



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: CAT/Follow-up

20 August 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the fifth periodic report of Macao, China in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 56<sup>th</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/CHN-MAC/CO/5, para. 26) requested Macao, China to provide within one year further information on the specific areas of concern identified in paragraphs 17 (a) to (e) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 24 January 2017 providing your Government's response on the above-mentioned paragraphs (CAT/C/CHN-MAC/CO/5/Add.1), and to make the following comments:

**Confidential complaint mechanisms (para. 17 (a))**

The Committee appreciates the thorough and extensive information provided on existing internal police and prison complaints mechanisms and their confidential nature (3/A).

**Prompt, effective and impartial investigations (para. 17 (b))**

The Committee observes, however, that the above-mentioned internal complaints mechanisms continue to lack the necessary independence, since the services responsible for investigation belong to the same structures and departments that employ the alleged perpetrators (2/C).

.../...

H. E. Mr. Jianhua Yu  
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**Independent criminal investigators (para. 17 (c))**

While appreciating the extensive information submitted on the responsibilities of the Public Prosecution Office (MP), the Committee regrets that no explanation has been provided on the measures taken by Macao, China to guarantee that there is no institutional or hierarchical relationship between the investigators and alleged perpetrators (2/C).

**Immediate suspension from duty of alleged perpetrators of torture and ill-treatment (para. 17 (d))**

The Committee takes note of the extensive information provided. However, it regrets not being able to fully assess the implementation of the recommendation owing to the absence of statistical data concerning the actual number of law enforcement officers who have been subjected to a preliminary enquiry and suspended from duty for the duration of the investigation (2/C)

**Duly trial of suspected perpetrators and commensurate punishment (para. 17 (e))**

While appreciating the data provided on prosecution of public officials for the crime of serious physical assault, the Committee regrets that no reference was made to torture or ill-treatment (2/B2).

**Implementation plan (para. 26)**

The Committee regrets that Macao, China has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

Macao, China is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by Macao, China pursuant to the Committee's request in its concluding observations on the fifth periodic report of Macao, China.

The Committee looks forward to a continued constructive dialogue with the authorities of Macao, China on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani  
Rapporteur for Follow-up to Concluding Observations  
Committee against Torture

