

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/CHN-MAC/CO/5)

MACAO, CHINA

(...)

C. Principal subjects of concern and recommendations

(...)

Investigations of cases of torture and ill-treatment

16. The Committee is concerned that inquiries into complaints of unlawful acts, including torture or ill-treatment, committed by the police are conducted by police officials, which creates a clear conflict of interest. In this regard, the Committee notes with concern that, out of 87 complaints of violence lodged between 2006 and 2011 against members of the security forces and services, only 3 resulted in fines against 5 police officers and 84 were dismissed as unfounded. The Committee also notes that, between 2013 and 2014, 79 per cent of the complaints lodged for acts of torture were dismissed (arts. 2, 12, 13 and 16).

17. The Committee urges Macao, China, to:

(a) **Establish confidential complaints mechanisms in all places of detention to facilitate the submission of complaints by victims of torture and ill-treatment, including for obtaining medical evidence in support of their allegations, and to ensure in practice that complainants are protected against any reprisals as a consequence of their complaint or any evidence given;**

(b) **Ensure that all allegations of torture or ill-treatment are automatically transmitted to the Public Prosecutions Office to launch investigations and carry out prompt, effective and impartial investigations whenever there are reasonable grounds to believe that acts of torture or ill-treatment have been committed, including of those officials who knew, or should have known, that ill-treatment was occurring and failed to prevent it or report it;**

(c) **Ensure that the Attorney General entrusts the investigation of reports of torture or ill-treatment by law enforcement officials only to independent criminal investigators and that there is no institutional or hierarchical relationship between the investigators and suspected perpetrators of such acts;**

(d) Ensure that alleged perpetrators of torture and ill-treatment are immediately suspended from duty for the duration of the investigation, subject to the observance of the principle of presumption of innocence;

(e) Ensure that the suspected perpetrators are duly tried and, if found guilty, are punished in a manner that is commensurate with the gravity of their acts.

(...)

26. The Committee requests Macao, China to provide, by 9 December 2016, information on follow-up to the Committee's recommendations in paragraph 17 (a) to (e) above. In that context, Macao, China is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
