help women victims of violence, it was deemed that the law should be improved and adjusted to social changes, more precisely in what concerns the nature of the crime (in relation to ill-treatment against a spouse, a complaint from the victim is required to initiate criminal proceedings due to the nature of the crime not being that of a public crime) and the fact that urgent procedures for immediate protection and assistance to victims are not explicitly provided for/mandatory. The draft law will be subject to hearings of different social sectors and public consultation shortly.

19. Although, from 2003 to June 2010, there was no complaint lodged with the police for the crime of ill-treatment, available data both on complaints in regard to crimes that may be connected to domestic violence against women and girls lodged with the police and

---

<sup>1</sup> The full text of the report is available in Chinese and Portuguese at the CCWA website at the following address: <<http://www.ccam.gov.mo>>.

on social assistance cases handled by the SWB and local NGOs point to a different reality, as shown in the following tables.

*No. of complaints lodged with the police regarding crimes that may reflect domestic violence*

Cases / Gender	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
Cases	344	336(1)	326(2)	348(3)	388(4)	371(5)	413	189
M	43	45	41	43	41	49	48	38
F	306	283	290	287	313	286	345	146
MF	349	328	331	330	354	335	393	184

**Source:** Security Forces Coordination Office; **Notes:** (1) Includes 3 cases of serious offences against physical integrity; (2) Includes 1 case of rape and 1 case of serious offences against physical integrity; (3) Includes 3 cases of homicide and 4 cases of serious offences against physical integrity; (4) Includes 3 cases of serious offences against physical integrity; (5) Includes 3 cases of serious offences against physical integrity.

*No. of spousal victims and minor victims involved in complaints regarding domestic violence*

Victim		2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
Spouse	M	15	16	14	13	18	18	14	12
	F	230	227	236	255	267	239	280	119
	MF	245	243	250	268	285	257	294	131
Children <15 years old(1)	M	12	13	10	14	10	15	11	8
	F	14	18	14	10	14	13	18	4
	MF	26	31	24	24	24	28	29	12

**Source:** Security Forces Coordination Office; **Note:** (1) Offences against physical integrity.

*No. of social assistance cases of abuse between family/household members handled by the SWB (\*)*

Persons abused	2006	2007	2008	2009
Wife	52	52	55	48
Husband	3	1	5	4
Child	28	27	22	28
Elder	-	2	-	3
Total of abuses suffered by individuals	109	110	105	101
Total of abuses by family	101	97	89	97

**Source:** Yearbook of Statistics 2009; **Note:** (\*) The sum of the partial figures may not correspond to the total as the victims may suffer more than one type of abuse.

*No. of social assistance cases of spousal abuse handled by the SWB by type of abuse*

Victim's gender	Type of abuse	2004	2005	2006	2007	2008	2009	2010 (Jun)
M	Physical	0	0	2	1	3	3	1
	Psychological	0	0	1	0	2	1	1
	Sexual	0	0	0	0	0	0	0
	Total(1)	0	0	3	1	5	4	2
F	Physical	27	28	61	48	41	47	14

*No. of social assistance cases of spousal abuse handled by the SWB by type of abuse*

Victim's gender	Type of abuse	2004	2005	2006	2007	2008	2009	2010 (Jun)
	Psychological	11	13	5	14	10	6	1
	Sexual	4	3	0	0	1	1	0
	Total(1)	42	44	66	62	52	54	15

**Source:** Social Welfare Bureau; **Note:** (1) The sum corresponds to the number of cases of physical, psychological and sexual abuse occurred, however it may not correspond to the total of victims as one victim may suffer more than one type of abuse.

*No. of persons abused by a member of his/her family/household admitted in shelters*

Facility	Victim's gender	2004	2005	2006	2007	2008	2009	2010 (Jun)
NGO shelters (1)	M	0	4	7	2	2	6	4
	F	1	4	27	26	18	18	10
	MF	2	8	34	28	20	24	14
Private residential facility (2)	M	-	-	0	0	0	1	0
	F	-	-	0	2	1	3	2
	MF	-	-	0	2	1	4	2

**Source:** Social Welfare Bureau; **Notes:** (1) In 2004 and 2005, there were only wife, child and elder abuse cases (data is based on the information provided by the reporting entities); data from 2006 to June 2010 is based on information provided by the victims; (2) In 2004 and 2005, there was no information on temporary accommodation in private residential facility (data is based on the information provided by the reporting entities); data from 2006 to June 2010 is based on information provided by the victims.

20. As to other forms of violence against women and girls, in particular sexual exploitation, more information is given in relation to Article 6 of the Convention. However, the measures described in the following paragraphs apply to all forms of abuse.

21. The MSAR Government has put in place several measures to prevent, protect and rehabilitate victims of abuse. A specific office within the Department of Family and Community Service of the SWB, the *Office for Family Action*, offers a multi-disciplinary counselling service to individuals and family-members at risk or in need of help, such as those who have problems related to marriage or are facing domestic violence, child abuse or sexual abuse. The SWB has a specialized team of social workers, psychologists, nursery teachers and legal advisers for crisis intervention.

22. The SWB also helps victims of violence on their rehabilitation and integration into society. Services for the victims are formulated depending on the cases' characteristics and their needs, in order to enhance their self-esteem and self confidence. Physical, psychological, financial and legal assistance is made available in order to facilitate their reintegration.

23. NGOs are instrumental in identifying cases of violence against women and providing support to victims. The SWB works in partnership with local NGOs, granting them subventions to organize group activities and recreational classes for the victims, as well as technical assistance. At the moment, two of the main women's NGOs, the Women's General Association of Macao (WGAM) and the Good Shepherd Centre, are running women's shelters. The SWB also subsidizes the 24-hour hotline for domestic violence of Lai Yen Centre of the WGAM, which was launched in 2005.

24. There are other 24-hour hotlines for victims of violence, such as those of the Judiciary Police, of the Public Security Police (PSP) and of the Health Bureau (HB).

25. Training workshops on how to deal with and advise a victim of domestic violence has been organized by the SWB to its own social workers, NGO personnel and medical staff. Between 2003 and June 2010, 6 training workshops on domestic violence were conducted. *How to Terminate Domestic Violence* and *Spousal Violence Risk Assessment* were 2 of the workshop themes.

26. Likewise, between 2003 and June 2010, some NGOs, such as the WGAM and the General Union of Neighbourhood Association of Macao, under the auspices and financial support of the SWB, organized numerous seminars, training, workshops and other activities about domestic violence targeted at the general public and NGO personnel.

27. During the same period, the SWB and subsidized NGOs also carried out public awareness campaigns on the need to combat domestic violence, through distribution of leaflets, posters, themed gifts, promotional DVDs, radio and TV advertisements and community activities targeted at the general public.

28. Still, on the issue of violence against women, the Committee also recommended (third sentence of paragraph 46) that *the Government of the MSAR ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished and to see to the provision of shelters and counselling services for victims of violence*. Although there is always room for improvement, there are a number of points that should be clarified in relation to the concerns expressed.

29. Firstly, there are means of redress for victims in the MSAR, although such means are not conceived just for women and girls but rather for all victims (the distinction being in terms of their type - judicial, *quasi*-judicial or non-judicial - and nature - general or special). Secondly, protection is ensured, as far as possible, to all persons without distinction in the MSAR, and special protection is granted to persons at risk and to victims of violent crimes. Thirdly, as mentioned, shelters and counselling services for victims of violence are available. The Government provides funding on an annual basis to women's shelters and other NGOs working for the prevention of violence against women. Fourthly, criminals are prosecuted and punished according to law and due legal process.

30. As regards general types of redress, reference is made to the information contained in Part III of China's Core Document (paragraphs 177 to 246) and of its 2010 update (paragraphs 78 to 80 and 99 to 103), which remains valid.

31. In what relates to special means of redress, it is worthwhile to recall the existence of a specific body, the *Commission for the Protection of Victims of Violent Crimes*, established in 1998. Victims of violent crimes may apply for a special financial compensation that is granted even if the offender's identity is unknown or if, for any reason, the offender cannot be accused or convicted (Law 6/98/M). During the period covered by this report, 9 women who were victims of violent crimes applied for special compensation (a total amount of MOP 510,000.00 in compensation was granted in regard to 6 of them).

32. Also, in 2007, another body, the *Commission for Senior Citizens Affairs* (CSCA), was created to study how to respond to the challenges of social inclusion and quality of life of the increasing ageing population. This Commission aims at supporting the Government in the formulation of policies, in view of defining a strategy of modernization and enhancement of social protection policies, of granting to this population group the access to resources, rights and basic social services, so that the needs of this most vulnerable group that is at a greater risk of social exclusion are met. Within this same context of the policy of

inclusion and amelioration of the quality of life, including older women, and, though with a more broad spectrum, it has to be mentioned the *Commission for the Prevention and Control of Chronic Diseases*, which was established in 2009.

33. Moreover, in 2008, the *Commission for the Rehabilitation of Persons with Disabilities* was established. Regarding this issue, please refer to Addendum 2 to the initial report of China on the Convention on the Rights of the Persons with Disabilities.

34. Still, in 2008, it is worth mentioning that another law was adopted, Law 7/2008, on labour relations, which explicitly reaffirms the principles of equality and non discrimination, including with regard to gender, equal remuneration for work of equal value and marital status.

### **Article 3 (Measures to uphold women's equality and advancement)**

35. In order to foster the full enjoyment of fundamental rights, the MSAR Government, through its different entities and/or in partnership with NGOs, has been carrying out several public awareness campaigns and educational training programmes.

36. These actions, which are part of the Government's overall policy, have a continuing nature and are aimed at either the general public, specific portions of the general public, or the government and NGO personnel. For this purpose, within the different Commissions, specialized working groups have been created, namely, the *Working Group of the CSCA*, for monitoring legislative process to protect the ageing population, the *Specialized Committee of the Council of Social Action* for monitoring the implementation of the *Accreditation Scheme for Social Workers in Macao*.

37. As an effort to raise public awareness on women's rights, in particular on issues related to gender equality and the prevention of violence against women, TV and radio programmes, advertisements/promotion clips regarding women's rights as well as themed posters and leaflets (in Chinese and English) have been systematically broadcast and distributed in public places, respectively.

38. Moreover, as part of the same ongoing efforts, training courses, seminars, workshops and other activities on violence against women, including domestic violence and sexual exploitation, were organized by several governmental entities and/or NGOs with the support of the Government.

39. The Legal and Judicial Training Centre (LJTC), an entity focused on training for the judicial and civil servants, held several seminars and workshops on human rights, including on women's rights, such as the *Seminar on Human Rights, UN Covenants and Fundamental Rights* (2005), *Seminar on Human Rights and International Law: Some Global Challenges* (2006), *Workshop on Report Writing and Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women* (2007) and *Workshop on the New Labour Relations System* (2009), one of which topics was safeguards on women's rights to work. These seminars were conducted in both official languages and in English, with professors from the MSAR, the Mainland of China and foreign countries, mainly from Europe.

40. Likewise, the CCWA has been organizing and co-organizing with NGOs and international entities several seminars (e.g. *Briefing on Women's Rights Laws* (2006) and *Human Trafficking and Labour Exploitation* (2008), *Labour Relations Law* (2008)) and other activities (e.g. the *Women Carnival 2010* event, visits to the PSP and the SWB in 2007, to the HB in 2008 and to the women's health centre of the WGAM in 2009). The CCWA has also been facilitating the dialogue and cooperation between the Government and local NGOs for the promotion and protection of women's rights and basic freedoms and gender equality, especially at family relations level.

41. On its turn, the PSP carried out a total of 19 training courses and 4 seminars on violence against women from 2008 till the first half of 2010. These activities were aimed at providing training to police officers, inspectors and high-rank police officers to strengthen their capacity to deal with gender-based violence.

42. Likewise, the Judiciary Police organized its elements participating in several events that address themes about women's rights and violence against women (e.g. seminars *Introduction to Crime Related to Women and Domestic Violence in Macao*, in 2007 and *Human Trafficking and Forced Labour: Everyone's Concern*, in 2008).

#### **Article 4 (Temporary and special measures)**

43. As mentioned above, relevant changes have occurred in respect of labour relations in the private sector with the adoption of Law 7/2008. This law provides for an improved regime concerning maternity, eliminating the limit of births, increasing the period of maternity leave and reinforcing women workers' well-being during pregnancy. It stipulates that pregnant women are entitled to 56 days maternity leave without loss of remuneration or employment; out of these 56 days, 49 must be taken after birth and the remaining may be used either before or after birth. During pregnancy and for 3 months following birth, women should not engage in any tasks that might cause discomfort or pose a risk to their condition.

44. As regards social protection for vulnerable women, since long, the SWB have subsidized NGOs in order to enable them to offer in-home, residential and other community support services to those in need, including vulnerable women. Also, under the SWB financial and technical support, NGOs provide home care services targeted at people with disabilities who lack care and support from their families or the elderly in poor health conditions. The services cover catering, personal care, home cleaning, bathing, escort service for medical consultation, laundry, shopping, personal counselling, hotlines, mutual help network, community activities, visits as well as home-based care and rehabilitation services.

45. On top of the above support, a subvention regime was set up to provide a monthly subsidy to individuals and families in financial hardship due to social and health factors or other difficulties so as to support their daily lives. Additionally, special subsidies, covering education, nursing and disability, are available for vulnerable families, including single families and families whose members have disabilities or suffer from chronic illness (Order of the Secretary for Social Affairs and Culture 18/2003). Furthermore, twice a year, an extra living subsidy is granted to such families. Plus, senior citizens aged 65 or above are entitled to an annual old-age allowance (Administrative Regulation 12/2005, as amended).

#### **Article 6 (Eradication of trafficking in women and forced prostitution)**

46. As referred, the Commission against Trafficking was established in 2007 and a new law on the fight against trafficking in persons was adopted in 2008.

47. The Commission against Trafficking is an inter-departmental public body with a multidisciplinary nature, which mandate is to diagnose, evaluate and study the social aspects of trafficking in persons in the MSAR, to promote its sociological research and analysis, to make recommendations and to monitor activities of the departments that are involved in the fight against trafficking in persons in the perspective of its prevention and of protection and social reintegration of the victims. The Commission against Trafficking is intended to operate as a coordination forum for different public entities involved in the fight against trafficking in order to articulate and improve the necessary public response and to interact with NGOs.

48. As to the new law, it introduced a new provision in the CCM (Article 153-A) by means of which the type of the criminal offence of trafficking in persons was changed and substantially enhanced. The definition of trafficking in persons contained therein concurs with the international law definition. Its scope of application is very broad, both extraterritorial jurisdiction and criminal liability of legal persons were also established and criminal liability is provided for regardless of whether the perpetrators are involved in an organized criminal group or are individual traffickers. The penalties provided for the crime of trafficking in persons correspond to the seriousness of the offence, ranging from 3 to 12 years of imprisonment in regard to crimes committed against adults, and from 5 to 15 years of imprisonment in regard to crimes committed against children. This law also establishes a comprehensive set of measures with the aim of ensuring victims' rights and assistance.

49. Within this context, the MSAR Government, through its relevant departments and/or the Commission against Trafficking, launched an intensive awareness campaign against trafficking (targeted at the general public and potential victims) and carried out several actions.

50. The new law on the combat against trafficking in persons has been divulged by different means, including publication of newspaper articles, distribution of themed leaflets in the arrival halls of the MSAR border control points, libraries and community centres as well as advertisements on television and radio, in Chinese, Portuguese and English, etc..

51. Also, several seminars and workshops were organized by the LJTC on various legal aspects of the new law, such as the *Seminar on the Investigation and Prosecution of Human Trafficking*, the *Seminar on Introduction to the MSAR Law against Trafficking in Persons*, the *Seminar on the Fight against Trafficking in Persons*.

52. Propaganda against trafficking has been widely spread (posters were posted in the arrival and departure halls of the border control points as well as in several facilities of NGOs that provide assistance to vulnerable groups). Also, since June 2009, the Migration Services of the PSP and the HB installed TV screens at waiting areas where there are large gatherings of foreigners, showing short video messages to raise public concern about the prevention of and fight against trafficking in persons.

53. A booklet themed at combating trafficking in persons with posters designed by secondary school students, which was distributed in schools, medical centres and the Migration Services, was published by the Commission against Trafficking in cooperation with the Good Shepherd Centre. An educational campaign at secondary schools was launched under the responsibility of the Legal Affairs Bureau. Further, the CCWA, in cooperation with the Good Shepherd Centre, organized a seminar on trafficking in persons and labour exploitation in 2008.

54. As regards training for law enforcement agents, courses, workshops, and seminars were sponsored or organized from time to time by the Commission against Trafficking and law enforcement agencies, such as the *Entry Training Courses for Police Constables, for Police Officers and for Investigators focusing on the Law on Combat against Trafficking in Persons*, *Seminar on Combating Human Trafficking*, *Training Course on Forced Child Labour/Human Trafficking/Child-Sex Travel Industry*, *Workshop on Combating Human Trafficking Training* and *Workshop on Supporting Human Trafficking Victims*.

55. Furthermore, still under the aegis of the Commission, a 24-hour government hotline and another 24-hour hotline operated by the WGAM and sponsored by the SWB were established in February and July 2008, respectively. The SWB also supported on-the-job training for hotline workers, by granting a special subsidy to them through a scheme of professional development. Both hotlines, primarily intended for victims of trafficking, are handled by experienced social workers to offer assistance, advice, counselling and

arrangement for temporary shelter. Publicity for this service is done by means of putting up street banners, posting fliers and posters on taxis and buses.

56. In addition, a specific scheme to assist trafficked persons was put in place. Under this scheme, comprehensive services are offered to victims, in particular emergency shelter and housing, police protection, financial assistance, referrals to medical services, counselling services, legal consultation, occupational training. For this purpose, the SWB reserved 4 rooms permanently at NGO shelters, and since July 2008, a secretly located shelter run by the WGAM, subsidized by the SWB, is fully operational. The HB also plays an important role in what concerns assistance to victims.

57. Victims of trafficking are also entitled to receive physical protection, to an interpreter, legal counselling and aid as well as to compensation. Victims whose lives are in danger are placed under police protection. Operational referral guidelines, drafted in compliance with international standards, were prepared to help law enforcement agencies and HB personnel to handle victims of trafficking.

58. With regard to factual information, disaggregated *data* on trafficking in persons, which is available only since Law 6/2008 entered into force, is shown in the following table.

*Data on trafficking in persons (No.)*

	2008	2009	2010 (Jun)
Cases	14	6	9
Victims	19	6	12
Persons detained	9	6	4
Cases opened by the Procuratorates for inquiry	14	6	9
Cases in which the inquiry was/is pending	1	2	9
Cases filed by the Procuratorates	11	4	0
Cases prosecuted	2	0	0
Cases tried and/or waiting trial	2	0	0
Persons convicted for the crime of trafficking	1	0	0

*Source: Security Forces Coordination Office*

59. As to the main characteristics of the trafficking cases occurred until now in the MSAR, it was found that sexual exploitation was the purpose in all cases. All victims were female, most of them from the Mainland of China (2 were from the MSAR and 1 was from Vietnam), their ages ranging mostly from 15 to 22 years old, while the perpetrators' origin, gender and age vary from case to case.

60. In relation to the cases registered and filed by the Procuratorates (which, in the MSAR legal system, as in other civil law systems, is a body composed of independent magistrates with functions analogous to those of public prosecutors) or that gave rise to prosecution and, consequently, are waiting trial or were tried, it should be clarified that a case initially deemed as constituting the criminal offence of trafficking can be classified otherwise by the Procurator in charge of the investigation or, even, later on, in the trial phase, by the court, depending on the actual circumstances of such case and the evidence collected to substantiate it. On the other hand, criminal proceedings can be filed after the conclusion of the phase of inquiry if the proceedings are deemed to be not admissible or if it was not possible to obtain sufficient indicia that the crime was committed or who has committed it.

61. As mentioned, a special protection scheme was put in place to ensure safe accommodation, food, financial support, medical and legal assistance for all victims of trafficking in persons irrespective of their willingness to co-operate in criminal proceedings and regardless of their status as victims being confirmed in the criminal proceedings (which, in fact, was not confirmed in relation to some of them).

62. One of the problems encountered with the implementation of this scheme is indeed the fact that, to benefit from it, no proof of the status of victim is required, being enough the existence of indicia. Therefore, practice has shown some abuse from persons who claim to be victims. In more general terms, one of the difficulties faced in the fight against trafficking is to obtain the cooperation of the victims of trafficking with the investigative authorities. Most of them requested to be returned to their place of origin while others just left the shelter without notice.

63. From 2008 to June 2010, assistance was granted to all women and girls who requested it. However, in 2010, the assistance scheme was suspended in relation to 4 women after being confirmed that they were not victims of trafficking in persons (neither of any other crime). The following table shows the number of women and girls who benefited from the assistance scheme.

*Women and girls who benefited from the assistance scheme*

Victims/Female	2008		2009		2010 (Jun)	
	Social protection	Police protection	Social protection	Police protection	Social protection	Police protection
Age <16	1	-	3	-	-	-
Age ≥16	22	-	-	2	12	3
Total	23(1)		5(2)		15(3)	

**Source:** Social Welfare Bureau; **Notes:** (1) 21 victims were from the Mainland of China and 2 from the MSAR; (2) 4 victims were from the Mainland of China and 1 from Vietnam; (3) All victims were from the Mainland of China.

64. As regards sexual crimes, the information on exploitation of prostitution, *i.e.*, the criminal offences of procurement and procurement of minors, as well as on the remaining crimes against sexual freedom and against sexual self-determination provided in the last report is still accurate. The tables below show the available updated police data.

*No. of cases and of victims of rape/rape of minor registered by the police*

Cases / Victims	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
No. of cases	17	18	24	16	14	23	21	14
No. of victims (1)	18	18	24	16	14	23	21	14
Age <16	4	2	6	2	6	4	4	3
Age 16-24	9	7	11	8	4	11	9	4
Age ≥25	5	9	7	6	4	8	8	7

**Source:** Security Forces Coordination Office; **Note:** (1) All victims were female.

*No. of cases and of victims of sexual coercion registered by the police*

Cases / Victims	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
No. of cases	1	2	5	8	4	4	6	2

*No. of cases and of victims of sexual coercion registered by the police*

Cases / Victims	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
No. of victims	1(1)	2	5(2)	8(3)	4(4)	4	6(5)	2
Age <16	1	0	1	0	1	2	0	0
Age 16-24	0	1	3	8	1	0	4	0
Age ≥25	0	1	1	0	2	2	2	2

**Source:** Security Forces Coordination Office; **Notes:** (1) 1 male victim; (2) 3 male victims; (3) 1 male victim; (4) 1 male victim; (5) 1 male victim.

*No. of cases and of victims of procurement/ procurement of minor registered by the police*

Cases / Victims	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
No. of cases	18	20	37	28	36	30	36	24
No. of victims (1)	36	35	58	57	51	52	64	58
Age <16	0	2	0	2	4	1	5	0
Age 16-24	21	21	45	34	36	40	44	45
Age ≥25	15	12	13	21	11	11	15	13

**Source:** Security Forces Coordination Office; **Note:** (1) All victims were female.

65. In what concerns the cases opened, investigated and prosecuted (in relation to which a person(s) was formally accused) by the Procuratorates in regard to such police occurrences, the available data is as follows.

*No. of crimes against sexual freedom*

Type of crime	Cases/crimes	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
Rape	Cases opened	12	18	20	13	14	16	20	12
	Prosecuted	9	7	9	7	4	4	4	4
Sexual coercion	Cases opened	3	3	2	8	5	5	7	4
	Prosecuted	3	2	0	2	4	1	4	2
Procurement	Cases opened	17	11	29	20	18	13	3	7
	prosecuted	2	4	4	6	3	2	2	1

**Source:** Office of the Procurator-General

*No. of crimes against sexual self-determination (1)*

Type of crime	Cases/crimes	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
Rape of minor	Cases opened	1	3	0	6	5	4	5	2
	Prosecuted	1	3	3	2	2	2	2	2
Procurement of minor	Cases opened	0	1	1	0	0	1	0	0
	Prosecuted	0	2	0	0	0	0	3	0

**Source:** Office of the Procurator-General; **Note:** (1) Prosecution of a case can refer to a case opened in previous years depending, among other factors, on the length and complexity of the investigation.

66. As to the number of cases of such crimes that reached the courts and were subsequently tried, according to the data provided by the Court of Final Appeal, between 2004 and June 2010, 50 cases of rape were tried (of which 31 cases led to convictions and 19 to acquittals), while there were 23 cases tried for procurement (which led to 16 convictions and 7 acquittals). In the same period, there were 18 cases of sexual coercion (corresponding to 3 withdrawals of complaints, 13 convictions and 2 acquittals).

67. Still according to the same source, during the same period, 11 cases of crimes of exploitation of prostitution (Article 8 of Law 6/97/M, Law against Organized Crime) were tried in the courts. From those, 9 sentences led to convictions and 2 sentences to acquittals.

68. As regards complaints against prison guards lodged by female prisoners for alleged unjustified violence/discrimination, the Macao Prison Establishment reported that, between 2003 and June 2010, there were 7 complaints. After due investigation (and, in one case, medical evaluation), they were all archived for being unsubstantiated and/or lack of evidence. However, in regard to 3 of them (occurred in 2009), although no penalty was applied, the investigation revealed the need to provide special training for prison guards on forms of transmission of infectious diseases and how to cope with prisoners affected by such diseases. In this respect, the Macao Prison, since October 2009, has organized courses aiming at infectious disease awareness for its prison guards.

#### **Article 7 (Participation of women in public and political life)**

69. As described in the previous report, women have the same civil and political rights and duties as men, in particular, the rights to vote and to be elected, to hold any public office and to perform any function at any level. Nevertheless, gender equality has not yet achieved.

70. As of December 2009, of a total of 250,268 registered electors, 128,091 were women, which correspond to 51.2% of all voters. Since the last report, there was not only a significant increase of women voters but also this increase exceeded the increase of the number of men voters.

71. Furthermore, it should be pointed out that to ensure the exercise of the right to vote by all, the law stipulates that persons with disabilities may, at their will, be assisted by a person of their choice when voting. An entrusted person who votes unfaithfully or discloses the vote cast is punishable with a penalty of up to 3 years of imprisonment (Articles 109, 111 and 172 of Law 3/2001 on the Electoral Law for the Legislative Assembly, as amended, and Articles 75, 76 and 138 of Law 3/2004 on the Election of the Chief Executive, as amended).

72. The number of positions held by women is not yet identical. Nevertheless, some of the high-level positions are held by women, *e.g.* the second most important member of the MSAR Government, the Secretary for Administration and Justice.

73. The Legislative Assembly currently comprises 29 members, 4 of which are female.

74. Access to and participation in public life by women, including the access to and the exercise of public office and positions within the MSAR political system and public administration, are guaranteed. Actually, the appointment and promotion of civil servants at all ranks are grounded on objective criteria, such as qualification, professional experience and technical ability.

75. The table below shows that in June 2010 the percentage of women working in the MSAR public administration was of 57% in the Legislative Assembly, 47% in the Judiciary and 40% in the Government.

76. More specifically, the percentage of women in the professional group of directors and head officers was 41%; however, still in this group, the percentage of female civil servants in the Legislative Assembly was 100%. As regards the main professional groups in the Judiciary, the percentage of both male and female judicial clerks was of 50% while the percentage of female judges was of 48%. In the professional groups of teachers, senior technicians and clerical staff, the percentage of women was definitely higher, corresponding to 81%, 57% and 52%, respectively.

*MSAR civil servants by professional group and gender (until June 2010)*

Professional Group	Government					Legislative Assembly(1) Judiciary									
	M	M %	F	F %	MF	M	M %	F	F %	MF	M	M %	F	F %	MF
Directors and Head Officers (2)	399	59	277	41	676	0	0	4	100	4	23	64	13	36	36
Judges(3)	-	-	-	-	-	-	-	-	-	-	27	52	25	48	52
Senior technicians(4)	2040	43	2720	57	4760	13	42	18	58	31	28	37	48	63	76
Teachers	85	19	358	81	443	-	-	-	-	-	-	-	-	-	-
Judicial clerks	-	-	-	-	-	-	-	-	-	-	100	50	100	50	200
Clerical staff	2624	48	2862	52	5486	10	42	14	58	24	41	36	73	64	114
Security	5438	83	1104	17	6542	0	0	0	0	0	0	0	0	0	0
Manual worker	2615	65	1379	35	3994	9	56	7	44	16	87	84	17	16	104
Total	13201	60	8700	40	21,901	32	43	43	57	75	306	53	276	47	582

*Source: Public Administration and Civil Service Bureau; Notes: (1) Deputies elected to the fourth term of the Legislative Assembly are not included; (2) Registrars and notaries are included; (3) Judges who occupy other government positions are not included; (4) Advisers/technical advisers, technicians and equivalent are included.*

77. As of June 2010, there were 64 magistrates (judges and procurators, including those occupying other government positions and those from the exterior), of which 15 judges and 12 procurators were female. On the other hand, the LJTC plays an important role in organizing training courses for magistrates. The requirements for applying for the admission to the training courses for magistrates, established in Article 3 of Law 13/2001, are objective and gender neutral.

78. Actually, figures show that in the 1<sup>st</sup> and 2<sup>nd</sup> training courses for the magistrates, held between 2002 and 2009, the number of female trainee magistrates, and consequently the number of magistrates appointed, was higher than that of male.

*Training Courses for the Judicial and Procuratorates Magistracies*

Dates on which the courses were held	No. of trainees			No. of magistrates appointed				J/PP
	M	F	MF	Judges (J)		Public Prosecutors (PP)		
	M	F	MF	M	F	M	F	MF
29/5/2002 to 28/5/2004	3	7	10	1	4	2	3	10
18/6/2007 to 17/6/2009	1	5	6	1	4	-	1	6
29/6/2009 to 28/6/2011	4	5	9	-	-	-	-	-

*Source: Legal and Judicial Training Centre*

**Article 8 (Participation of women in international affairs)**

79. The information regarding this Article provided in the last report is still accurate.

**Article 9 (Equality of rights to nationality)**

80. There is nothing new to report in respect of this Article.

**Article 10 (Equality of rights between men and women in education)**

81. As mentioned in the last report, gender equality is one of the key principles of the MSAR education system, to which women and men are guaranteed access on an equal footing. The right of everyone to education, which comprises equal opportunities in school access and school achievement, is legally guaranteed.

82. Law 9/2006 sets up the non-tertiary education system legal framework and imposes as general principles of the education system the right to education without discrimination and the obligation of the Government to develop appropriate mechanisms to promote effective equality of opportunities in education.

83. Compulsory, universal and free education to all is, on the basis of the principle of gender equality, being gradually implemented. More precisely, non-tertiary education is categorized into regular education (pre-primary, primary and secondary education) and continuing education and the former is compulsory (from 5 to 15 years old), universal and free. Starting from the academic year 2007/2008, free education was extended to senior secondary education; thus, the period of free education lasts for 15 years.

84. Furthermore, in 2010, the investment in non-tertiary education, tuition subsidies and free education for all school levels increased from 5% to 5.88%.

85. In reality, from the academic years 2003/2004 to 2008/2009, the net enrolment ratio of female students in primary and secondary education was generally higher than that of male students and the drop-out rate of females was lower than males (for more details, please refer to paragraph 31 of the 2010 update of China's Core Document (HRI/CORE/CHN/2010 (MAC))). As for the academic year 2008/2009, the following table displays the number of male and female students enrolled in and dropped out of regular education.

*No. of students enrolled in and dropped out of regular education in the academic year 2008/2009*

	Pre-primary education			Primary education			Secondary education		
	M	F	MF	M	F	MF	M	F	MF
Enrolled	4,746	4,381	9,127	14,495	12,988	27,483	19,934	19,394	38,328
Dropped out	0	1	1	37	10	47	56	33	89

*Source: Education and Youth Affairs Bureau*

86. In order to fully ensure equal opportunity on access to education, tuition fees, stationery allowances and food allowances are granted by the Government to students with financial difficulties. From the academic years 2003/2004 to 2009/2010, the numbers of person-times of granted stationery allowances were 48,333 (male) and 54,436 (female) respectively, totalling MOP 68,837,575 and MOP 79,251,050, respectively. The following table shows, over the same period, the number of male and female students that were granted tuition fee allowance, as well as the amount paid.

*Tuition fee allowance*

Academic year	No. of male students	MOP	No. of female students	MOP	Total	MOP
---------------	----------------------	-----	------------------------	-----	-------	-----

*Tuition fee allowance*

Academic year	No. of male students	MOP	No. of female students	MOP	Total	MOP
2003/2004	2,833	11,598,445	3,852	15,917,059	6,685	27,515,504
2004/2005	2,717	19,644,890	3,645	26,610,500	6,362	46,255,390
2005/2006	2,994	21,110,850	3,891	28,310,480	6,885	49,421,330
2006/2007	2,832	15,118,245	3,569	19,130,042	6,401	34,248,287
2007/2008 (1)	276	615,380	363	11,185,97	639	1,733,977
2008/2009	149	515,200	215	860,922	364	1,376,122
2009/2010	87	326,520	120	434,110	207	760,630

**Source:** Education and Youth Affairs Bureau; **Note:** (1) Starting from the academic year 2007/2008 it was implemented the 15-year free education.

87. Moreover, education and referral services such as counselling and therapy are equally provided by Education and Youth Affairs Bureau (EYAB) to all students with special education needs, regardless of gender. The implementation of the measure “placing students of the same level in the same class”, in both official and private schools, was stimulated. For more details on this issue, please consult Addendum 2 to China’s initial report on the Convention on the Rights of Persons with Disabilities (paragraphs 75 to 79). Likewise, female students who have suspended education due to pregnancy are provided with adequate support by schools during the period of suspension.

88. On the other hand, the development of continuing education will be fostered. The MSAR Government intends to invest MOP 500 million to finance the beginning of the implementation of the “*Continuous Education Programme*”, aiming at effectively support the continuing education of MSAR residents aged over 15. It will also continue to increase the subsidy of recurrent education. Article 5 of Decree-Law 32/95/M establishes that recurrent primary education has its focus on the eradication of illiteracy.

89. In fact, in 2009, the literacy rate of female, irrespective of adults or youth, for the first time, is higher than that of male (please refer to paragraph 33 of the 2010 update of China’s Core Document (HRI/CORE/CHN/2010 (MAC)) for the relevant data).

90. The table below shows the number of male and female students that enrolled in the recurrent primary education, between the academic years 2003/2004 and 2009/2010.

*Number of students in recurrent primary education*

Gender	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
M	149	174	178	152	145	155	173
F	142	85	81	89	98	95	89
MF	291	259	259	241	243	250	262

**Source:** Education and Youth Affairs Bureau

91. As to general statistical information on tertiary education between academic years 2003/2004 and 2008/2009, please refer to the table below.

*Tertiary Education*

		2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Students enrolled	MF	14,526	14,874	16,722	18,484	19,925	22,156
	M	6,566	6,505	7,287	8,015	8,632	9,651

*Tertiary Education*

		2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
	F	7,960	8,369	9,435	10,469	11,293	12,505
	%F	54.8	56.3	56.4	56.6	56.7	56.4
No. of students as at the end of academic year	MF	13,680	13,967	15,927	17,462	18,743	20,917
	M	6,159	6,038	6,890	7,510	8,093	9,037
	F	7,521	7,929	9,037	9,952	10,650	11,880
No. of graduates	No.	2,743	3,265	3,698	3,941	4,559	4,932
	%F	63.3	62.0	60.8	63.0	59.9	60.3

**Source:** *Statistic and Census Bureau, Education Surveys (of the above-mentioned years), published in years 2005 to 2010, respectively.*

92. To encourage outstanding students who have financial difficulties to continue tertiary education, the EYAB provides study grants, comprising student loans, scholarships, accommodation subsidies, travelling subsidies, *etc.* Between the academic years 2003/2004 and 2009/2010, there were 11,617 male person-times and 18,064 female person-times benefiting from these grants, amounting to MOP 262,702,788 and MOP 418,246,497, respectively.

93. As to the dissemination of the principles and rights enshrined in the Convention, youth centres under the EYAB have, since 2003, organized activities, such as programmes, courses, workshops and seminars, on equal opportunities, sexual education and prevention of violence, targeted at educators, school counsellors, school medical staff, students and parents. Schools have to provide at least one of the three disciplines among moral education, civic education and religious education. Schools can use free curriculum outline and supplementary teaching materials elaborated by EYAB. And those mentioned outlines and materials for primary, junior and senior secondary education have arranged adequate gender issues for different age groups (*e.g.* understand your identity, gender relationship, sexual education and family education, *etc.*). If a school decides to provide religious education, then it has to address content in programme for moral and civic dimensions, while gender issue is one of the critical issues for moral education or civic education. A moral education centre was set up under the supervision of the EYAB, which carries out work in respect of life education, money values, gender relationship, sense of responsibility and patriotism, and meanwhile engages in developing teaching materials for moral and civic education, the auxiliary teaching materials for sex education, as well as other teaching resources. This centre also sets up training and activities for parents, students, social workers, counsellors and educational workers.

#### **Article 11 (Equality of rights between men and women in work)**

94. Please also refer to the previous report and to the economic indicators contained in paragraph 34 *et seq.* of the 2010 update of China's Core Document (HRI/CORE/CHN/2010 (MAC)).

95. As regards gender equality in work, Decree-Law 52/95/M on the Legal Framework on Equal Opportunities and Equal Treatment and Law 4/98/M on the Legal Framework on Employment and Labour Rights remain in force. In addition, a considerable number of relevant international treaties regarding equal rights between men and women at work are applicable in the MSAR (for the complete list, see paragraph 73 *et seq.* of the 2010 update of China's Core Document (HRI/CORE/CHN/2010 (MAC))).

96. As to labour relations in the public sector, they are still governed by the Statute of the Public Administration Workers, which in recent years has been the object of several

modifications, such as the new laws on the performance appraisal of civil servants (Law 8/2004 and Administrative Regulation 31/2004). These new laws, aimed at contributing to the improvement of their job performance and quality, enhancing management skills and creating more incentives, observe the principles of fairness, equality, impartiality and due process.

97. As regards labour relations in the private sector, as mentioned above, Law 7/2008 superseded Decree-Law 24/89/M. This new legal framework, based on the fundamental principles of equality and non discrimination, good faith and privacy of private life, has broadened the legal rights and work conditions of women workers, in particular, in what relates to maternity.

98. As referred in paragraph 43 of this report, the length of maternity leave was extended from 35 days to 56 days. It should also be said that in case the employer unilaterally terminates the contract with a worker, without just cause, during pregnancy and until 3 months after birth, the dismissed employee may obtain compensation corresponding to 56 days of the basic remuneration, without prejudice to any other compensation she is entitled to.

99. The Labour Affairs Bureau (LAB) is the main government body responsible for the implementation and execution of labour policies in the private sector. From 2003 till June 2010, the LAB received 39 complaints related to discrimination at work; all regarding dismissal of female workers during pregnancy. Out of the 39 complaints, 34 were dealt with (19 cases resulted in withdrawals of complaints after compensation from employers; 2 cases were sent to the court; 1 case was resolved administratively by the LAB, with the application of a fine; and 12 complaints were filed by reasons of being unfounded) while 5 are under investigation.

100. As noted, labour laws expressly determine the principle of equal remuneration for work of equal value (Article 6 of Law 7/2008 and Article 10 (3) of Law 14/2009, respectively). Nevertheless, in practice, there are still gaps between male and female earnings in the private sector, with more incidence in some economic activities and unskilled jobs. The following table refers to the median monthly employment earnings.

*Median monthly employment earnings (MOP)*

Gender	2004	2005	2006	2007	2008	2009
Global	5167	5773	6701	7800	8000	8500
M	5979	6820	7713	8800	9500	10000
F	4210	4569	5194	6300	7000	7100
Gap M/F	-1769	-2251	-2519	-2500	-2500	-2900
%	70.4%	67.0%	67.3%	71.6%	73.7%	71.0%

*Source: Statistic and Census Bureau*

101. Since the employed population of the gaming sector corresponds to 20% of the overall employed population in the MSAR, it is worthwhile to note the decrease in the average earning gap between male and female workers in this sector, as shown in the table below.

*Average wage in the gaming sector (MOP)*

Gender	2004	2005	2006	2007	2008	2009
M	11,422	12,171	15,026	15,628	16,335	15,780
F	9,951	10,289	12,948	14,211	14,982	14,490
Gap M/F	-1,471	-1,882	-2,078	-1,417	-1,353	-1,290

*Average wage in the gaming sector (MOP)*

Gender	2004	2005	2006	2007	2008	2009
%	87.1	84.5	86.2	90.9	91.7	91.8

*Source: Labour Affairs Bureau*

102. The Committee in its Concluding Comments expressed its concern at the absence of legislation to address sexual harassment in the workplace (paragraph 45) and urged the Government of the MSAR to *specifically include sexual harassment in the workplace in its legislation and to report on the implementation of such provisions in its next periodic report* (last sentence of paragraph 46).

103. In this regard, it is important to clarify that Article 171(1)(b) of the CCM, which determines aggravations in relation to the crime of sexual coercion provided for in Article 158 of the CCM, covers conducts of sexual harassment in the workplace. Such circumstances in aggravation explicitly consist of taking advantage of a hierarchical, economic or employment relationship and, based on such relationship, to compel the victim to suffer or practise relevant sexual acts with the offender or with a third person. The corresponding penalties' maximum and minimum limits of 2 and 8 years of imprisonment are aggravated by one third or even by one half in case of pregnancy, serious offence to physical integrity, acquired immunodeficiency syndrome (AIDS) contamination, suicide or death of the victim. The offender may also incur in disciplinary and civil actions.

104. On the other hand, offences against an employee's physical integrity, freedom, honour or dignity are considered as a just cause for the employee to rescind the contract, with the right to receive compensation.

105. In addition, and without prejudice to judicial remedies, there are several mechanisms to promote, protect and monitor equality and non-discrimination. Individuals may submit direct petitions to the Legislative Assembly and applications, complaints to any administrative authority, including the Commission against Corruption (CAC). The safeguarding of fundamental rights is thus ensured through *quasi-judicial* and non-judicial remedies (for more details on the legal framework for the protection of human rights in the Macao SAR, please refer to paragraphs 197 to 212 of Part III of China's Core Document (HRI/CORE/1/Add.21/Rev.2) as well as to paragraph 78 *et seq.* of its 2010 update).

106. Therefore, any worker is entitled to lodge complaints, including on sexual harassment, with the LAB. Yet, no such complaint was filed during the period covered by this report.

107. Another novelty since the last report was the enhancement of the regime of social security benefits (e.g. old-age pension and invalidity, unemployment, illness, birth, marriage and funeral subsidies), which had already been extended to self-employed persons in 2002 and was broadened as to cover all holders of Macao resident card with more than 18 years of age (instead of only private sector workers), with the entry into force of Law 4/2010 on the Social Security Scheme.

108. The old-age pension and the invalidity subsidies were adjusted in 2008, both in the amount of MOP 1,700 per month at present. To allow earlier access to the old-age pension, persons with 60 years old or above may apply for its partial anticipation. They are entitled to the full amount when they reach the age of 80 (Law 4/2010).

109. The unemployment and illness subsidies were fixed at MOP 70 per day and MOP 70 (with hospitalization) or MOP 55 per day (without hospitalization) in 2010 (Order of the Chief Executive 374/2010).

110. On the issue of disabilities resulting from a workplace injury, pursuant to Decree-Law 40/95/M on the legal framework on the compensation for accidents at work and occupational diseases, employees who are injured due to occupational accidents and thus become permanently incapable are entitled to a compensation corresponding to the degree of diminution of capacity to work.

111. Also, a disability pension is available to those who have completely lost their capacity to work on a long-term basis, given that he/she is a resident aged 18 or above, living in the MSAR for at least 7 years and has contributed to the Social Security Fund for at least 36 months. The amount of such pension has been increased from time to time in the past years, at present being MOP 1,700 per month.

112. In cooperation with different departments, the MSAR Government has been, by means of awareness campaigns, disseminating to the general public the principle of equal remuneration for men and women for work of equal value so as to prevent discriminatory situations at the workplace. Specially, women workers' rights provided in the new law, in particular, changes in relation to pregnancy and maternity, were widely promoted through posters, TV advertisements, banners, *etc.* to raise awareness of the rights of women workers. Furthermore, several seminars on the labour relations law targeted at the public, chambers of commerce, labour associations and enterprises were held.

113. Technical and vocational training to create new job-opportunities and re-qualification of workers, regardless of gender, are organized and/or co-organized by the LAB. It should be noted that there is no training programme launched specifically for women, yet, some of them are more popular among women, hence, as shown in the table below, the number of females are much higher than that of males as regards some training programmes, *e.g.* the "Employment Assistance Training Programme for Middle-Aged Persons" (aged 35 years or above), which offers a number of courses to improve the skills of middle-aged workers and to re-qualify them in accordance with market needs. Between 2003 and June 2010, generally, there was a growing trend in the participation of female workers in training programmes.

*Trainees of the LAB vocational training programmes*

Programme/Training	G	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
Apprentice Training	M	180	180	185	188	191	195	168	135
	F	0	0	0	3	6	6	1	0
Vocational Qualification Training	M	225	172	149	133	86	30	36	35
	F	0	25	63	47	54	50	44	45
Enhancement Training	M	535	956	2039	2094	1434	1723	2226	1183
	F	235	458	2689	3119	1077	1331	2313	893
Re-training Programme	M	173	175	118	70	12	6	7	10
	F	520	365	143	122	68	4	23	20
Employment Assistance Training Programme for Middle-Aged Persons(1)	M	-	-	-	205	534	710	876	600
	F	-	-	-	2568	5258	6582	6737	3513
Secondary Skills Training Programme(2)	M	-	-	-	-	904	1319	1284	819
	F	-	-	-	-	587	594	712	350

*Source: Labour Affairs Bureau; Note: (1) Started in 2006; (2) started in 2007.*

*Re-defining professional qualification training courses for civil servants*

Trainees' Gender	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
M	5642	6918	4341	2605	3292	5035	5273	1362
F	5606	4610	3301	3359	3466	4808	4879	1132
MF	11248	11528	7642	5964	6758	9843	10152	2494

*Source: Public Administration and Civil Service Bureau; Note: Training areas include special training, language training and professional technical training.*

#### Article 12 (Equality of rights between men and women in health)

114. As mentioned in the previous report, Decree-Law 24/86/M, as amended, regulates the access of all Macao residents to health care services.

115. The MSAR health system offers specific health services to women, such as family planning programmes and free primary health care services as well as medication and devices used in family planning. The family planning programme comprises routine health check ups, gynaecological consultations, pap smears screening, pre-marital and genetic issues counselling, birth control methods, breastfeeding, treatment of infertility and prevention of genetic and sexually transmitted diseases (STDs). In addition, a study to appraise the feasibility of providing vaccine against cervical cancer to all women will be conducted. The table below shows the number of women who resorted to the gynaecological consultations in health centres between 2003 and June 2010.

*Gynaecological out-patient consultations in health centres*

Age group	2003	2004	2005	2006	2007	2008	2009	2010 (Jun)
< 20	374	403	344	350	341	360	392	170
20 - 24	844	1,058	1,108	1,123	1,214	1,497	1,811	741
25 - 29	1,961	2,481	2,393	2,632	2,412	2,686	3,141	1,480
30 - 34	4,803	5,898	5,448	4,848	4,302	3,966	4,266	1,802
35 - 39	6,706	7,988	7,313	6,642	6,232	6,008	6,056	2,578
> 39	19,178	26,608	26,514	25,160	26,123	26,853	29,584	13,837
Total	33,866	44,436	43,120	40,755	40,624	41,370	45,250	20,608

*Source: Health Bureau*

116. Moreover, the HB provides a programme for maternity that includes general and specialized care services. Health centres and the Obstetric Department of the public hospital jointly offer a comprehensive programme for prenatal and postpartum check ups and screenings. Pre-natal health care includes physical examinations, hemogram, obstetric ultrasounds as well as the screening for Down Syndrome, for congenital hypothyroidism, phenylketonuria (PKU), congenital adrenocorticotrophic hyper function (CAT) as well as for glucose-6-phosphate dehydrogenase deficiency. From 2003 till June 2010, there were severally 12,002, 13,963, 17,602, 18,719, 21,476, 23,102, 25,464 and 11,426 female resorted to pre-natal care out-patient consultations.

117. During the pre-natal check up, one of the required blood tests is HIV testing. The HIV testing service was extended to private clinics in 2005, contributing to the increase in the number of pregnant women being tested in subsequent years, from 1,649 in 2003 to 5,967 in 2009. During the period covered by the report, out of the 32,943 pregnant women tested, only one HIV case was found in 2004. In case a pregnant woman is found infected

of HIV, chemical prophylaxis measures will be provided to her to prevent vertical transmission to safeguard the baby's health.

118. On the other hand, in order to control HIV transmission among sex workers, the HB has been conducting HIV testing and counselling service to all workers engaged in the entertainment industry. Information on STDs, including HIV, and leaflets (in various foreign languages), condoms and lubricants are distributed freely.

119. Furthermore, since 2009, the HB has been providing outreach services targeting sex workers based in hotels, guesthouses, private homes and streets and has built partnerships with hotels and guesthouses to promote prevention of HIV and other STDs at their settings, in particular through subsidized women's NGOs. In 2009, 304 outreach visits were conducted and 5,108 times of services were provided to female sex workers while from January to June 2010 there were 194 outreach visits and 2,116 times of services.

120. In this regard, a joint research on "*Female Sex Workers and Entertainers in Macao: Health Behaviour Assessment, Education and Prevention*", conducted by the HB and the Hong Kong Chinese University in 2007, contributed to develop target-oriented policies. Similarly, it is also worth mentioning that a surveillance programme on "*Non-establishment Based Sex Workers and STDs and AIDS Behavioural Serum*" was carried out from January to June 2010. Under the programme, 152 women received services, most of which were the rapid tests of syphilis and HIV.

121. In respect of female prisoners, either general or specialized health care is provided. Also, the HB appoints psychiatrists to visit the Macao Prison Establishment on regular basis to provide psychiatric service to all prisoners in need. Female prisoners have access to same health care as other women in the MSAR. For instance, prenatal and postpartum check ups and screenings are provided for pregnant prisoners. When necessary, prisoners are referred to hospital. Moreover, medication and medical goods, e.g. spatulas, sterile, cottons, bandages, powdered milk, diapers, etc., are available. Between 2003 and June 2010, there were 4258 times of referral of female prisoners to the HB for consultation, 187 being prenatal, postnatal and baby care services.

122. In what concern deliveries, in 2009, the public hospital (*Centro Hospitalar Conde de S. Januário*) and Kiang Wu Hospital together had 5 pre-delivery rooms and 7 delivery rooms, providing 11 and 13 hospital beds respectively. A total of 4772 deliveries were registered, of which 2845 (59.6%) were eutocia. Among 1927 dystocia deliveries, 93.1% were delivered by caesarean section, 4.8% by ventouse, 2.0% by forceps and 0.2% by breech delivery.

123. With regard to health care for older women, in response to the need of the ageing population, new medical services and techniques will be introduced, a geriatrics specialty department will be opened and the health care for the elderly will be improved. Actually, tele-assistance emergency service has been newly set up for those who are in need of special care and the elderly (Order of the Chief Executive 279/2009). This service includes calling ambulance, contacting families or main persons and hotlines as to provide regular care reminders or social contacts. The number of users in 2009 accounted for 650 and the respective funding was MOP 1,818,990.

124. During the past years, health care professionals, doctors and nurses have participated in different training activities (e.g. courses, visits and practice in Hong Kong SAR hospitals and lectures) related to women health care. Gynaecology oncology reconstructive surgery, maternity and neonatal care concepts and techniques, breast-feeding and development and trend of breast cancer are examples of the covered topics.

**Article 13 (Equality of rights between men and women in other areas of economic and social life)**

125. In respect of equal right between men and women in economic and social life, information provided in the previous report remains valid.

126. Everyone has, according to law, equal right and legal capacity with regard to access to family benefits, bank loans, mortgages and other forms of financial credit.

127. Full participation in all aspects of cultural life and sports is also guaranteed to everyone. In the MSAR, there has always been a large number of associations of different nature, including cultural and sports associations, which underline the great relevance of civic associations as one of the most common manifestations of civil society amongst the residents of the MSAR. As of 31 December 2009, there were 834 cultural associations and 1,009 sports associations registered at the Identification Bureau.

128. Furthermore, the Government offers from time to time a diverse range of high standard non-profit oriented cultural events and activities, including concerts, recitals, classical ballet, contemporary dance, musical, drama, experimental theatre, cinema, seminars, workshops, literary competitions and multi-media shows.

129. In terms of sports, the MSAR Government has always placed strong emphasis on the development of physical culture. The “*Sports for All*” strategy, based on an anti-discrimination sports policy and on the encouragement of professional sport is carried out by the Macao Sport Development Board (MSDB) either individually, or together with other government departments or local sports NGOs. Hence, since 2003, the MSDB, in partnership with the WGAM, holds the *Women's Sports Festival* annually, aimed at encouraging women to engage in recreational and sports events and enjoy teamwork and fun of sports. The number of participant has been increasing, being 4000, 4388, 4698, 4350, 4413, 4833, 5080 and 5654 severally between 2003 and 2010. In addition, the *Sport-for-all Fitness & Recreational Classes* also cater for women with special classes free of charge designed according to mainstream preferences and their specific needs (e.g. yoga, aerobic dance and line dance).

130. Furthermore, it is worth mentioning that athletes with high-level of performance in international sports competitions (more than 543 competitions), including the Asian Games, are awarded, on an equal basis, irrespective of gender, by the MSDB with bonuses and certificates of merit. In 2009, out of the 45,124 athletes registered at sports associations, 21,883 were female, and among them, 85 person-times were awarded bonuses and 228 person-times were awarded certificates.

**Article 14 (Rural women)**

131. The MSAR has no rural area.

**Article 15 (Equal treatment of men and women as to legal capacity and choice of place of residence and domicile)**

132. There is nothing new to report in relation to this Article.

133. Indeed, all natural persons, due to the simple fact of being persons, have legal personality and enjoy legal capacity. Legal personality is acquired at full birth, with life and only ceases with death. No person can waive, in whole or in part, his/her legal personality or capacity. There is no gender-based restriction. Restrictions to capacity are expressly prescribed by law and based on objective facts. More precisely, apart from minors, only those that are incapable of managing themselves or their property by reasons of illness/impairment may be judicially declared as ‘unable’ or as ‘interdicted’ and are legally treated as minors.

**Article 16 (Equality of rights between men and women in all matters related to marriage and family relations)**

134. The information pertinent to this Article provided in the last report is still accurate.

135. As far as family protection is concerned, the MSAR Government has special responsibilities *vis-à-vis* families by creating necessary conditions and promoting quality of family life and moral and material well-being of families and their members. In this connection, the MSAR Government, either by itself or in collaboration with NGOs, has created family support centres, such as family service centres and day care centres, and developed mechanisms to help families in special situations (*e.g.* single-parent families, low income families) or who are at risk, in need or vulnerable, in particular those arising from marital or family break ups, and domestic violence, especially when children are involved. Such support includes economic assistance, marriage counselling, family education and free meals. In order to satisfy the demand for child care services, the number of places in nurseries increased by more than 300 in 2010. And the MSAR Government intends to establish 6 more nurseries in the Macao peninsula and on the islands with the capacity for around 800 children.

136. Within social services, several projects for the creation of social facilities were concluded such as the “Caring and Solidarity Family” facility, targeted at providing gaming problematic treatment services and family counselling, promoting family and community education among the population; 2 blocks of elderly social housing units which accommodates 736 persons, 2 elderly day centres and 1 geriatric centre as well as 4 rehabilitation facilities were launched.

137. Last but not least, family planning is a key element to family policy, being therefore fully supported by the MSAR Government, with a view to improve the health and well-being of families through providing individuals and couples with information and the means that will enable them to decide freely, and in a responsible fashion, the number of children they wish to have and the timing for such. All health centres provide free of charge family planning, including pre-marital and genetic issues counselling, information on birth control methods, treatment of infertility and prevention of genetic and STDs, as well as necessary medication and devices. Consultation programmes on family planning are also organized in schools and community associations. It is also important to note that the execution of family policy by the Government is non-discriminatory and non-compulsory.

---