

Human Rights Issues in Macau 2012

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I - Political Rights: Rights to Change the Government

In 2012, the Macau SAR government initiated the required procedures to make amendments to the annexes of the Basic Law regarding the formation of constituencies of the Legislative Assembly (AL) and the election committee for the Chief Executive (EC).

The government, in cooperation with the pro-establishment associations, promoted an option (dubbed “+2+2+100”) of adding 2 seats to the directly and indirectly elected AL seats respectively and 100 members to the election committee for the EC. Instead of going forward towards greater public participation in politics, the +2+2+100 proposal maintained the proportion of directly elected under a supermajority. In other words, most citizens are still deprived from the rights to change the entire legislature as well as the EC.

During the consultation period, the pro-establishment associations allegedly fabricated tens of thousands of opinion sheets in support of the +2+2+100 proposal. The public broadcaster and the newspapers of those under the influence of the pro-establishment camp underreported all dissenting voices that advocated for a supermajority of directly elected seats in the AL.

II - Freedom of Expression

Media Self-Censorship

Self-censorship in Macau press is obvious. A number senior managers in the press have been co-opted by both the governments of Macau and China in various consultative or election committees. The media that heavily rely on government’s subsidies and advertisements for their revenue and survival tend to under-report the social activism against the malfeasances of Macau government and its political allies (namely the pro-establishment societal associations and politicians) but over-report the opinions favourable for the government. A free newspaper run by a casino businessman cancelled the column

of a scholar-social activist-democrat on the reason that the newspaper management did not want the community to misunderstand their political orientation. The self-censorship has made it difficult for the public to receive critical analysis on government policies and political issues, and have in-depth understanding on the government malfeasances.

Persecution at the Public Broadcaster

The TDM, the public broadcaster in Macau, has continued to “purge” the “uncontrollable” journalists by inducing resignation and abuse of disciplinary procedures. A former TDM journalist who resigned from TDM in April offered her accounts of self-censorship, or “self-castration” as she had described, in one of her commentary articles.

Journalist Alan Tsu accused the TDM of abusing the disciplinary procedures to dismiss him as the management had deemed him “uncontrollable”. The lawyer firm entrusted by the TDM to conduct the procedures failed to follow the procedures which denied Tsu did a “fair trial.” Tsu was never informed of the “misconducts” that the solicitors’ firm had found him liable to, although he was dismissed on “reasonable grounds”.

No Access for Citizen Journalists

The freedom of citizen journalists in news reports is also restricted. The pro-establishment chairman of the Legislative Assembly (AL) has prohibited citizen journalists from entering the press areas which offer good angles of filming and photographing of the legislators and the meeting processes. In fact, the AL fails to comply with relevant regulations of broadcasting live the plenary sessions. The coverage of citizen journalists may make the meetings more transparent to the public who, in turn, are better informed to supervise the Legislative Assembly. The prohibition goes against the principle of accountability of the legislature to the public.

“Capricious” Immigration Bans

The reports of Hong Kong media on Macau news have the impact of circumventing the self-censorship; Hong Kong newspapers have wide readership in Macau. Hong Kong TV news reports are also widely viewed. The authority of Macau SAR can hardly interfere with the freedom of editorship in Hong Kong. However, Hong Kong journalists are occasionally barred from entering Macau for an abstract reason of “constituting a threat to the stability of internal security” under the “Internal Security Law” which was enacted to target terrorism and organised crimes. The immigration authorities never provided satisfactory explanations for such a move. The failure of Hong Kong journalists to enter Macau affects the local, regional, and international communities in understanding the hiccups in Macau’s

democratic development and economic growth. Furthermore, among those banned, there were Hong Kong scholars, teachers, social workers, councillors and social activists. This hinders the exchanges of views among the citizens in the two SARs, as well as the cultivation of their participatory skills which are essential for the democratic development of the two SARs.

Revision of the Press and Audio-visual Broadcast Laws

The attempt of Macau SAR government to revise the press and broadcast laws has sent shivers down the journalists' spines. To obtain public opinions on the revision of the two laws, the Macau SAR government commissioned a local consultancy to undertake deliberative polling. The participants in the deliberative polling were average citizens who were provided with biased background brief and therefore guided to offer answers favourable for the establishment of the Press Commission and Broadcast Commission. In view of the assault on the press freedom, a local journalist association issued a declaration on World Press Freedom Day (3 May), criticizing the government for its failure to respect the press freedom. If the Press Commission and Broadcast Commission would be established as the government had wished, the journalists feared the government may maintain levers on the commissions so that it can instruct the commissions to de-register the journalists who are too critical of the government.

Abuse of Police Power

Individuals' expression freedom is also threatened by the authorities. A social activist put up washable graffiti on the window of a government office, complaining the government for its going against public opinions on the package of constitutional reform and various irregularities on the consultative processes. While graffiti was classified as hygienic issues and handled by the municipal institution, the Judicial Police responsible for investigating criminal offenses intervened and promptly arrested the suspect. This is obvious an example of abuse of policing power. The police supervisory committee, called Security Forces Discipline Committee, was far from effective in constraining the police's abuse of power. The leadership of the committee is appointed by the Chief Executive of Macau SAR government. Currently, the committee is headed by a pro-establishment lawyer-politician and assisted by other pro-establishment figures. The committee does not have its own investigative team. It has to rely entirely on the investigation by the police itself. Unbiased investigative reports are hard to be solicited.

Internet-censorship Capabilities

The free Wifi internet service provided by the government (officially named "Wifi-Go") was

discovered equipped with enterprise-grade software capable of decrypting and scanning secured transmissions. Although the government claimed the purpose of the software was to protect children from getting access to pornographic or violent materials, the users of the service were never informed of the existence of the censoring software and the fact that it is in operation.

III - Freedom of Assembly

The Macau government employed a wide range of psychological tactics to “deter” citizens from joining street actions.

The Public Security Police (CPSP) has continued to conduct close-range filming of citizens participating in demonstrations which decreased the willingness of the public to go on the street or speak to the press.

In disregard of the law, the CPSP officials avoided written communications with the demonstrators and started to tend to restrict the activities of demonstrators by giving mere verbal orders which made the citizens difficult to challenge the authorities’ decisions in court prior to the commence of the demonstration.

The citizens observing a demonstration or the potential participants of the demonstration were usually “advised” by the CPSP workers along the route not to take part in the demonstration.

In May, at a public gathering of members a family-reunion association, of two (female) protesters were arrested and charged with assaulting the police officers. Some witnesses claimed that the so-called “assault” was the accidental removal of the cap of a policewoman while the police were kettling the protesters. The case is now pending a pre-trial session in court.