

Submission to the **Committee on Economic, Social and Cultural Rights** of the Macao Anti-Domestic Violence Coalition on the implementation of the **ICESCR in Macao, China** and on the Reply to List of Issues by the government of Macao, China **at the 52<sup>nd</sup> Session** between 28 April and 23 May 2014

#### **Macao Anti-Domestic Violence Coalition**

Address: Pearl Jubilee Building, PG42, Av. Padre Tomás Pereira, Taipa, Macau, China

- Website: <http://www.facebook.com/events/444921862265447>
- Email: [stopmacaudomesticviolence@gmail.com](mailto:stopmacaudomesticviolence@gmail.com)
- Tel.: +853-66554528

#### **Main contributors**

- **KAM Sut Mei**, Member, Macao Anti-Domestic Violence Coalition
  - Email: [meekam1984@gmail.com](mailto:meekam1984@gmail.com)
  - Tel.: +853-66381005
- **Dr. Melody Chia-Wen LU**, Member, Macao Anti-Domestic Violence Coalition
  - Email: [melodylu@umac.mo](mailto:melodylu@umac.mo)
  - Tel.: +853-66554528

The Macao Anti-Domestic Violence Coalition hereby makes the following submission to the Committee on Economic, Social and Cultural Rights with regard to the ratification of the International Covenant on Economic, Social and Cultural Rights by the Government of the Macao Special Administrative Region of the People's Republic of China (hereinafter "the Government") and on the Government's Reply to the List of Issues (E/C.12/CHN/Q/2/Add.3) (hereinafter "the Reply").

**Article 10 of the Covenant**

Regarding the Reply on criminalization of domestic violence, please note that:

- a. In the current proposed Domestic Violence Prevention Bill (hereinafter in this section, the 2012 Bill), domestic violence is listed as a semi-public crime under the Criminal Code. This is different from the previously proposed Combating Domestic Violence Bill in 2011 which categorized Domestic Violence as a public crime. The shift from public to semi-public crime is a step backward in combatting domestic violence as authorities will not be able to prosecute perpetrators if victims decide not to press charges, and there is no mandatory counselling for both victims and perpetrators.
- b. According to the report of the public consultation on Combating Domestic Violence Bill in 2011 issued by the Government, the majority of the public (61%) support the decision of listing domestic violence as a public crime. In the 2012 Bill, the Government arbitrarily lists it as a semi-public crime without any public consultation. In the Reply it does not address the logic of this shift and the lack of transparency in the legislative process.
- c. The situation of domestic violence in Macao is dire in that one in ten women has experienced domestic violence in forms of physical, psychological and sexual abuse, according to the government reports. The main concerns of the victims of domestic violence are economic dependency on the perpetrators and the indifference and tolerance of violence among people close to the victims, as they consider domestic violence a private and familial matter. Making domestic violence a semi-public crime will not effectively address the victims' concerns and needs for protection. In addition, the Government should take a proactive role in educating the public.
- d. The 2012 Bill excludes the same-sex cohabitation in its scope of protection despite the fact that the Civil Code in Macao recognises de facto marriage between spouses of the same sex, as interpreted by the local LGBT rights group.
- e. The current relief, social assistance and legal aid instruments are not accessible to immigrant spouses who constitute a large percentage of the domestic violence victims. As non-citizens, they are in disadvantageous economic and social positions and are particularly vulnerable to domestic violence.

**About the Macao Anti-Domestic Violence Coalition**

The Macao Anti-Domestic Violence Coalition is a coalition of nine civil society groups and concerned individuals and social work professionals working on advocacy for elimination of domestic violence and providing services for victims in Macao. These include shelter for victims, survivors and victims' support groups, association of gender equality education, youth organizations, and a Christian organization for social justice, among others.