

Introductory Remarks
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of the
Macao Special Administrative Region
of the
People's Republic of China
in the
Consideration of the Committee on the Elimination of Racial
Discrimination on China's combined 14th to 17th Reports

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Honourable Chairperson of the Committee,
Distinguished members of the Committee,

First of all, it is my honour to address this Committee and its distinguished members on behalf of the Government of the Macao Special Administrative Region of the People's Republic of China and to highlight the progress achieved since the consideration of our last report.

The Macao SAR Government is grateful for the work of the Committee and has taken due consideration of its concluding observations and recommendations.

I take this occasion to stress that the Macao SAR Government attaches great importance to the principles and rights enshrined in the Convention, being committed to ensure its implementation.

All persons within the Macao SAR or subject to its jurisdiction are equal before the law, irrespective of their nationality, descent, race, sex, language, religion, political views, ideological belief, educational level, economic

status or social conditions.

This cornerstone principle is part of the human rights legal framework of the Region and is expressly stipulated in the Basic Law, the fundamental law of the Macao SAR. The core fundamental rights and freedoms are guaranteed to residents under the Basic Law and are also enjoyed by other persons, and shall not be restricted unless as prescribed by law.

The rights to equality and non-discrimination are enshrined in the Macao SAR legal system by a diversity of sources and at various layers of the normative system, from constitutional provisions, to relevant applicable international treaties and to ordinary law.

Both principles find expression in the double meaning that everyone is equal before the law and through the law. It also encompasses the prohibition of illegitimate subjective discrimination and constitutes a guiding stricture at the administrative, legislative and judicial levels, while requiring a distinct treatment of different situations when it is objectively justified and measured. Accordingly, positive discrimination is only admissible under the law as a required measure to correct *de facto* inequalities.

These guiding principles frame the Macao SAR legal system, in particular, at the criminal level. As such, incitement to genocide, genocide and agreement to commit genocide or incitement to racial, ethnic or religious discrimination, defamation or slander are criminal offences. Homicide motivated by racial, religious or political hatred is qualified as aggravated homicide.

Associations, advertisements or media advocating or encouraging the commitment of crimes or promoting intolerance, violence or hatred and inciting totalitarian behaviour or aggression towards social, racial or religious minorities are strictly forbidden.

Macao has a high population density with around 650,000 inhabitants, of which 170,000 are non-resident workers, in an area of 30.5km², and more than 30 million visitors annually. Macao, as a city of tourism and culture,

embraces the values of tolerance and respect for cultural diversity, the keystones of the Macao SAR lifestyle.

Indeed, Macao is a place where various communities live together with a wide range of ethnic, religious, linguistic and cultural backgrounds. Every ethnic group shares the same dignity and is entitled to its own cultural life, to practise its own religion and to use its own language. As such, the Macao SAR Government embraces and promotes different cultural manifestations of the local communities.

Progress has been attained in the human rights field at the legislative and institutional levels, *inter alia*, to establish a labour creditor's rights protection system, to improve labour relations and non-resident workers' working conditions. Currently, the law on fiscal benefits for hiring persons with disabilities is being discussed at the Legislative Assembly.

The public consultation mechanism for government policies and future legislation is also an important tool to engage the population in public affairs, including different ethnic and minority groups. Some key legislation, such as the laws to counter human trafficking, to counter domestic violence, on labour relations, has been translated into English and made available online.

In relation to the existing institutions addressing human rights, the Commissioner against Corruption accumulates the *Ombudsman* functions, to promote and protect rights and freedoms, to safeguard interests of individuals and to ensure that the exercise of public powers abides by the criteria of justice, legality and efficiency.

The *Ombudsman* supervision powers have been gradually reinforced. The Commissioner can directly propose to the Chief Executive the enactment of normative acts or suggestions concerning their interpretation, amendment or repeal and may conduct enquiries, issue recommendations, especially regarding acts challenging the exercise of human rights, as well as redress measures.

It should be noted that the Commissioner is appointed by the head of the

Region and is bound by the Basic Law and by Law 10/2000 to exercise his Ombudsman functions with total independence. Adequate financial and human resources are provided to guarantee strict independence and autonomy. These requisites and features are in line with the Paris Principles.

Also, in this respect, it should be noted that equality before the law, the right to resort to the law, access to the courts and to judicial remedies are fundamental rights guaranteed under the Law. Access to law includes access to legal information, legal protection, legal consultation and legal aid. The protection of rights and legally protected interests and the respective judicial remedies may not be denied on any discriminatory grounds nor on the grounds of insufficient economic resources. The revised Legal Aid Law clearly states that any person staying in the Macao SAR with insufficient financial capacity, including non-resident workers, holders of refugee status and holders of special permits, such as foreign students, are entitled to legal aid.

Education, awareness campaigns and legal dissemination are other important components to ensure, promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. Considerable efforts have been striven to widely and comprehensively promote and disseminate human rights, including the core human rights treaties, related reports and concluding observations and relevant laws, through modern means and actions, including new technologies, in Chinese, Portuguese and other languages, especially English.

In addition, substantial and effective measures have been undertaken to promote adequate education on issues of gender equality, respect for person's dignity, religious tolerance and anti-bias, in particular through school curricula, public awareness campaigns and specialised training courses designed for officials, the judiciary, teaching staff and different community sectors.

Within the context of the Convention, it is also noteworthy to state that gender equality is an aim of the Macao SAR Government. In the Region,

women share the same political, civil, economic, social, educational and cultural rights as men. In June 2017, the female population accounted for 66.8% of the total labour force and 41.8% of all the high-ranking positions in the Public Administration. The second most important position of the Macao SAR Government - the Secretary for Administration and Justice - has been, since the establishment of the Macao SAR, occupied by women.

Notwithstanding the gender equality principle, *de facto* inequalities still exist mainly due to cultural factors. The Macao SAR Government continues its efforts to foster gender equality in the workplace, especially regarding working conditions and equal pay for equal work within the private sector. The proportion of men and women in top positions is more symmetrical in skilled jobs. However, there are still gaps between their salaries with more incidence in some economic activities and unskilled jobs. Nevertheless, a steady and favourable progression of women's role in society is being witnessed.

As regards non-resident workers, it should also be emphasised that the Macao SAR Government has a non-discriminatory labour policy. Non-resident workers enjoy the same working conditions, labour rights, duties and guarantees as resident workers. The Macao SAR Government has been strengthening supervision and protection of non-resident workers' rights against abuses and exploitation.

Multiple strategies to enhance workers' knowledge of labour legislation and their rights, to develop and ensure harmonious labour relations, such as counselling on labour legislation, 24h hotline for labour issues, email enquiry system, leaflets, talks, awareness campaigns, in different languages have been adopted.

Last but not least, with respect to refugees, there were only a few applications. During the procedure, applicants are entitled to basic living conditions and special support like medical services and school for minors, to extend their application to include spouses and children or other family members, to interpreter, to legal protection, to confidentiality, to free legal consultation and to contact the Office of the UN High Commissioner for Refugees.

Honourable Chairperson of the Committee,
Distinguished members of the Committee,

The Macao SAR Government has endeavoured efforts to promote and assure the enjoyment of fundamental rights and freedoms and equal legal protection without any form of discrimination. This is an ongoing task carried out by the Government. Finally, the Macao SAR Government will continue to improve and promote its work on the elimination of racial discrimination and to be fully committed to ensure the implementation of the Convention in the Region.

Thank you for your attention.