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Excellency,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the fourth periodic report of Macao Special Administrative Region ("Macao SAR"), forming part of the fourth periodic report of China (CAT/C/MAC/4) by this Committee at its 844th and 846th meetings, held on 7 and 10 November 2008 (CAT/C/SR.844 and 846). The Committee adopted its Concluding Observations (CAT/C/MAC/CO/4), in which it requested that further information be provided within a year regarding concerns listed in paragraphs 7, 8, and 9.

On behalf of the Committee, allow me to express appreciation for your letter of 8 March 2010 (CAT/C/MAC/CO/4/Add.1) providing comments on the above-mentioned paragraphs. I have reviewed your response with care, and as Rapporteur on Follow-up, I would be grateful for clarification of the following matters, where sufficient information has not yet been provided to complete an analysis of the progress made regarding implementation of the obligations laid down in the Convention.

With regard to the concerns in paragraph 7 on the training of medical professionals to identify signs of torture or ill-treatment, the Committee is pleased to note that Macao SAR plans to provide specialized trainings to the frontline medical staff of the Public Hospital. Please provide the Committee with updated statistical information regarding these trainings, specifically as to how many medical practitioners have undergone such trainings to date, disaggregated by medical degree, as well as information on the substance of the trainings themselves. Other than the Istanbul Protocol, what other educational and training materials are they based on? Is there a component on providing rehabilitative services for victims of torture? Who carries out such trainings and how often do they take place?

Also, please clarify the process for determining which medical staff are considered "frontline" for the purposes of receiving the specialized trainings cited in your response. It appears that such trainings are planned only for those frontline medical professionals working in the Public Hospital, and are not aimed at the other medical hospitals and facilities in Macao providing primary healthcare.

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While the Committee recognizes that the Public Hospital is mandated to provide medical care for detainees and that it is therefore highly important that the relevant medical staff at this facility are provided with the specialized trainings, individuals outside detention may also be victims. Specialized trainings would therefore be valuable for medical staff carrying out patient examinations in all health care facilities, including private ones. Please clarify whether Macao SAR plans to implement the specialized training programmes more broadly, including also to other relevant staff in the places referred to, who may be in charge of providing care and treatment to persons subject to torture and ill-treatment? In addition, please provide the Committee with details on the "information for torture" to be disseminated to frontline medical staff of the Prison Establishment, private hospitals and medical practitioners.

In paragraph 8 of the Concluding Observations, the Committee expressed concern over the use of solitary confinement for children as young as 12 years old. We note with appreciation that, in response to the Committee's Concluding Observations, Macao SAR has adopted Order 91/DSAJ/2009 (relating to minors aged 12 to 16) and Order 19/SS/2009 (relating to minors aged 17 and 18) limiting the use of solitary confinement for minors. Both of these Orders appear to apply only to solitary confinement as a disciplinary measure. Please provide information on the steps taken to align application of solitary confinement with international standards or to provide guidance to those implementing solitary confinement regarding minors (a) by order of a court; (b) for medical reasons; and (c) as a special security measure. Please provide statistical information on the frequency, duration and causes of (a) placement of minors between the ages of 12 and 16 in "an individual sleeping room" and (b) placement of minors ages 17 and 18 into solitary confinement.

Order 91/DSAJ/2009 states that "Young Offenders Institute should reduce, as much as possible, the number of days of this disciplinary measure that the detained young offenders must be subject to, taking specially into account his/her attitude of repentance and his/her behaviour." Please clarify whether there is a requisite length of time imposed between placements in an individual sleeping room and whether there is a maximum number of days per year during which a minor can be placed in such a room? Additionally, please clarify to what extent Orders 91/DSAJ/2009 and 19/SS/2009 and Opinion 1/III/2007 are binding on the Prison Establishment and the Young Offenders Institute. We would appreciate further information on any oversight and monitoring mechanisms that ensure adherence to these Orders as well as options for appeal or complaint.

With regard to paragraph 9 of the Concluding Observations on trafficking in persons, including women and children, the Committee remains seriously concerned that despite the new legislation adopted in 2008 and other measures to combat it, this problem continues to exist in Macao SAR. Please clarify (a) the reasons 7 of the 19 cases of trafficking identified in 2008 were dismissed; (b) the punishments meted out to the perpetrators of the 5 cases confirmed as cases of trafficking; and (c) the outcomes of the 4 cases that were pending at the time of the reply to follow up issues, as well as the 2 cases from 2009 that were pending at the time of the follow up submission. Please also provide detailed information on what measures of redress, including compensation, were provided to the victims identified in these cases. The Committee has noted the significant decrease in the number of registered incidents of trafficking in 2009, but it has received reports that this decrease is not indicative of a reduction in the overall incidents of trafficking in Macao SAR. Please explain the apparent discrepancy. The Committee would also be grateful to receive detailed information on the number of suspected cases of trafficking reported to law enforcement agencies in 2008, 2009 and 2010, and how many of these cases each year were investigated and with what outcomes.

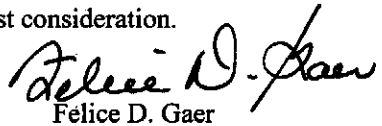
The Committee is pleased to note the report from Macao SAR about the many measures taken by the *Commission to Follow Up the Implementation of Dissuasive Measures against Trafficking in Persons* to raise awareness, implement training programs, and provide assistance for victims of trafficking. In this regard, the Committee would be grateful to receive updated information on the number of law enforcement personnel who have undergone trainings aimed at combating trafficking in persons, as well as information on who carries out such trainings. The Committee welcomes information on the implementation of two 24-hour hotlines for victims of trafficking. Please provide the Committee with information as to how these hotlines are advertised and how accessible they are to possible victims of trafficking. The Committee also requests detailed information on the number of cases of trafficking reported to both these hotlines each year since their creation, how many of these were reported to law enforcement personnel for investigation, and the outcomes of any such investigations.

The Committee also welcomes the information provided on the services provided for victims of trafficking, including counseling, medical care, and financial assistance. Please clarify for the Committee whether or not these services are available for foreigners. The Committee is concerned over reports that foreign victims of trafficking are returned to their countries of origin where they may face retribution, hardship, or ill-treatment. What efforts have been made to improve the protection of foreign victims; do repatriation efforts include an assessment of the safety and security of victims, especially child victims, following return home? The Committee would also be grateful to receive further information on the availability of special assistance programmes provided for victims of trafficking including their location and the length of time for which they are eligible to receive such services.

The Committee is pleased to note the efforts made to increase international cooperation to combat trafficking in persons, and bilateral agreement under negotiation at the time of the follow up submission between Macao SAR and Mongolia. In this regard, the Committee would be grateful to receive updated information as to the status and terms of this agreement, as well as the number of cases of trafficking that have been uncovered as a result of it. In addition, does Macao SAR have any other such bilateral agreements with other countries from which there are many reported cases of trafficking, such as the Philippines, Russia, Vietnam, Thailand and countries in central Asia?

Upon receipt of additional information, the Committee will be able to assess whether further information may be required. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Macao SAR on the implementation of the Convention, and in this context, to receiving clarification to our follow-up questions.

Accept, Excellency, the assurances of my highest consideration.



Felice D. Gaer

Rapporteur for Follow-up on Conclusions and Recommendations  
Committee against Torture