



Convention on the Rights of the Child

Distr.: General
25 October 2012

Original: Chinese and English

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Second periodic reports of States parties due in 2009

Macau, China * **

[16 July 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited.

** The present document is part of the State party report which comprises the reports of China (CRC/C/C/CHN/3-4), Macau (CRC/C/CHN-MAC/2) and Hong Kong (CRC/C/CHN-HKG/2).

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Introduction

1. The present report constitutes Part III of the combined third and fourth reports of the People's Republic of China to be submitted under Article 44(1)(b) of the Convention on the Rights of the Child (hereinafter referred to as the Convention) and also includes information regarding the implementation in the Macao Special Administrative Region (hereinafter referred to as the MSAR) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (hereinafter referred to as the Protocol) under its Article 12(2). It covers the period between 1 January 2002 and 31 December 2008 and, in respect of information concerning the implementation of the Protocol, the period from 1 January 2005 to 30 June 2009.

2. This report was prepared in accordance with the guidelines adopted by the Committee on the Rights of the Child (hereinafter referred to as the Committee), as last updated (HRI/GEN/2/Rev.5, 29 May 2008), and on the basis of the information provided by the departments of the MSAR Government involved in the application of the Convention and of the Protocol, as well as other relevant MSAR entities, such as the Procuratorate, the Commission Against Corruption and Commissions on specific human rights. Some of these entities include and/or work in close partnership with representatives of non-governmental organizations and/or associations.

3. Most of the United Nations human rights treaties are applicable to the MSAR¹. As regards general information on the MSAR and its people, general political structure and framework for the protection of human rights, reference is made to Part III of the second revision of China's Core Document (HRI/CORE/1/Add.21/Rev.2), the content of which remains unchanged if no particular observations are made to the contrary herein. Whenever appropriate, reference is also made to the pertinent aspects of the relevant Parts in respect to the MSAR of China's latest reports on such treaties, submitted to the United Nations treaty bodies committees.

4. The information provided for in the previous report on the implementation of the Convention (CRC/C/83/Add.9/Part II) as well as that on the implementation of the Protocol (CRC/C/OPSA/CHN/1/Part II) is still valid. This report is focused primarily on changes and progress achieved since their submission. Furthermore, having in mind the Concluding Observations made by the Committee (CRC/C/CHN/CO/2 and CRC/C/OPSC/CHN/CO/1, respectively), adopted after the consideration of the two reports at its 1080th meeting, held on 30 September 2005, information pertaining to the concerns therein expressed can be found in this report under the relevant articles of the Convention as well as of the Protocol. Actually, the aforementioned reports and Concluding Observations were transmitted to the Legislative Assembly, as well as to other relevant Government entities, for appropriate consideration, and were made available to the public at large.

I. General measures of implementation

5. As mentioned in the previous report, the Basic Law of the MSAR (hereinafter referred to as the Basic Law), in its Chapter III, guarantees the fundamental rights and duties of residents and other persons to the MSAR. Under its Articles 28(1) and 30(1),

¹ An updated list of relevant treaties related to the protection of the rights of the child applicable to the MSAR is provided in Annex II of the present report.

human freedom and dignity are inviolable. Its Article 38(3) affirms specifically the protection of the legitimate rights and interests of minors. These principles, along with the principles of equality and legality, underpin the entire MSAR legal system, which bind legislative, administrative and judicial powers.

6. The Convention and the Protocol apply directly to the MSAR, prevailing over ordinary law, and can be directly invoked. At the ordinary law level, the rights and protection of the child are concretized by the substantive and procedural civil, criminal and administrative laws.

7. With reference to paragraphs 8 and 9 of the Committee's Concluding Observations (CRC/C/CHN/CO/2), it is necessary to clarify that China did not make for the MSAR reservations with respect to Articles 6, 32 and 37(c) of the Convention. The Convention entered into force for Macao on 27 May 1999 without any reservation and continued to apply to the MSAR with effect from 20 December 1999 under the same terms. Its authentic Chinese and English texts, accompanied by the respective Portuguese translation, were published in the Macao *Official Gazette*, Series I, No. 37, of 14 September 1998. In addition, the amendment to the Convention was published in the MSAR *Official Gazette*, Series II, No. 15, of 12 April 2006.

8. Since the submission of the last report, some developments relevant to the implementation of the Convention have occurred. The "Youth Affairs Council" was restructured in 2002 (Administrative Regulation 12/2002, of 10 June), a Macao Youth Indicators Profile Project, covering 10 areas and 80 indicators, was completed in 2006 and a first comprehensive youth development strategic plan was adopted in 2007.

9. As regards the entities empowered to act on matters governed by the Convention and the Protocol, the Secretary for Social Affairs and Culture is responsible for measures related to education and youth, social security and health care. The "Youth Affairs Council" is a consultative body, whose purpose is to assist this Secretary in the making and assessment of youth policies. Under this same Secretary, the Education and Youth Affairs Bureau (EYAB) and the Social Welfare Bureau (SWB) play important roles in the protection of children, especially in the fields of education and youth, welfare and protection, respectively. Under the Secretary for Security, the Judiciary Police (in which the MSAR sub-office of China's National Central Bureau of INTERPOL is integrated) and the Public Security Police are criminal police entities with functions of crime prevention and investigation. Finally, the drafting of legislation and dissemination of law are within the Secretary for Administration and Justice's competence and the major entities involved include the Legal Affairs Bureau and the Law Reform Office.

10. The courts of the MSAR exercise judicial power independently, subordinated to nothing but law, and are not subject to any interference. In this regard, it is important to clarify that in the MSAR legal system procurators are also magistrates, who are independent and free from any interference. They exercise, by law, inter alia, the functions of upholding legality, representing incapable persons, including minors, in all actions necessary for the exercise of their rights and interests. Therefore, procurators play a very important role in the administration of juvenile justice.

11. Another entity that is relevant to the implementation of the Convention and the Protocol is the Commission Against Corruption, an independent entity with "Ombudsman" functions. One of its main aims is to promote the protection of rights and freedoms and to safeguard the legitimate interests of the individuals, ensuring that the exercise of public powers abides by criteria of justice, legality and efficiency.

12. In order to improve the collection of reliable and comprehensive statistical data, the Statistics and Census Service (SCS) has been engaging in fine-tuning its statistical sampling and extrapolation methods regarding data on children. In addition, the SCS is

discussing with other government departments and entities on the feasibility of providing exact age details in relevant administrative records to enable compilation of data on children. Moreover, MSAR official statistics are freely accessible by the public on a quarterly data dissemination calendar at the SCS website (www.dsec.gov.mo), and the summarized output of common interest is released immediately to the public via local media in addition to uploading the corresponding completed report on its website.

13. In this connection, it is relevant to present available updated data on children. The following tables show the estimate update of the MSAR population and literacy rate of population under the age of 18. The percentage of population under 18 to total population has constantly decreased, accounting for 25.8%, 24.6%, 23.3%, 21.6%, 19.8%, 18.1% and 17.2% respectively between 2002 and 2008.

Table 1: Number of the MSAR population by gender and age group (unit: 1,000)

		2002	2003	2004	2005	2006	2007	2008
Total	MF	440.5	446.7	462.6	484.3	513.4	538.1	549.2
	M	211.1	214.6	221.7	233.5	252.5	265.7	269.5
	F	229.4	232.1	241.0	250.7	261.0	272.4	279.7
Population aged under 18 years old	MF	113.8	110.1	107.7	104.8	101.5	97.3	94.3
	M	58.8	56.9	55.7	54.1	52.4	50.2	48.7
	F	55.1	53.2	52.0	50.7	49.1	47.1	45.6

Source: Statistics and Census Service, *Population Estimate of Macao*

Note: Data refers to residing population.

Table 2: Structure of the MSAR population by gender and age group (%)

		2002	2003	2004	2005	2006	2007	2008
Total	MF	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	M	47.9	48.0	47.9	48.3	49.2	49.4	49.1
	F	52.1	52.0	52.1	51.7	50.8	50.6	50.9
Population aged under 18 years old	MF	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	M	51.7	51.7	51.7	51.6	51.6	51.6	51.6
	F	48.4	48.3	48.3	48.4	48.4	48.4	48.4

Source: Statistics and Census Service, *Population Estimate of Macao*

Note: Data refers to residing population.

Table 3: Literacy rate of population under 18 by gender and age group (%)

Age group	Gender	2002	2003	2004	2005	2006	2007	2008
Total (3-17 years old)	MF	64.6	65.9	67.1	68.4	69.5	69.5	69.3
	M	64.0	65.4	66.6	67.7	68.3	69.2	68.8
	F	65.2	66.4	67.6	69.2	70.8	69.9	69.8
3-9 years old	MF	11.7	11.4	11.3	12.6	12.0	12.0	11.2
	M	12.2	10.5	10.2	11.7	11.0	12.3	10.3
	F	11.1	12.2	12.6	13.5	13.2	11.6	12.1
10-14 years old	MF	96.8	96.9	96.7	96.7	96.5	96.8	96.1
	M	96.1	96.8	96.8	96.3	95.9	96.2	95.3
	F	97.4	97.0	96.6	97.2	97.2	97.5	97.0

Table 3: Literacy rate of population under 18 by gender and age group (%)

Age group	Gender	2002	2003	2004	2005	2006	2007	2008
15-17 years old	MF	99.7	99.8	99.7	99.6	99.6	99.9	99.5
	M	99.9	99.8	99.7	99.3	99.5	100.0	99.3
	F	99.5	99.9	99.7	99.8	99.7	99.8	99.7

Source: Statistic and Census Service, Employment Survey

14. On the issue of dissemination, being committed to the protection of fundamental rights, the MSAR Government continues its awareness campaigns of fundamental rights and law in general, largely publicizing human rights treaties in force in the MSAR, via media, contests, leaflets and interactive programmes as well as its website and the official press.

15. In particular, in what relates to children, a plan on the Strategy for the Comprehensive Development of Youth of Macao was formulated in May 2007, enhancing moral education, advocating love for the country and the sense of belonging to the MSAR, encouraging the realisation of one's potential and creativity, and promoting the comprehensive development of young people. This plan is divided into two main areas: nucleus area and expansion area. The first one considers the particular social specificities of the MSAR, giving priority to education, employment, health, environment, gaming, deviant behaviour, leisure activities, comprehensive participation and effective decision in the society, globalization, information and communication technology and relation between generations. The second area refers to the United Nations proposals (hunger and poverty, girl and adolescent girl HIV/AIDS, youth and prevention of conflicts) and it includes areas of work that may be gradually extended in accordance with the changes of the social environment and situation of the MSAR. In 2008, within this plan, a project called Service for Youth in the Gaming Area was devised for the period 2008–2012 to minimize negative effects of the gaming industry on youth (copies of both the plan and project are annexed to this report).

16. Indeed, the subject of human rights plays an important role in school curricula/activities. The EYAB, in collaboration with the Legal Affairs Bureau, promotes civil education in primary and secondary schools. Through dynamic lessons and games, students are gradually introduced the notions of human rights, anti-bias concepts, as well as other issues on fundamental rights.

17. Specifically, between 2002 and 2008, a total of 50 human rights-related articles were published in various newspapers of Macao. The Rights of the Child leaflet has been published since 2002 and the Child Abuse Prevention Law leaflet since 2004. Until May 2009, a total of 70,907 and 10,495 copies were distributed respectively through government departments, community centres, libraries, hospitals and health centres. Moreover, special TV and radio programmes about the rights of the child and prevention of any types of violence against children (including sexual exploitation) have been broadcast on the television and radio of Macao intermittently. Likewise, in cooperation with about 30 local governmental and non-governmental entities, the SWB, every year during the Universal Children's Day, runs a series of social educational activities, aimed at disseminating information themed on the rights of the child.

18. In the MSAR society, the involvement of local associations and NGOs in caring for children and women has been a tradition since long. These associations and NGOs often work in partnership with the Government and have always been encouraged and financially supported by the latter. Their field work is carried out in a totally free and active manner.

II. Definition of the child

19. As mentioned in the last report, Article 111 of the Macao Civil Code (CC) defines minor as a human being who is under 18 years old. The age of 18 is also the age of majority.

20. The minimum legal age for marriage for both sexes remains unchanged, being 16 years old (Article 1479 of the CC). Article 1487 stipulates that the marriage of a minor aged over 16 but below 18 requires the consent of the parents or the guardians. Nevertheless, if there are serious reasons that justify the celebration of marriage and the minors have sufficient physical and mental maturity, at their request the court may grant the necessary authorization. Whenever a minor enters into a marriage, emancipation of parental responsibility is automatic under Article 120 of the CC unless the consent for marriage as indicated above is absent. The age of consent for sexual acts is 16 years (Articles 168 and 169 of the Macao Criminal Code (MCC)).

21. It should be pointed out that in the MSAR the age of criminal responsibility is 16 years (Article 18 of the MCC).

III. General principles and civil rights and freedoms

A. Non-discrimination (Article 2) and the best interests of the child (Article 3)

22. The right to equality and non-discrimination is safeguarded in the Basic Law. Its Article 25 expressly determines that all Macao residents shall be equal before the law, and shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, religion, political persuasion or ideological belief, educational level, economic status or social conditions. Likewise, its Article 43 states that persons in the MSAR other than Macao residents shall, in accordance with the law, enjoy the rights and freedoms of Macao residents prescribed in Chapter III of the Basic Law.

23. The overall MSAR legal framework safeguarding both principles and rights is basically unchanged since the previous report. There is no discrimination either between different groups of children (including children born in or out of wedlock), or between adults and children. Even though all human beings are equal before the law, children are considered to have particular needs and thus different treatments in laws regarding children are solely based on the necessity of assurance of their best interests.

24. Furthermore, the Government cannot privilege, benefit, prejudice, deprive of any rights or exempt from any obligations of any party, by reason of descent, gender, race, language, territory of origin, religion, political or ideological belief, educational level, economic status or social condition (Article 5(1) of the Macao Administrative Procedure Code). The same principle is also expressly retained in several other laws, such as the Legal Framework on Family Policy (Law 6/94/M, of 1 August), Law 7/2008, of 18 August, on Labour Relations and the Legal Framework on Educational System for Non-Tertiary Education (Law 9/2006, of 26 December), that superseded Law 11/91/M, of 29 August, and entered into force on 27 December 2006 (for the academic year 2007/2008).

25. In its Concluding Observations (paragraph 33), the Committee requested that in this report specific information be included on the practical implementation of article 2 in the MSAR. Although careful consideration is always given to the requests of the Committee and all efforts to respect them are made, in this respect, it is difficult to provide the requested concrete information, as, until now, no complaints based on discrimination have

been recorded. Furthermore, the MSAR society is characterised by being highly multicultural and tolerant. People of different nationalities live together and share a wide variety of national, religious, linguistic and cultural backgrounds. Every national group has the same dignity and is entitled to its own cultural life, to practice its own religion and to use its own language. Without denying that inequality does exist in certain cases, special efforts have been made to compensate it, in particular, to the underprivileged. One of the policies of the MSAR Government is that of community social integration.

26. As referred to in the previous report, the principle of the best interests of the child is taken into consideration when making decisions concerning the child, which is reflected in several provisions of the CC.

27. The Committee has also requested more detailed information on how it is ensured that the principle of the best interests of the child is a primary consideration in all actions concerning children. Likewise, it is somehow complex to give details as it underlies all legislation on minors. Operational criteria functionalizing the practical execution of this principle vary according to the concrete situations to which it applies. Moreover, within voluntary jurisdiction – which covers most matters regarding minors – judges have a large amplitude of powers to give effect to it. In the relevant parts of this report, more specific explanation will be given.

B. The right to life, survival and development (Article 6)

28. The MSAR legal framework on civil rights and freedoms of a child is generally unchanged since the previous report. It is enshrined in Article 70 of the CC that all persons have the right to life. Such a right cannot be waived and is not subject to any legal or voluntary limitation. The protection of the right to life begins with the protection of intra-uterine life. However, abortion is not punishable within the circumstances determined by Decree-Law 59/95/M, of 27 November, regulating voluntary abortion, as amended by Law 10/2004, of 22 November.

29. It should be reaffirmed that the death penalty is prohibited in the MSAR legal system.

C. Respect for the views of the child (Article 12)

30. As mentioned in the previous report, the MSAR law recognizes a child's right to be heard on important matters relating to his/her life either within the family (such as appointing a guardian for him/her, parents' adoption of a child) or at school. The general principle is that the views of the child shall be given due weight according to the age and the maturity of the child even though he/she is still subject to parental responsibility.

IV. Family environment and alternative care

A. Parental guidance (Article 5) and parental responsibilities (Article 18(1) and (2))

31. The legal framework for the exercise of parental responsibility remains unchanged. Within the MSAR legal system, the exercise of parental responsibility is perceived simultaneously as a power and a duty. Taking into consideration the interests of the child, parents must pay close attention to their child's safety, health and provide them with education as well as any daily necessity necessities (Article 1733 of the CC). On the other

hand, parents should consider their children's views on important family matters and allow them to organize their lives independently, in conformity with their maturity.

32. Under the current juvenile justice system, during the period of commitment, parents, guardians or institutions having custody of the child offenders still exercise parental responsibility over all issues related to him/her that are not incompatible with the applied measures or not restrained or prohibited by the judge.

33. Article 7 of the Legal Framework on Family Policy (Law 6/94/M, of 1 August) reaffirms that child support and education are the responsibility of the parent(s), stipulating that the Government shall guarantee and assist in the exercise of parental responsibility. Its Article 1(2) states that the Government, together with associations concerned with family interests, has responsibilities to promote the quality of family life, and the moral and material well-being of families. To achieve these purposes, several women's shelters, family service centres and day care centres have been established, aimed at helping families in special situations, single-parent and prisoners' families in particular, and developing efficient mechanisms to deal with crises arising from, inter alia, marital or family break-ups and domestic violence, especially when children are involved.

34. On the issue of social security, the major change to what was mentioned in the previous report relates to the new subvention regime to individuals and families in situation of financial hardship established by Administrative Regulation 6/2007, of 2 April. It is worth mentioning that in order to extend its coverage, the terms of application for subvention under the said Regulation were softened (Orders of the Chief Executive 322/2007, of 26 November, and 277/2008, of 13 October).

35. Special subvention is available for families in a vulnerable situation (including single-parent families, disabled families and families with members suffering chronic illness) by Order of the Secretary for Social and Cultural Affairs 18/2003, of 10 March. Between 2003 and 2008, there were respectively 1,122, 2,221, 2,074, 1,784, 1,325 and 1,171 children aged 18 or under 18 from disadvantaged families who were subsidized by the SWB (not including children from two-parent families who were subsidized by the SWB). It is noteworthy that the first Integrated Family Service Centre will be put into operation shortly, which targets at providing family life education, parent-child activities, guidance and other related support.

36. The SWB, which has a team of 103 specialised technical staff, composed of social workers, psychologists, nursery teachers and legal advisers, is responsible for assisting families with problems or at risk or vulnerable families in respect of, inter alia, financial assistance, family education and meal services.

37. In order to further protect mothers' health and help them exercise their responsibilities, the new Law 7/2008 on Labour Relations considerably extends the length of maternity leave from 35 days to 56 days without loss of remuneration or any other right or benefit. On the other hand, the length of maternity leave granted to public servants remains 90 days.

B. Separation from parents (Article 9)

38. As a general principle, children cannot be separated from their parents, except when the parents do not carry out their fundamental duties (Article 7(4) of Law 6/94/M, of 1 August). However, if the parents have been prohibited from exercising parental responsibility for reason of having been convicted for a criminal offence punishable with such a penalty or declared as mentally disabled by a court decision, the involved children may be separated by a judicial decision (Article 1767(1)(a), (b) of the CC). In case of dissolution of marriage, children may also be separated from one of their parents when

parental responsibility is judicially entrusted to only one of the parents. The parent who does not exercise parental responsibility assists in overseeing the education and living conditions of the child (Article 1761 of the CC).

39. Another situation involving a child's separation from his/her parents is when the mother or father is serving a prison sentence; however, according to Article 84 of the Regime on the Application of Measures Depriving Personal Freedom (Decree-Law 40/94/M, of 25 July), female inmates' children who are under 3 years old may stay with their mother if it is beneficial to the children, provided the approval required is obtained. In fact, there were respectively 3, 2, 1, 3, 2, 2 and 1 child(ren) aged under 3 years old who are children of female inmates staying in the Macao Prison Establishment (MPE) between 2002 and 2008. Assistance provided to inmates' children and the collaboration between the MPE and related entities are listed as follows.

Table 4: Assistance provided to female inmates' children aged under 3 staying in the MPE

Type of Assistance	Financial – through the MPE Fund for buying commodities (e.g.: diapers, clothes, cleaning products and tableware) and food (e.g.: milk powder and rice paste) for inmates' children and supporting facilities Facilitation – provision of assistance, e.g. in applying for meetings with the father and family members and arranging children to go out to meet their family members Health care – provision of health care for children Other – e.g. provision of products necessary for nurturing and feeding babies
Applicable Facilities	Separate cells in the MPE for female inmates who need to take care of their children
Allocation of Technical Personnel	Medical personnel Professional personnel in social work and psychology Prison guards

Source: Macao Prison Establishment

Table 5: Collaborating entities assisting female inmates' children staying in the MPE

Social Welfare Bureau	Inmates' children must leave the MPE once they reach 3 years of age. If an inmate cannot find any relatives to take care of his/her children, the MPE will contact the SWB and make a referral. The SWB will help take care of them and follow up their living situation by, for example, arranging institutions for those children to live in, according to situation and needs. From 2002 until now, there has been no such kind of referral cases.
Health Bureau	The Health Bureau provides free medical service, including regular health care, to inmates' children who stay in the MPE.

Source: Macao Prison Establishment

C. Family reunification (Article 10)

40. For children between 3 and 12 years old who are temporarily deprived of family environment due to family problems, the SWB carries out a foster home programme for them to live in a foster home to enjoy family care and obtain proper arrangements in line with their best interests and their development until family reunification.

41. Under the General Framework on the Entry, Stay and Residence in the MSAR (Law 4/2003, of 17 March), the Chief Executive may grant a special authorization of stay for purposes of family reunification or other situations duly substantiated as well as an exceptional authorization of residence on humanitarian grounds or for exceptional cases duly substantiated.

D. Illicit transfer and non-return (Article 11)

42. According to Article 241 of the MCC, whoever takes away a minor by trickery from, or refuses to return a minor to the person who has parental responsibility or guardianship or the legal keeper, is punishable with a penalty of up to 3 years of imprisonment. Article 1741 of the CC states that any parent or, in urgent cases, the person to whom the child was entrusted, can file for the minor's return, when necessary, with the help of courts or other competent authorities.

43. The Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980 is applicable to the MSAR. Being the Central Authority for the MSAR, the SWB provided assistance in 3 cases from 2002 until May 2009.

Table 6: Assistance provided under the Child Abduction Convention

	2002	2004	2004
Details of the minor	Male, 11 years old	Male, 12 years old	Male, 1 year old
Involved Country	France	Germany	Australia
Brief details of the case	The parents of the minor tried to settle parental responsibility in the local court. The minor's father lives in France and filed a lawsuit claiming that the mother forbade him from visiting his child in Macao. He requested, through the central competent authority in France, assistance from the SWB.	The father allegedly abducted the child in Germany and brought him to Macao.	The minor was illegally kept in Macao by his father and grandfather. The child returned to Australia with his mother in 2007.
Type of assistance	The SWB assessed the case. The father, afterwards, came to Macao to file an appeal in the court.	The SWB confirmed that both the father and the son did not enter the MSAR. Afterwards, the Department of	The SWB assessed the minor's situation and followed up and facilitated the case by interacting with local

Table 6: Assistance provided under the Child Abduction Convention

	2002	2004	2004
		Justice of Hong Kong informed that they returned to Germany.	judicial and administrative authorities.
Duration of assistance	3 months	1 month	3 years

Source: Social Welfare Bureau

E. Recovery of maintenance for the child (Article 27(4))

44. The general framework on the recovery of maintenance for a child remains unaltered since the previous report. Under Article 242(1) of the MCC, the non-fulfilment of maintenance obligations is punishable with a penalty of up to 2 years of imprisonment.

F. Children deprived of their family environment (Article 20)

45. In what concerns children who are abandoned, orphaned, at risk or without parental care, the Government, in cooperation with associations related to family interests and institutions of social solidarity, promotes a policy to provide them with better living conditions, family unity and integration within the community. To this end, under the supervision and financial support of the SWB, there are nurseries, residential homes and a boarding school available for children and adolescents. At present, eight residential homes and one boarding school are well equipped with at least 2 social workers to provide professional services. Counselling, leisure activities, personal development plan and parent service are also provided. Residential homes are available for children and adolescents (aged up to 24 years old) who cannot enjoy normal family care due to family problems and need residential service, plus nurseries for children (aged under 4 years old) who have family problems and need to be placed there.

Table 7: Nurseries and residential homes available for children and adolescents

Number of	2002	2003	2004	2005	2006	2007	2008
Nurseries	26	25	25	25	25	25	27
Beneficiaries of Nurseries	2417	2197	2182	2204	2346	2497	2995
Residential Homes	7	7	7	8	8	8	8
Beneficiaries of Residential Homes	227	252	251	255	221	238	245

Source: Social Welfare Bureau

46. When necessary, the SWB provides for such children to enrol in nurseries or schools according to their age. Directed at abandoned children, the Bureau, in cooperation with judicial authorities, assists in investigating their families or in dealing with matters of guardianship. From 2002 to 2008, there were respectively 6, 4, 5, 3, 4, 5 and 3 case(s) of abandoned children reported to the SWB. In addition, NGOs, together with the SWB, provide minors who have been forced out of their homes for whatever reason with shelter and assistance, especially as to how to improve the interpersonal relations with their families.

47. Under the efforts of the SWB, a plan to optimize services provided by nurseries has been carried out, which integrates theories and professional pedagogies into child education and daily services, in order to foster the potential development of targeted groups. It is expected that 27 nurseries subsidized by the SWB will complete the plan in 2010. Moreover, the SWB intends to compile “Guidelines and Resource Kit for Activities of Nursery” so as to advance nursery staff’s specialized knowledge and service techniques, thereby enhancing child education and promoting children’s health.

48. Two social working teams for adolescents under the SWB were set up in recent years, aimed at directly approaching, by means of outreach activities, adolescents who have special needs or stay in an adverse environment. Through this, the SWB provides adequate assistance to them in order to develop their problem-solving abilities and to motivate them to participate in and contribute to the society. To reinforce the coverage of services, it is expected that the third working team will be set up by the end of the current year.

49. As indicated in the previous report, the social protection regime of Decree-Law 65/99/M, of 25 October, is applicable to cases of abusive exercise of parental responsibility, situations whereby minors are victims of ill treatment, abandonment, helplessness or at risk of suffering harm to their health and education. Under this regime, the SWB plays an important role in both assisting courts on their exercise of judicial power over cases involving minors and helping children who are at risk or with social maladjustment.

Table 8: Cases in relation to the social protection regime followed by the SWB

Type of cases	2002	2003	2004	2005	2006	2007	2008
Guardianship	9	20	11	7	14	18	32
Parental responsibility	95	65	77	89	81	93	93
Children at risk or with social maladjustment	66	102	103	104	110	103	93
Total	170	187	191	200	205	214	218

Source: Social Welfare Bureau

G. Adoption (Article 21)

50. As previously stated, the regime of adoption is based on the best interests of the child. This regime remains unchanged but for the entry into force for the MSAR on 1 January 2006 of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 29 May 1993. Although a thorough revision of the adoption system took place in 1999, studies on how to better adapt it to the new imperatives are underway.

51. Adoption always requires a judicial decision, which may only be rendered based on the principle of the best interests of the child, i.e. when there is concrete and real benefit for the child, and it is reasonable to assume that a bond similar to a parent-child relationship will be established between the adopter and the adoptee. This basilar principle will be maintained.

52. Private intermediation for adoption is not yet allowed in the MSAR. Accreditation of foreign adoption agencies is being pondered under the studies of the new law. The SWB is still the only body authorized to handle procedures as to internal or intercountry adoption. It should be highlighted that a minor with habitual residence in Macao is not allowed for adoption outside the MSAR unless adoption in Macao is not available.

Table 9: Children residents in the MSAR who were adopted inside/outside the MSAR

	2002	2003	2004	2005	2006	2007	2008	2009(1)
Adopted inside the MSAR	10	10	10	5	6	3	8	2
Adopted outside the MSAR	0	0	1	0	0	0	0	0
Total	10	10	11	5	6	3	8	2

Source: Social Welfare Bureau

Note: (1) Until May of 2009.

53. In case the adoptee is an undocumented child, the SWB will report to the Procuratorate (which, in the MSAR legal system, represents the interests of minors) and make a referral to relevant government departments for the follow up of his/her birth registration, right to residence and application for the MSAR resident identity card, etc. Yet, no such case was recorded between 2002 and 2008.

H. Periodic review of placement (Article 25)

54. As mentioned in the previous report, a placement measure of a child for care, protection and physical or mental treatment may take place under a judicial decision within the social protection regime set up by Decree-Law 65/99/M. Under its Article 89(2), such a decision requires a mandatory review after one year, counting from the last decision rendered by the judge. Likewise, under the mental health regime, a review on the decision for compulsory commitment at a public or private health establishment is mandatory after two months have lapsed since the beginning of the commitment or the decision that has maintained it.

I. Abuse and neglect, including physical and psychological recovery and social reintegration (Article 19)

55. It should be recalled that abuse, neglect, violence and maltreatment of children are all criminal offences punishable by the MCC. In this context, Decree-Law 65/99/M provides for the corresponding relief measures.

56. If necessary, the SWB provides victims of child abuse or neglect with residential services as well as counselling and reports to the Procuratorate to file a judicial process or makes a referral to/cooperate with other appropriate government departments or entities for their recovery and social integration.

57. In the preventive aspect, it is also worthwhile to mention that NGOs, in cooperation with the Government, provide the public with support hotlines, as for e.g. the 24-hour Hotline for Counselling and the 24-hour Hotline for Domestic Violence of Lai Yen Centre of the Women's General Association of Macao, both launched in 2005. In addition to the 10 associations that always provide family-oriented services, the Macao Association Against Child Abuse was established in June 2006, with the purpose to advocate the rights of children, inter alia, to ensure their mental and physical health through services in relation to family education, case counselling and community promotion, etc. provided by its "Child Protection Centre".

58. In respect of health care for such victims, the government hospital provides them with emotional counselling and evaluates their family background and safety hazard in their

family, and thus makes proper follow-ups to ensure their safe care. The table below demonstrates the number of pediatric inpatients of child-abuse cases recorded by the hospital between 2002 and 2008.

Table 10: Child-abuse cases recorded by the Government Hospital

Year	Case type	No. of children	Gender	Age
2002	Physical Abuse	3	Male	4 months, 7 years and 9 years
	Emotional Abuse	1	Female	1 year
2003	Physical Abuse	2	Male	4 years and 5 years
		1	Female	4 years
	Sexual Abuse	1	Female	4 years
2004	Physical Abuse	2	Male	7 years and 9 years
		2	Female	1 year and 10 years
	Nutritional neglect	1	Male	1 year
2005	Physical Abuse	2	Male	6 years
2006	Physical Abuse	3	Male	12 years, 13 years and 14 years
		1	Female	12 years
	Sexual Abuse	1	Female	12 years
	Shaken Baby Syndrome	1	Female	3 months
2007	Physical Abuse	4	Male	8 years, 12 years, 13 years (2)
		3	Female	1 year, 8 years and 11 years
	Sexual Abuse	1	Female	5 years
2008	Physical Abuse	3	Male	7 years, 10 years and 12 years
		1	Female	12 years
	Sexual Abuse	2	Female	5 years and 12 years

Source: Health Bureau

V. Basic health and welfare

A. Health and health services (Articles 24)

59. As mentioned in the previous report, Decree-Law 24/86/M, of 15 March, as amended, regulates the access of Macao's residents to health care services. In effect, such health services are available to all children, regardless of his/her status of being refugee, illegal immigrant, undocumented or Macao resident. The table below shows the number of children resorting to the health care centres between 2002 and 2008.

Table 11: Children resorting to the health care centres

		2002	2003	2004	2005	2006	2007	2008
Residents	M	53,050	48,387	48,298	46,387	44,511	45,102	47,002
	F	48,988	46,307	44,707	42,687	40,871	41,893	44,545
Non-residents	M	225	291	254	223	538	538	538
	F	209	208	238	292	585	585	585
Children not showing any identification documents	M	10	7	36	65	174	174	174
	F	14	16	60	124	201	201	201
Total	MF	102,496	95,216	93,593	89,778	86,880	88,493	93,045

Source: Health Bureau

Note: The data includes children at the age of 18.

60. It can be seen from the tables below that in the MSAR, the rates of neonatal and infant mortality are low and the vaccination rate and life expectancy are high.

Table 12: Principal demographic indicators

		2002	2003	2004	2005	2006	2007	2008
Natural increase rate	%	4.0	3.9	3.9	4.3	5.0	5.7	5.4
Crude birth rate (1)	%	7.2	7.2	7.3	7.8	8.1	8.6	8.5
Gender ratio at birth (F=100)	%	104.5	112.6	112.1	106.4	108.6	106.7	110.4
Total fertility rate (2)	%	812.9	836.9	855.4	911.8	953.5	993.2	959.7
Crude mortality rate	%	3.2	3.3	3.4	3.4	3.1	2.9	3.2
Infant mortality rate	%	3.5	0.6	3.0	3.3	2.7	2.4	3.2
Neonatal mortality rate	%	3.2	0.3	1.8	2.2	1.7	1.5	2.5
Perinatal mortality rate	%	5.0	4.0	4.5	4.3	4.2	4.0	5.1
Late fetal mortality rate	%	2.5	2.5	1.2	1.4	2.2	1.8	1.7
Life expectancy at birth (3)	years	1999-2002	2000-2003	2001-2004	2002-2005	2003-2006	2004-2007	2005-2008(4)
		80.7	81.0	81.2	81.1	81.5	82.0	82.0
Annual growth rate	%	1.0	1.4	3.5	4.6	5.8	4.7	2.0

Source: Statistics and Census Service

Note: (1) Estimates from 2002 to mid-2006 have been revised on the bases of the By-census 2006; (2) Number of children that would be born to each woman aged 15-49; (3) Life expectancy at birth refers to a 4-year period; (4) Figures are subject to revision later on.

Table 13: The MSAR vaccination plan – coverage rate (%)

Type of Vaccinations	2004	2005	2006	2007	2008
BCG-1 - Bacille-Calmette-Guérin vaccine 1st dose	96.0	98.0	99.0	99.7	99.6
DTP-3 - Diphtheria, tetanus & acellular pertussis vaccine 3rd dose	90.0	88.9	90.1	90.2	91.3
VAP-3 - Polio 3rd dose	90.0	88.8	90.1	90.0	90.8
VAHB-3 - Hepatitis B 3rd dose	86.0	87.2	89.7	90.0	91.3

Table 13: The MSAR vaccination plan – coverage rate (%)

Type of Vaccinations	2004	2005	2006	2007	2008
Measles containing vaccine 1st dose	91.1	90.9	90.3	89.9	89.7
Measles containing vaccine 2nd dose	83.8	82.8	84.9	87.2	87.2

Source: Health Bureau

61. To strengthen the efforts in combating HIV/AIDS, in November 2005, the “Commission on the Fight Against HIV/AIDS”, comprised of members from government departments and NGOs, was established (Order of the Chief Executive 364/2005, of 21 November). Under this Commission, a special group aims at the prevention of HIV/AIDS among adolescents. Starting from 2006, a study in safe sex of adolescents has been carried out, and training and activities regarding safe sex education activities have been provided for educators and adolescents severally. Furthermore, the Commission established internet web forum and hotline to provide counselling service on safe sex and prevention of STD and HIV.

62. Medical treatments for HIV/AIDS are mainly provided by the government hospital, the paediatrics of which is responsible for HIV/AIDS patients under 13 years while the internal medicine for those above 13 years. The paediatrics also provides health care to children suffering from malaria, tuberculosis and other notifiable diseases. The Health Bureau reported that, between 2002 and 2008, within the paediatrics, an average of 1 to 2 cases of tuberculosis was found per year and no child was infected by HIV/AIDS or malaria. Moreover, screening of HIV among pregnant women and treatment protocol for pregnant women with HIV was established.

B. Survival and development (Article 6(2))

63. Article 133 of the MCC stipulates that the incitement to suicide or provision of assistance in suicide is punishable with a penalty of up to 5 years of imprisonment and this is aggravated up to 8 years in case the victim is under 16 years old. Besides, dissemination of suicide is defined as a criminal offence, subject to a penalty of up to 2 years of imprisonment.

64. In order to prevent suicide, a 24-hour “Life Hope Hotline” has been provided by Caritas, in cooperation with the Government, since 2003. In addition, for the mental well-being of children, the establishment of a clinic providing psychological counselling and services by social workers is under preparation.

Table 14: Suicide rates of children under 18 by gender and age group (‰)

Age group	Gender	2002	2003	2004	2005	2006	2007	2008
Total	MF	0.009	-	0.009	-	0.010	0.010	0.010
(0-17 years old)	M	-	-	-	-	-	0.019	-
	F	0.018	-	0.019	-	0.020	-	0.022
0-14 years old	MF	-	-	-	-	-	-	-
	M	-	-	-	-	-	-	-
	F	-	-	-	-	-	-	-
15-17 years old	MF	0.041	-	0.038	-	0.038	0.039	0.041
	M	-	-	-	-	-	0.077	-

Table 14: Suicide rates of children under 18 by gender and age group (‰)

Age group	Gender	2002	2003	2004	2005	2006	2007	2008
	F	0.083	-	0.077	-	0.078	-	0.085

Source: Statistic and Census Service, Demographic Statistics

Note: “-” means absolute value equals zero.

C. Health care for children with disabilities (Article 23)

65. In what concerns children with disabilities, it should be recalled that quoted Article 38(3) of the Basic Law also provides special protection for the disabled. On the other hand, two key changes should be highlighted. Firstly, on 31 August 2008, the Convention on the Rights of Persons with Disabilities entered into force for the MSAR. Secondly, the “Commission for the Rehabilitation Affairs” was created to strengthen effective implementation of the rights of persons with disabilities and to improve coordination of related issues (Order of the Chief Executive 239/2008, of 1 September). Its mandate is to assist the Government in the formulation, implementation, coordination and supervision of policies related to the prevention of disabilities, the rehabilitation and social integration of persons with disabilities, guaranteeing them equal rights and affirming their value and dignity.

66. The SWB continues to be the entity with major responsibilities within this area. It studies and promotes schemes favourable for the integration of children with disabilities into family, society and work. Five residential facilities and 16 day-care facilities, subsidized by the SWB, are accessible.

Table 15: Children and adolescents with disabilities aged up to 19 years old benefiting from residential and day-care facilities subsidized by the SWB

	2002	2003	2004	2005	2006	2007	2008
Residential facilities	26	24	25	23	18	18	13
Day care facilities	198	275	308	339	230	361	355
Total	224	298	333	362	248	379	368

Source: Social Welfare Bureau

67. More to the point, a SWB rehabilitation service centre provides a comprehensive assessment for persons with disabilities so as to evaluate the types and levels of their disabilities and thus to seek supporting services appropriate for them. Between 2005 and 2008, the SWB followed up 33, 59, 9 and 16 cases in which rehabilitation services were offered to children with disabilities.

D. Adolescent health (Article 24)

68. Having in mind the concern expressed by the Committee in its Concluding Observations (paragraphs 64 and 65) about adolescent health services available in the MSAR, reference should be made to the fact that apart from basic health care services being provided to adolescents, with a view to further protect their health, the set up of an adolescent clinic is under consideration. It is noteworthy that the EYAB, together with the Nurses Association, sets up especially for children a hotline for physical counselling – “Youth Sex Hotline”, to provide them with information about the physical changes during puberty and responsible sexual attitudes and behaviours.

69. As regards pregnant adolescents, as mentioned in the previous report, a series of prenatal examinations and services is freely provided to expectant mothers by health care centres. In consideration of their age, more attention is paid to their medical history, mental state, personal hobbies, education condition and financial situation, with the purpose of assessing whether they are capable of coping with postnatal life and thus, the need to refer them to social workers for assistance.

70. At present, a religious association, under the financial support of the SWB, provides unmarried pregnant minors with accommodation, counselling, training relating to baby care as well as personal care and assists them in preparation for their prenatal and postnatal lives. In fact, according to the data provided by the Health Bureau, there were respectively 17, 18, 9 and 18 pregnant minors in 2005, 2006, 2007 and 2008. They are all between the age of 14 and 17 and mostly at the age of 17. The maternal mortality rate under 18 was zero from 2002 to 2008.

VI. Education, leisure and cultural activities

A. Education, including vocational training and guidance (Article 28)

71. It is enshrined in Article 37 of the Basic Law that Macao residents shall have freedom to engage in education, academic research, literary and artistic creation, and other cultural activities.

72. The Legal Framework on Non-Tertiary Educational System (Law 9/2006, of 26 December) imposes as general principles of the educational system the right to education without discrimination and the obligation of the Government to develop appropriate mechanisms to promote effective equality of opportunities in education. Under this Law, non-tertiary education is categorized into regular education and continuing education. The former is comprised of three-year pre-primary education, six-year primary education, three-year junior secondary education and three-year senior secondary education. The latter covers vocational training, back-to-school programmes and family and community education.

73. In response to the concern of the Committee in its Concluding Observations (paragraph 76) for the lack of information on dropout rates in secondary schools, the competitive nature of the school system and bullying in schools, it has to be said that, at present, neither of these issues constitutes a major problem in the MSAR. More exhaustive data about education and related issues is available in the Education Surveys published by the SCS (available at www.dsec.gov.mo/Statistic.aspx?lang=en-US) the key findings of which are summarized in the following paragraphs.

Table 16: Schools by types of education provided, nature and languages of instruction

Year	Types of education provided	Public Schools		Private Schools				Total
		Language of instruction		language of instruction				
		Chinese	Chinese and Portuguese	Chinese	Portuguese	English	Chinese and English	
02/03	Regular	11	2	58	2	6	3	82
	Special	2	0	5	0	0	0	7
03/04	Regular	11	2	59	2	9	4	87
	Special	2	0	5	0	0	0	7

Table 16: Schools by types of education provided, nature and languages of instruction

Year	Types of education provided	Public Schools		Private Schools				Total
		Language of instruction		language of instruction				
		Chinese	Chinese and Portuguese	Chinese	Portuguese	English	Chinese and English	
04/05	Regular	11	2	56	2	8	4	83
	Special	1	0	5	0	0	0	6
05/06	Regular	10	2	54	2	8	4	80
	Special	1	0	5	0	0	0	6
06/07	Regular	10	2	53	2	9	4	80
	Special	1	0	5	0	0	0	6
07/08	Regular	10	2	51	2	9	4	78
	Special	1	0	4	0	0	0	5
08/09	Regular	10	2	51	2	9	4	78
	Special	1	0	3	0	0	0	4

Source: Education and Youth Affairs Bureau

Note: Regular Education Schools include kindergartens, primary schools, secondary schools, schools with kindergartens and primary, schools with primary and secondary and schools providing kindergartens, primary education and secondary education.

74. In terms of enrolment rate of children under 18 years old in non-tertiary regular education, the tables below show that the numbers of female and male students enrolled in non-tertiary education between the academic years 2002/2003 and 2007/2008 were similar.

Table 17: Net enrolment rate (%)		02/03	03/04	04/05	05/06	06/07	07/08
Pre-primary education (3 - 5 years old)	MF	87.4	91.6	92.2	91.1	88.2	92.3
	M	87.1	91.1	91.8	91.5	87.1	91.2
	F	87.8	92.2	92.6	90.6	89.3	93.5
Primary education (6-11 years old)	MF	88.5	88.8	88.3	87.7	87.8	89.4
	M	87.7	88.4	88.0	87.1	87.5	89.2
	F	89.4	89.3	88.6	88.2	88.2	89.6
Total of secondary education (12-17 years old)	MF	72.5	74.4	74.7	74.3	74.2	74.8
	M	69.4	71.4	72.1	72.2	72.4	73.3
	F	75.7	77.5	77.6	76.4	76.1	76.3

Source: Statistic and Census Service, Education Survey

Note: Net enrolment rate = student enrolment of specific age group by level of education/end-year population estimate of respective age group x 100 %

Table 18: Gross enrolment rate (%)		02/03	03/04	04/05	05/06	06/07	07/08
Pre-primary education	MF	94.6	98.9	98.7	96.6	92.9	96.1
	M	94.8	98.6	98.3	97.1	92.6	95.1
	F	94.4	99.3	99.1	96.0	93.3	97.1
Primary education	MF	105.3	104.7	103.3	102.4	101.7	102.4

Table 18: Gross enrolment rate (%)		02/03	03/04	04/05	05/06	06/07	07/08
Total of secondary education	M	107.1	106.7	105.3	104.0	103.6	104.1
	F	103.3	102.6	101.1	100.6	99.7	100.6
	MF	90.5	94.9	95.3	96.3	97.3	97.5
	M	88.5	93.2	93.7	95.2	96.5	97.5
	F	92.7	96.6	97.0	97.4	98.2	97.5

Source: Statistic and Census Service, Education Survey

Note: Gross enrolment rate = student enrolment by level of education/end-year population estimate of specific age group x 100%.

Table 19: Teacher/student ratio in each education level

Level of education	02/03	03/04	04/05	05/06	06/07	07/08
Pre-primary education	27.8	26.1	24.2	23	19.2	17.7
Primary education	25.9	24.6	23.2	21.7	20.1	17.8
Total of secondary education	21.4	21.1	20.3	19.6	18.6	17.4
Secondary education	21.5	21.2	20.4	19.8	18.8	17.7
Vocational-technical secondary	20.1	19.7	18.4	17.7	15.5	12.5
Special education	5.6	5	5.4	5.2	5.1	5.9

Source: Statistic and Census Service, Education Survey of 2002, 2003, 2004, 2005, 2006 and 2007

Note: Teacher/student ratio (including students aged ≥ 18); Teacher/student ratio = students enrolment / teachers x 100 %

75. Law 6/94/M, of 1 August, affirms the protection and development of a child's right to education and promotes full responsibility of a family in educational matters as the main purpose of family policy. It also strengthens the principle of non-discrimination in this domain by focusing on the social protection of children born out of wedlock, with disabilities, and those without a normal family environment.

76. Both the Government and families are financially responsible for education. The Government fulfils its financial responsibilities by maintaining a free education school network, composed of public and subsidized private schools that offer free education under an agreement with the EYAB, and by providing students in private schools outside that network with tuition fee subsidies. In this regard, Administrative Regulation 19/2006, of 28 December, as amended by Administrative Regulation 17/2007, of 27 August, regulates the financial support to be granted to private educational institutions in view of the progressive introduction of free education.

77. Law 9/2006 determines that regular education is compulsory (from 5 to 15 years old), universal and free. In the academic year 2007/2008, free education was extended to senior secondary education; thus, at present, the period of free education lasts for 15 years.

Table 20: Students benefiting from free education

	02/03	03/04	04/05	05/06	06/07	07/08
No. of Beneficiaries	56,198	56,058	55,821	57,444	54,171	65,461
Total subsidies (unit: 10,000 MOP)	41,466	41,596	42,274	47,871	58,893	87,561

Source: Education and Youth Affairs Bureau

Table 21: Students in private schools who were provided tuition fee subsidies

	02/03	03/04	04/05	05/06	06/07	07/08
No. of Beneficiaries	12,253	11,542	9,178	9,883	29,364	11,890
Total subsidies (unit: 10,000 MOP)	4,187	3,968	3,172	4,050	15,465	9,448

Source: Education and Youth Affairs Bureau

78. As noted, education is compulsory for children aged between 5 and 15 from the last year of pre-primary education to junior secondary education (Article 1 of Decree-Law 42/99/M, of 16 August). In this context, a letter will be issued to parents whose children are at that required age level and have never enrolled in any educational institution in Macao, notifying them of the need for enrolment for their children or for submitting to the EYAB a study abroad declaration.

79. In order to guarantee the right to education for children, students with financial difficulties may apply for “tuition fee and stationery subsidies”. There were 17,281, 18,871, 15,495, 19,789, 17,124 and 11,261 beneficiaries, respectively, between the academic years 2002/2003 and 2007/2008. Since free education of 15 years was fully carried out starting from the academic year 2007/2008, the number of applications obviously decreased in that year.

80. With a view to encouraging outstanding students and students with financial difficulties to continue tertiary education, the Government established “study grants”, comprising student loans, scholarships, accommodation subsidies and travelling subsidies, etc. The number of students benefiting from these grants has increased constantly, being 3,061, 3,081, 3,216, 3,388, 3,781 and 4,356 severally between the academic years 2002/2003 and 2007/2008.

81. What is more, among vulnerable children, those receiving special education constitute the Government’s main concern. Decree-Law 33/96/M, of 1 July, on a special educational regime for students with particular education needs reinforces children with special needs the right to education, ensuring the availability of inclusive education and of special classes and schools, as well as the freedom to choose between them. Special education is entirely free even in private schools and is widely supported by the Government. The EYAB has published a brochure for parents with children in special education in order to facilitate parents or guardians to comprehend the situation of special education and related available services, so that students can obtain appropriate and thorough support.

82. For students in need of special education, the EYAB, through a central evaluation mechanism, provides advice on education arrangements (embracing mixed class, small-class teaching and class of special education) to schools and parents and, if necessary, helps students seek for proper education access. Referral services in respect of medical treatment or integration into society as well as subsidies for buying assistive devices are also provided.

Table 22: Students with special education needs receiving education arrangements

	02/03	03/04	04/05	05/06	06/07	07/08	08/09
Mixed class	140	148	151	159	212	264	333
Small-class teaching	71	84	94	112	113	114	110
Class of special education	479	438	436	396	377	361	361
Total	690	670	681	667	702	739	804

Source: Education and Youth Affairs Bureau

83. The EYAB provides assistance, such as inquiry and arrangement of academic vacancy for students who are not accepted by any school. In this regard, a “Notification Mechanism for School Dropouts” was established to intensify the cooperation between parents and schools. NGOs, with Government support, provide dropout students with courses and guidance to help them go back to and adapt to school life. The above measures have contributed to an obvious decrease in the dropout rates of students who did not finish compulsory education, being 0.43% in the academic year 2007/2008 whilst it had been 0.72%, 0.84%, 0.65%, 0.45% and 0.55% between the academic years 2002/2003 and 2006/2007, respectively.

84. As regards immigrant children, the EYAB sets up after-school English and Cantonese classes to help them adjust to the school life in Macao. Outdoor activities and visits are organised for them in support of their acquaintance with local social life. On the other hand, children of illegal migrants are also entitled to education. By Order of the Secretary for Social Affairs and Culture, the EYAB issued a specific guideline, dated 16 January 2002, informing all educational institutions that any person staying in the MSAR for a period of time exceeding 90 days is authorised to enrol his/her children in a non-tertiary level educational institution for the period of time of his/her legal sojourn, educational expenses being supported by the concerned person.

85. Students who have suspended education due to pregnancy are provided with psychological and educational support by schools during this period of suspension. In effect, through the collaboration of student advisors and medical staff in school, sex education is carried out in school at different levels and on various topics in conformity with students’ developmental needs and knowledge at different ages. To extend its present work, the Government is planning to include sex education into formal curriculum of schools.

86. Aiming at combating and preventing school violence, teachers are provided with workshops to enhance their ability to identify and handle students who are victims of school violence. In 2005, the EYAB, together with other relevant government departments, established a “Notification Mechanism for Reporting Serious Incidents Related to Students”. Later on, in 2006 and 2007, a “Mechanism of Urgent Accommodation and Referrals for Students” and a “Support Group for Critical Incidents in School” were set up respectively. Such measures intend to provide timely assistance and psychological advice to the students concerned, through the collaboration of parents, teachers and other associated entities.

B. Aims of education (Article 29) with reference also to quality of education

87. With a view to optimizing the 15-year free education and to mitigating parents’ burden, a “book and stationery subsidy” will be provided in the academic year 2009/2010 by annually granting a subsidy of MOP 1,500 to students who are MSAR residents and receive regular education in each educational level of schools in the MSAR. It is expected that around 77,000 students will benefit from this subsidy.

88. To strengthen efforts to improve the quality of education, the Government has constantly raised the “class subsidy” in recent years with a view to attain “small-class teaching”. In the academic year 2007/2008, each class of the first year of pre-primary education was further downsized, from 35-45 students to 25-35 students. The mentioned subsidies will be extended to more advanced class levels each year. Therefore, the class size of different levels of education will continuously be brought down and teachers may

take care of their students more efficiently and provide a higher quality of education. On the other hand, a “Curriculum Reform and Development Commission” was established in 2006, aimed at promoting the reform and development of non-tertiary curriculum (Order of the Chief Executive 102/2006, of 2 May).

89. In the field of special education, the Government has encouraged teachers to engage themselves in special education by financing them to attend special courses and helping them to transfer to schools that provide special education.

C. Rest, leisure, recreation and cultural and artistic activities (Article 31)

90. Apart from a wide range of leisure and cultural activities provided by various associations in the civil society, the EYAB provides children with a series of recreational and leisure activities, including school leisure activities, cultural recreation, art, popular science activities, sports activities and summer activities, etc. The table below presents the number of participants in those activities.

Table 23: Rest, leisure, recreation, cultural activities

Academic Year	School leisure activities	Cultural recreation, art, popular science activities	Sport activities	Summer activities
2002/2003	20,400	4,800	8,500	51,700
2003/2004	17,800	11,900	7,200	51,400
2004/2005	20,100	30,400	11,000	57,100
2005/2006	23,500	23,000	9,800	54,000
2006/2007	28,800	20,100	11,000	41,100
2007/2008	80,700	20,500	7,400	41,900

Source: Education and Youth Affairs Bureau

91. The EYAB aims at providing and increasing sufficient activity sites and facilities for children and adjusting the opening hours of youth centres and educational activity centres. Under the EYAB, at present, there are nine libraries available to the public. In recent years, open campus access is promoted, encouraging more schools to open their facilities and sites for community dwellers, especially children.

VII. Special protection measures

A. Children in situations of emergency: refugee children (Article 22), children in armed conflicts (Article 38)

92. Law 1/2004, of 23 February, was enacted to implement the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, both applicable to the MSAR. This Law sets out the criteria and procedure for the recognition and loss of refugee status and establishes a “Commission for Refugees”.

93. On the other hand, the SWB is accountable to assist those who seek the status of refugee and refugees, by way of providing shelter and aids, including financial aids. Between 2002 and 2008, the SWB dealt with a case involving two refugee children, who have been granted subvention since 2003. Eight children in this situation were granted assistance, including education access, either by the SWB or by the EYAB.

94. With regard to children in armed conflicts, it should be stressed that the four Geneva Conventions of 12 August 1949 and their two Additional Protocols of 8 June 1997 as well as the Optional Protocol on the Involvement of Children in Armed Conflict are applicable to the MSAR.

B. The administration of juvenile justice (Articles 37(b), (c) and (d) and 40)

95. As noted, the age of criminal responsibility is 16 years old. Also as indicated in the previous report, the social protection regime of Decree-Law 65/99/M, of 25 October, is applicable to children aged under 12 who have committed a criminal offence. Child offenders aged over 12 but below 16 are subject to an educational regime and may be deprived of liberty, by means of compulsory commitment at the Young Offenders Institute (YOI), if they have committed a criminal offence carrying a sentence of a maximum term of over 3 years of imprisonment or if they have repeatedly committed criminal offences or misdemeanours punishable by imprisonment terms, provided educational measures prove to be inadequate (Articles 4(1)(8), 25(2)(1) and (2) of Law 2/2007, of 16 April).

96. The juvenile justice system is now regulated by Law 2/2007, of 16 April, which partially revoked Decree-Law 65/99/M, replacing the educational regime provided therein. This new law introduced restorative justice for child offenders.

97. It should be highlighted that the applicable measures provided for in Law 2/2007 are of a solely educational nature, aimed at minors' socio-educational needs and social reintegration. Law 2/2007 stresses that the execution of commitment measures should respect a minor's personality and be impartial, without any discrimination in terms of descent, sex, race, language, religion, political persuasion, ideological belief, educational level, economic status or social condition. Furthermore, the Law details the procedures for dealing with the minors in the YOI and the most serious disciplinary action is placing them into an individual bedroom for at the most a month, without prejudice to counselling concerning their education and normal activities.

98. The YOI is divided into female and male areas, severally equipped with a working team composed of social workers, psychological counsellors, vocational training instructors and teachers. Between 2002 and 2008, 37, 25, 30, 32, 30, 30 and 31 minors were admitted to the YOI respectively. Children there are entitled to primary and secondary education provided by public schools.

Table 24: Number of minors in the YOI enrolled in primary and secondary education

	2002	2003	2004	2005	2006	2007	2008
Minors enrolled in primary education	30	24	18	22	18	18	11
Minors enrolled in secondary education	2	35	35	27	40	29	22

Source: Legal Affairs Bureau, Education and Youth Affairs Bureau

Note: The number of minors enrolled may vary during each academic year due to students' admission to or leaving the YOI.

99. It is noteworthy that the concept of restorative justice was introduced. To this end, police cautioning can be applied to child offenders as an alternative to prosecution. Moreover, many community-based measures were adapted to serve the purpose of youth correction, such as community service order, restorative order, probation order and youth halfway homes. Judges must consider all the above measures prior to confinement, which is always used as the last resort.

100. Under Law 2/2007, each minor under commitment is given an assessment, with the purpose of appraising if it is necessary to review the measure imposed on that minor, and the judicial decisions that have ordered the application of commitment measures require a regular mandatory review at the end of the period of half a year, counting from the day the last decision was rendered by the judge. Also, the interval for periodic review was shortened from a year to half a year. Furthermore, such a review may take place at any time if:

- (i) the minor has once again committed a criminal offence or misdemeanour or the minor's commission of such offences is recognized after the last decision;
- (ii) it is needed in terms of the education of the minor; or
- (iii) the measure applied cannot be carried out.

101. As noted, minors starting from the age of 16 are criminally responsible. However, it is important to reiterate that prisoners are imprisoned separately according to gender and age. Prisoners aged 21 or under do not come into contact with those aged over 21 (Article 7(1)(2) of Decree-Law 40/94/M, of 25 July). Between 2002 and 2008, there were respectively 6, 10, 3, 4, 2, 0, 0 male minor(s) aged 16 and 17 imprisoned in the MPE and no female minor. The MPE, according to their educational level and interest, organizes courses and vocational training activities for all inmates to participate voluntarily, in order to facilitate their physical and mental well-being and social reintegration. Pursuant to Article 58 of Decree-Law 40/94/M, of 25 July, all inmates are entitled to courses of compulsory education and other educational activities.

102. The Legal Affairs Bureau also provides assistance to all child offenders, especially in respect of social reintegration services, including psychological counselling, family relationship mediation, employment, school education, vocational training, temporary hostel and so forth.

C. Children in situation of economic exploitation, including child labour (Article 32)

103. On 1 January 2009, a new law on labour relations in the private sector, Law 7/2008, of 18 August, entered into force. Though the minimum age for admission to work in the private sector is now 16 years old and, exceptionally, a minor under 16 may be allowed to work, a specific regime is provided for minors' work, *i.e.* the work performed by minors under 18 years old.

104. The employment of minors is subject to the following cumulative conditions: (i) having attained the minimum age to work; (ii) having the adequate mental and physical capabilities to perform the envisaged work, which must be proved by medical certificates, and (iii) having a written authorization from their legal representatives. Exceptional cases of employment of minors under 16 require the completion of compulsory education, and are decided on a case-by-case basis by the Labour Affairs Bureau, after hearing the opinion of the EYAB. The legal representatives of a minor may at any time file a written objection to the performance of work by the minor when there are risks to the minor's physical or mental health or harm to his/her school career, which shall be deemed as just cause for the rescission of the contract.

105. Certain types of work are totally forbidden for minors, namely, domestic work, overtime work and those listed as prohibited occupations for minors in additional regulation. Furthermore, it is also prohibited that minors work during the period from 9 pm to 7 am and at places where admission of minors is forbidden. Other types of work are restricted. In case of restricted work, which list was also approved by additional regulation,

the employer must, prior to the commencement of the labour relation, conduct an assessment of the nature, extent and duration of risk exposure at work. The lists of types of work to which the employment of minors is prohibited and restricted were approved by Orders of the Chief Executive 343/2008, and 344/2008, both of 15 December. In this context, if necessary, the Labour Affairs Bureau may demand the employer to adopt specific measures to prevent minor employees from being harmed by adverse working conditions.

106. Moreover, employers are responsible for arranging, at their own expense, annual medical examinations for minors to certify that they have adequate physical and psychological health to perform their work, as well as to prevent harm to their health and physical and mental development. Those medical examinations must be transmitted to the Labour Affairs Bureau within a certain deadline.

107. All labour contracts of minors must be made in writing, although, in general, a labour contract is free from a special form.

108. The violation of the described imperative rules is sanctioned by fines ranging from MOP5,000 to MOP25,000.

109. The conditions and minimum age for admission to work in the public service (which is 18 years old) remain unchanged.

110. Statistics demonstrate that the percentage of employed population aged 14 to 17 to the total employed population remained the same from 2002 to 2007, being 0.5% and, relatively, that of 2008 accounted for only 0.3%. Likewise, the percentage of employed population aged 14 to 17 to population of respective age group of 2002 to 2008 did not vary much and remained at a low level, being 3.5% in 2008.

D. Drug and substance abuse (Article 33)

111. In response to the request of the Committee in its Concluding Observations (paragraphs 66 and 67) for more information on drug abuse in relation to the MSAR, it should be stressed that the mentioned plan on the Strategy for the Comprehensive Development of Youth of Macao identifies these problems and indicates several preventive and counter measures. For further details, please consult area 6 of the plan.

112. The fight against drugs and drug addiction constitutes a priority policy of the MSAR Government. To improve coordination in order to increase the efficiency of public and private response mechanisms in the fight against drugs and drug addiction, the “Commission on the Fight Against Drug” was established in 2008 (Order of the Chief Executive 179/2008, of 16 June). The objective of this Commission is to assist the Government in the definition of policies, strategies and plans against drugs and drug abuse as well as in the general coordination, interdepartmental and interdisciplinary, of all actions against it.

113. From the legal point of view, legislation governing such matters, among others, include Law 10/97/M, of 11 August, concerning the System on the Prevention and Restriction of Smoking; Law 17/2009, of 10 August, on the Prohibition of Illegal Production, Traffic and Consumption of Narcotic Drugs and Psychotropic Substance, which superseded Decree-Law 5/91/M, of 28 January; and Decree-Law 34/99/M, of 19 July, on the Trade and Legal Use of Narcotic Drugs and Psychotropic Substance.

114. In practical terms, the SWB formulates programmes for the prevention of drug abuse in the community. Apart from universal dissemination, seminars and exhibitions, it also provides preventive education by courses or group activities themed on healthy life. Moreover, outreach-working teams actively approach adolescents at risk and provide them

with positive education. Also, the Legal Affairs Bureau tailor-makes some counter drug programmes, such as free drug tests, seminars, and drug-free award plans.

115. In addition, the EYAB, in collaboration with relevant government departments and NGOs, continues to follow up the phenomena concerning youth drug abuse and to develop related measures, strategies and working plans. Worth noting is that a night outreach centre was established in March 2009. It also carried out service pilot scheme to provide adolescents with drug information, physical examination plan, referral service and drug addiction treatments.

116. On the other hand, the SWB is accountable to provide treatments for drug addiction. For children under 18 years, such treatment is provided if their parents or guardian agree on it, or if they are under the referral made in accordance with the educational regime. Residential service, counselling and referral service are also available. Between 2002 and 2008, there were respectively 0, 8, 49, 306, 1161, 2630 and 2533 children and adolescents who have received drug addiction treatments and/or preventive service against drug abuse. From 2002 to May 2009, the SWB subsidized 150 service plans of preventing drug abuse, involving 37 institutions. Besides, from 2003 to 2009, the Bureau subsidized 100 activities of "Narcotics Youth Social Service Award Program".

117. In this respect, it is relevant to mention that a training centre was set up in October 2008 targeting at providing youths with drug addiction treatments and vocational training, with a view to facilitating their rehabilitation and reintegration into society.

E. Children in situation of sexual exploitation (Article 34)

118. With respect to sexual exploitation and sexual abuse, other forms of exploitation, sale, trafficking and abduction of children, detailed information is given in the following part regarding the implementation of the Protocol.

VIII. Implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

A. General measures of implementation

119. As mentioned, special effort was made to address all points of concern raised in the Concluding Observations of the Committee (CRC/C/OPSC/CHN/CO/1). Some progress was attained at different levels. New legislation was enacted. Assistance programmes for child victims of trafficking in persons were created. Specialised training courses targeted at staff that works with children, law enforcement officers and legal practitioners took place. The dissemination of the rights of the child and relevant legislation has been systematically carried out.

120. It should be stressed, within this context, the proactive nature of the policy of dissemination of law and fundamental rights undertaken by the Government of the MSAR, aiming at encouraging debate and generating awareness of their content. The Protocol, as well as other applicable international human rights treaties, have been widely disseminated through brochures, workshops and seminars to the public at large, civil society, youth and children associations, professional groups, etc. In this respect, it should be noted that, as stated above, NGOs have been encouraged to work closely with the Government in several areas relating to the protection of children.

B. Prohibition of the sale of children, child prostitution and child pornography (Articles 3, 4(1) and (2), 5, 6 and 7)

121. The information provided regarding the legal framework on the prohibition of slavery, transfer of organs for profit, sexual exploitation of the child and child prostitution, the attempt and forms of criminal participation and liability of legal persons is still accurate. However, it should be underlined that major progress was achieved in the field of the fight against trafficking in persons with the adoption of a new criminal law.

122. In fact, Law 6/2008, of 23 June, not only criminalizes autonomously trafficking in persons, with special emphasis in relation to children, as well as the sale of children for adoption and the removal of human organs or tissues, but also establishes a comprehensive regime on the protection and assistance to victims (a non-official translation of the law is annexed to this report). A more detailed explanation on this law is provided for in the following paragraphs.

123. On the other hand, and also as stated in the previous report, child pornography is provided for and punished under Article 166(4)(b) of the MCC, under the crime of 'sexual abuse of children'. It covers minors until 14 years old. However, studies on the drafting of a new law are currently underway. During the time-period of 1 January 2005 to 30 June 2009, there were no records of complaints or investigation cases on child pornography.

124. Police data on child prostitution (procurement of minors - Article 170 of the MCC) is as follows.

Table 25: Procurement of minors

Year	2005	2006	2007	2008	2009 (1)
Victims (female)	7	12	11	9	11
Age					
14	-	-	1	1	-
15	-	2	3	-	2
16	2	6	2	3	5
17	5	4	5	5	4
Nationality					
Chinese (Mainland)	7	11	11	9	11
Filipino	-	1	-	-	-

Source: Office for Security Coordination

Note: (1) Until 31 March 2009.

125. Another progress in what concerns the prevention of child abuse, such as sale or abduction, was marked, as stated above, by the entry into force in relation to the MSAR, on 1 January 2006, of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Therefore, the adoption regime, based on the principle of the best interest of the child, was reinforced and complemented.

126. The SWB plays an important role in overseeing intercountry adoption. Its Child and Youth Unit is the only MSAR body authorised to handle the various procedures in connection with intercountry adoption. The workers employed at this Unit are graduates in social work or educational psychology, providing quality adoption services. All of them have the expertise and special knowledge required to handle intercountry adoption competently.

127. Moreover, as stated, trafficking of children for the purposes of unlawful adoption is also provided for and punished in the new Law on the Fight against Trafficking in Persons. This law introduces a new provision in the MCC – Article 153-A under the title ‘trafficking in persons’, within the category of ‘offences against personal freedom’, immediately after ‘slavery’.

128. It is worth mentioning that the scope of application of this law is very broad. It applies to both transnational offences and offences that take place within the MSAR, regardless whether they involve an organized criminal group or an individual trafficker.

129. Furthermore, in what concerns the constitutive elements of the definition of the crime, this law reinforces child protection by establishing, in accordance with modern international concepts, that whenever the victim of the crime is a child, the element of ‘means’ is not required (the elements of action and purpose being sufficient), as well as by imposing more severe penalties in case of trafficking of children and a specific aggravation in relation to children under 14 years old. This legal option recognises the special need to protect children, taking into account their greater exposure to risk due to their vulnerable condition.

130. More concretely, Article 153-A(2) of the MCC determines that “whoever, by any means, offers, delivers, induces, recruits, accepts, transports, transfers, harbours or receives a minor for the purpose of sexual exploitation, exploitation of labour or services of that minor, including, at a minimum, forced labour or services, slavery or practices similar to slavery, or removal of human organs or tissues, shall be punished with a penalty of 5 to 15 years of imprisonment.”. In addition, paragraph 3 of the said Article establishes that whenever the victim is a minor under 14 years of age or the perpetrator acts as a form of living or with intent to profit, the penalties referred to are to be aggravated by 1/3 in its minimum and maximum limits.

131. Paragraph 4 of the same Article states that “whoever, by means of giving or receiving payments or any other benefits, surrenders, cedes or acquires a minor, or obtains or gives the consent to the adoption of a minor, shall be punished with a penalty of 1 to 5 years of imprisonment.”.

132. Retaining, concealment, damaging or destroying the identity or travel documents of victims are also punished with a penalty of 1 to 5 years of imprisonment (Article 153-A (6) of the MCC).

133. Both extraterritorial jurisdiction and criminal liability of legal persons were also established for the crime of trafficking in persons (Article 5(1)(b) of the MCC as amended by Law 6/2008 and Article 5 of Law 6/2008, respectively).

134. Disaggregated data on trafficking in persons is only available since 2008. According to the Office for Security Coordination, in 2008, there were 7 females allegedly victims of trafficking for purpose of sexual exploitation with ages ranging from 16 to 17, 6 of them being from Mainland China and one from the MSAR. In connection with these alleged crimes, 7 persons were detained in 2008 (3 males and 4 females, with ages ranging from 21 to 60 years); 6 of them are from Mainland China and one is from the MSAR. In the first quarter of 2009, there was a female youngster of 15 years old from Mainland China being the victim of trafficking. The case is still under investigation.

135. As regards criminal proceedings, two of these cases were filed, four are under investigation and one is in the phase of prosecution.

C. Prevention of the sale of children, child prostitution and child pornography (Article 9(1) and (2))

136. In its Concluding Observations (paragraph 17), the Committee expressed its concerns and urged China to further enhance its efforts related to the prevention of the sale of children, child prostitution and child pornography in the MSAR and to provide additional information on these efforts in this report. In this respect, apart from the mentioned changes – operated and in course, the MSAR Government promoted a set of combined efforts, ranging from different actions such as dissemination of the rights of the child to education and training, to strengthening the prevention of the sale of children, child prostitution and child pornography and to reducing the risks of trafficking and sexual exploitation.

Dissemination

137. As stated, the Legal Affairs Bureau has been disseminating the relevant legislation on the rights of the child, including the Convention and the Protocol, and on child abuse and trafficking of persons, through different media and other activities. This task is performed independently or in cooperation with other government departments or entities, such as the Legal and Judicial Training Centre, the SWB, the EYAB, the Health Bureau, the law enforcement agencies, the Commission to Follow Up the Implementation of Dissuasive Measures against Trafficking in Persons, the Consultative Commission for Women's Affairs and local NGOs (e.g. the Women's General Association of Macao, the Macao Association against Child Abuse and the Good Shepherd Centre).

138. In addition to relevant TV and radio programmes, leaflets and seminars, advertisements/promotion clips regarding children's rights started to be broadcast on TV and radio (in Chinese and English) in an effort to raise public awareness to the problem of the sale of children and related crimes, and to encourage reporting of any suspicious activities. In recent years, awareness campaigns have been intensified, in particular those on the risks of trafficking in persons and the rights of victims, especially women and children.

139. The aims of the first stage of these awareness campaigns, targeting the public at large, were to publicize the new law on the fight against trafficking in persons in a perceptible manner and to encourage the population to report any suspicious activities related to the said crime. At the second stage, mostly addressed to victims and potential victims, the intended purpose was to widely divulgate the available means of rescue and redress for victims of trafficking and, implicitly, also to further a more positive approach in regard to what can be done by everyone to identify and protect victims. The third stage, which is about to start, envisages to educate children, especially adolescents girls who are more vulnerable. The idea underneath this next stage is to introduce children to the risks posed by traffickers by means of explaining methods that they employ, in particular methods of deception used to persuade young people, as well as to inform them about what they should do in case they suspect that they are, or anyone they know is, being targeted.

140. From January 2008 until May 2009, a total of 12,948 leaflets on the topic of trafficking in persons (in Chinese, Portuguese and English) were freely distributed in several key spots, including arrival halls of the MSAR at the border control points (e.g. the Macao International Airport, the Hong Kong/Macao Ferry Terminal and the Gong Bei Cross Border Point), hospitals, medical centres, pharmacies, etc.

Education and training

141. As mentioned above, the MSAR Government gives special attention to children and teenagers by promoting human rights education in primary and secondary schools and

running target-oriented awareness campaigns and activities, in cooperation with other government departments and NGOs.

142. The Universal Children's Day and the annual Law Promotion Fun Fair are good opportunities taken by the government departments, in partnership with the NGOs, to address and to raise public awareness of issues such as child abuse, child sexual exploitation, sale of children and trafficking, through the way of Q & A sessions, interactive games on stage, booth games, etc. All these topics were also addressed in seminars held at community centres. Participants debated on the harmfulness of trafficking in persons as well as the problems of child prostitution and child pornography and shared their experience on how to protect children and the related legal and institutional framework.

143. The Legal and Judicial Training Centre organised seminars and workshops focused on the field of human rights protection, such as: Seminar on human rights, UN Covenants and Fundamental Rights (2005), Seminar on human rights conventions and their implementation (2005), Seminar on human rights and international Law: some global challenges (2006), workshop on report writing and implementation of the Convention on the Rights of the Child (2007). These seminars were conducted in both official languages and in English, with professors from the MSAR, Mainland China, and other countries, mainly from Europe.

144. Specific professional training covering trafficking in persons and related crimes, including child sexual exploitation, child labour exploitation and sale of children, has also been provided. The training comprised methods of identification of victims, physical and psychological health impact on victims, specialised ethical and safety recommendations for interviewing trafficked persons, interviewing skills, methods of investigation and the latest guidelines and standards on the matter from the United Nations and other international organizations.

145. In line with this, the Legal Affairs Bureau, the Legal and Judicial Training Centre, the Consultative Commission for Women's Affairs and two local NGOs, the Women's General Association of Macao and the Good Shepherd Centre, organised the following seminars: Human Trafficking, Investigation and Prosecution of Human Trafficking, Introduction to the MSAR law against trafficking in persons, Trafficking in Persons and Labour Exploitation, Fight against Trafficking in Persons. These seminars were mainly targeted at law enforcement agents, legal experts, social workers, NGO staff, health care professionals and other public officials.

146. The Public Security Police has also taken several measures to prepare its staff to deal with such crimes and the victims, in particular child victims. Thus, in 2008, front-line police officers were trained to enhance their communication skills in answering victims' phone calls (the Public Security Police is running one of the 24-hour hotlines). A training programme entitled 'Psychological status and handling of victims of human trafficking and of sexual abuse' was conducted by a clinical psychologist from the SWB to 226 police officers of the 'Action and Control Centre' of the Public Security Police. With regard to victims' protection and assistance, 11 police officers of the special team set up to combat the crime of trafficking in persons completed a two-week programme on the subject-matter.

147. Furthermore, in 2008, the course for the professional promotion of police officers gives a new module on the law, prevention, investigation and suppression of the crime of trafficking in persons (including children) and related crimes. A total of 150 police officers of the Public Security Police attended this course. The said module was also introduced in the curricula of the Police Academy and was attended by 180 students. In 2009, specialised training on the subject-matter was also organised by the Public Security Police for 286 police officers.

Inter-departmental coordination

148. A Commission to Follow Up the Implementation of Dissuasive Measures against Trafficking in Persons (hereinafter referred to as Commission against Trafficking), under the supervision of the Secretary for Security, was set up in September 2007 (Order of the Chief Executive 266/2007). This Commission is an inter-departmental public body with a multidisciplinary nature. Its mandate is to diagnose, evaluate and study the social aspects of trafficking in persons in the MSAR, to promote its sociological research and analysis, to issue recommendations and to monitor the activities of the departments that fight against trafficking in persons in the perspective of its prevention and of protection and social reintegration of the victims.

149. The Commission against Trafficking operates as a coordination forum, so as to improve mutual understanding and to help each department to fulfil its responsibilities. It has been actively involved in most of the actions carried out in connection with trafficking in persons. For example, the mentioned awareness campaigns on trafficking were – and still are – conducted under the auspices of the Commission. Likewise, the Commission has promoted the setting up of hotlines, the enhancement of assistance programmes for victims of trafficking and sexual exploitation, the preparation of seminars and training, in particular those for law enforcement agents, the planning of police forces and Health Bureau operational guidelines, etc.

150. To improve their performance, the law enforcement agencies, the SWB and the Health Bureau concluded an arrangement, also under the auspices of the Commission. This arrangement pertains to referral of victims for purposes of assistance and/or protection, training of specialized staff on how to deal with victims, etc.

151. In its Concluding Observations (paragraphs 8 and 9), the Committee expressed its regrets about the limited statistical data on sexual exploitation and cross-border trafficking included in the report, both with regard to Mainland China and the MSAR, and recommended that China strengthen its efforts to collect disaggregated data on the victims of trafficking, sale of children, child prostitution and child pornography. The MSAR Government gives careful consideration to the Committee's recommendations and tries to respect them within its possibilities. However, to collect and process data in the requested terms is, indeed, one of the difficulties that the MSAR is encountering and trying to overcome.

152. In this respect, the Commission against Trafficking has been fostering partnership with other public bodies and entities, institutions and local NGOs in order to enhance mutual understanding of trafficking issues and the sharing of information. By stimulating a community's response, it expects to help to build in the MSAR the necessary capacity to collect data and better assess the problem.

153. Such issues are equally crucial to the elaboration of the MSAR plan of action to combat trafficking and sexual exploitation, the absence of which was also a concern expressed by the Committee in its Concluding Observations and the object of a recommendation (paragraphs 6 and 7). Notwithstanding the lack of a written plan of action, all counter-trafficking work has been carried out in compliance with the Protocol as well as other applicable treaties, and on the basis of the widely accepted international commitments and standards, in particular the Beijing Declaration and Platform for Action, the Stockholm Declaration and Agenda for Action, the Yokohama Global Commitment, the South Asia Strategy, the Rio de Janeiro Compromise, etc. At present, within the Commission against Trafficking, a plan of action is being drafted but its adoption will require further assessments and debate.

D. Protection of the rights of child victims (Articles 8 and 9(3) and (4))

154. The general framework of victims' rights and available remedies is described in the Core Document.

155. Also, victims of violent crimes may apply for a special financial compensation. This compensation can be granted even if the offender's identity is not known or if, for any reason, the offender cannot be accused or convicted (Law 6/98/M, of 17 August).

156. As regards paragraphs 14 and 15 of the Concluding Observations, where the Committee expressed its concern about the absence of assistance programmes specifically designed for child victims of trafficking and sexual exploitation in the MSAR, it has to be clarified that, in fact, assistance programmes existed since long in the MSAR, though they have been improved in the last years, especially those for victims of trafficking. Although it is true that such programmes are not designed only and specifically for children, but rather to all victims, they contain components according to the specificities of victims to whom they are intended.

157. As stated, children are entitled to special legal protection. All decisions and actions must take into account the best interest of the child. Assistance to child victims is focused on their particular needs, including the facilitation of their physical and psychological recovery and social reintegration. Indeed, the necessary clinical, psychological, social, financial and legal assistance, as well as counselling, shelter, occupational training and assurance of their personal safety is ensured under the available assistance programmes.

158. The SWB being the main government department responsible to provide such assistance has within its staff specialized personnel and works in close cooperation with other government departments and NGOs (e.g. the Women's General Association of Macao, the Macao Association against Child Abuse and the Good Shepherd Centre).

159. The Health Bureau also plays an important role in what concerns assistance to victims, in particular child victims. The Social Work Division of the Public Hospital (Hospital Centro S. Januário) deals with child abuse cases and assistance requests. It provides emotional support and counselling to child victims, assesses their family situation, examines whether they are exposed to danger, etc. This Division refers existing cases to other government departments for follow-ups, in order to assure the safety of child victims and any other special need and adequate care.

160. Victims of trafficking are also entitled to receive physical protection, to stay in the MSAR while investigation and proceedings are taking place, to an interpreter, legal counselling and aid and to compensation.

161. It should be noted that the "Child Protection Centre" of the Macao Association against Child Abuse provides activities covering, inter alia, education, dissemination, parent-and-child relationship skills, and adoption of measures to prevent child abuse, such as counselling to child victims of abuse and to abusers as well.

162. Two 24-hour hotlines have been set up for victims of trafficking and sexual exploitation. Calls are handled by experienced social workers who offer assistance. In addition, all cases are screened by the relevant law enforcement authorities or judiciary. Victims whose lives are in danger are placed under police protection.

163. Moreover, training on how to deal with victims of trafficking has been a priority. Legal, psychological, or other training for those who work with victims of the offences prohibited in the Protocol has been mentioned in the earlier paragraphs. In addition, the Paediatric Department of the Public Hospital and the Macao Paediatric Society co-organised a training session, aimed at topics of child abuse. Paediatrics and other medical

staff are prepared to report any suspicious case of child abuse that they are aware of to the relevant law enforcement authorities.

E. International assistance and cooperation (Article 10)

164. Mutual legal assistance in criminal matters between the MSAR and foreign jurisdictions is regulated under Law 6/2006, of 24 July. This law establishes the rules concerning the surrender of fugitive offenders, the transfer of criminal proceedings, the execution of criminal sentences, the transfer of sentenced persons, the surveillance of sentenced persons or persons on parole, as well as other forms of legal assistance. Principles such as the primacy of international conventions, reciprocity, speciality and non bis in idem are cornerstone principles of the said law.

165. Mutual legal assistance requests also abide to Articles 214 to 216 of the Criminal Procedure Code and Law 3/2002, of 4 March, which sets up the notification procedure regime to the Central People's Government as regards any request addressed to or to be sent abroad by the MSAR.

166. Law 6/2006 also sets forth the 'surrender of a fugitive offender' institute. 'Surrender of a fugitive offender' is defined as the transfer on request to the requesting party of a suspect or sentenced person found in the requested party.

167. Article 32 of Law 6/2006 establishes the purposes and grounds for the surrender of a fugitive offender. It may only take place for filing criminal proceedings or enforcing a penalty or measure involving deprivation of liberty for a crime wherein the courts of the requesting party have jurisdiction. Article 33 of the said law sets up the general and specific grounds for the refusal of a request for the surrender of a fugitive offender.

168. Other forms of possible mutual legal assistance include service of judicial documents, provision of documents, gathering of evidence, searches and seizures; examination of objects and sites, experts evaluations, effecting service of accused persons, witnesses or experts; taking testimony or statements of accused persons, witnesses or experts and transit of persons. Hence, requests for seizure and confiscation of materials, assets and/or other goods used to commit or facilitate any offences set forth in the Protocol are allowed under the above law (Articles 141(2) and 142, respectively). The seizure and confiscation regime was explained in the previous report.

169. In what concerns bilateral agreements, Article 94 of the Basic Law allows the MSAR, with the assistance or authorisation of the Central People's Government, to make appropriate arrangements with foreign States and territories for reciprocal judicial assistance. As such, the MSAR has concluded legal and judicial assistance agreements with Portugal (17 January 2001) and East Timor (21 November 2008). Furthermore, contacts are also being made in relation to negotiations with Cape Verde, Brazil and Mongolia on the same subject matter. A bilateral cooperation agreement between Mongolia and the MSAR on the fight against trafficking, especially women and children, is also under negotiation.

170. Yet, it should be stressed that mutual legal assistance in criminal matters may be afforded or requested even in the absence of any bilateral agreement.

171. Bearing in mind the Committee's Concluding Observations, cooperation in the field of law enforcement should be underscored. A contact system between the MSAR and its neighbouring regions has been set in place (designation of liaison officers) so as to collect intelligence concerning several aspects, including trafficking in persons. The MSAR Customs Department has set up a communication system with the border checkpoint of the Gong Bei Public Security Police and the HKSAR Police Force to exchange intelligence. A GPS system to monitor ships was installed, so as to better control their conditions and to

better track down potential smuggling of migrants and trafficking in persons, including children.

172. It should be pointed out that false documents detecting techniques were also improved through training courses organised in cooperation with the European Union (e.g. Detection of Forged Travel and Identification Documents, held under the ANEANS 06-07 programme) and training on the improvement of skills to identify victims of trafficking in persons was provided by the International Organisation for Migration.

173. Furthermore, the topic of fighting against trafficking in persons and related crimes was also on the agendas of this year's Beijing-MSAR Police Meeting and the Guangdong-MSAR Police Meeting. In addition, joint operations under this mechanism were discussed at the Meeting of the Criminal Investigation Chiefs of Guangdong, HKSAR and MSAR.

Annexes

Annex I

Quoted legislation in chronological order

Basic Law of the Macao Special Administrative Region of the People's Republic of China

(available on-line in Chinese, Portuguese and English (non-official translation) at <http://bo.io.gov.mo/bo/i/1999/leibasica/index.asp> and http://bo.io.gov.mo/bo/i/1999/leibasica/index_uk.asp);

Macao Civil Code

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/99/31/codcivpt/default.asp>);

Macao Criminal Code

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/95/46/codpenpt/default.asp>);

Macao Administrative Procedure Code

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/99/41/codpapt/default.asp>);

Decree-Law 24/86/M, of 15 March, as amended - Regulates the access of Macao's population to health care services

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/86/11/declei24.asp>);

Decree- Law 40/94/M, of 25 July - Approves the regime on the application of measures depriving personal freedom

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/94/30/declei40.asp>);

Law 6/94/M, of 1 August - Approves the legal framework on family policy

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/94/31/lei06.asp>);

Decree-Law 59/95/M, of 27 November, as amended by Law 10/2004, of 22 November – Establishes the rules for the voluntary interruption of pregnancy

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/95/48/declei59.asp>);

Decree-Law 33/96/M, of 1 July – Approves a special educational regime for students with special education needs

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/96/27/declei33.asp>);

Law 6/98/M, of 17 August – Establishes the Regime for the Protection of Victims of Violent Crimes

(available on-line in Chinese and Portuguese at <http://bo.io.gov.mo/bo/i/98/33/lei06.asp>);

Decree-Law 42/99/M, of 16 August - Establishes the compulsory education system for children and young persons between the ages of 5 and 15

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/99/33/declei42.asp>>);

Decree-Law 65/99/M, of 25 October – Approves an educational regime and a social protection regime under the juvenile justice, as partially revoked by Law 2/2007, of 16 April

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/99/43/declei65.asp>>);

Law 3/2002, of 4 March – Establishes the Notification Procedure Regime within the Legal Cooperation Framework

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2002/09/lei03.asp>>);

Administrative Regulation 12/2002, of 10 June – Determines the composition, structure and operation of the Youth Affairs Council

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2002/23/regadm12.asp>>);

Order of the Secretary for Social and Cultural Affairs 18/2003, of 10 March – Establishes a special subvention regulation for families in a vulnerable situation

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2003/10/despasc.asp#18>>);

Law 4/2003, of 17 March – Establishes the general principles that govern the regime of entry, stay and residence in the MSAR

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2003/11/lei04.asp>>);

Law 1/2004, of 23 February – Establishes the regime for the recognition and loss of refugee status

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2004/08/lei01.asp>>);

Order of the Chief Executive 364/2005, of 21 November – Establishes the Commission on the Fight Against HIV/AIDS

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2005/47/despce.asp#364>>);

Order of the Chief Executive 102/2006, of 2 May – Establishes the Curriculum Reform and Development Commission

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2006/18/despce.asp#102>>);

Law 6/2006, of 24 July – Establishes the Legal Cooperation Law in Criminal Matters

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2006/30/lei06.asp>>);

Law 9/2006, of 26 December – Establishes the legal framework on the educational system for non-tertiary education

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2006/52/lei09.asp>>);

Administrative Regulation 19/2006, of 28 December, as amended by Administrative Regulation 17/2007, of 27 August – Establishes the subvention regime on free education

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2006/52/regadm19.asp>>);

Administrative Regulation 6/2007, of 2 April, as amended – Establishes a subvention regime to individuals and families in situation of financial hardship

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2007/14/regadm06.asp>>);

Law 2/2007, of 16 April – Approves an educational supervision regime for juvenile delinquency

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2007/16/lei02.asp#2>>);

Order of the Chief Executive 266/2007, of 9 September – Establishes the Commission to Follow Up the Implementation of Dissuasive Measures Against Trafficking in Persons

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2007/37/despce.asp#266>>);

Order of the Chief Executive 179/2008, of 16 June – Establishes the Commission on the Fight Against Drug

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2008/24/despce.asp#179>>);

Law 6/2008, of 23 June - Approves the Law on the Fight against Trafficking in Persons

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2008/25/lei06.asp>>);

Law 7/2008, of 18 August – Establishes the labour relations law

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2008/33/lei07.asp>>);

Order of the Chief Executive 239/2008, of 1 September – Establishes the Commission for the Rehabilitation Affairs

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2008/35/despce.asp#239>>);

Order of the Chief Executive 343/2008, of 15 December - Approves a list of types of work to which the employment of minors is restricted

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2008/50/despce.asp#343>>);

Order of the Chief Executive 344/2008, of 15 December- Approves a list of types of work to which the employment of minors is prohibited

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2008/50/despce.asp#344>>); and

Law 17/2009, of 10 August – Determines the prohibition of illegal production, traffic and consumption of Narcotic Drugs and Psychotropic Substance and superseded Decree-Law 5/91/M, of 28 January

(available on-line in Chinese and Portuguese at <<http://bo.io.gov.mo/bo/i/2009/32/lei17.asp#17>>).

Annex II

Relevant treaties related to the protection of the rights of the child applicable to the MSAR

Slavery Convention, signed at Geneva, on 25 September 1926;

Convention concerning Forced Labour or Compulsory Labour, adopted at Geneva, on 28 June 1930, as modified by the Final Articles Revision Convention, adopted at Montreal, on 9 October 1946 (ILO Convention No. 29);

Convention on the Prevention and Punishment of the Crime of Genocide, adopted at Paris, on 9 December 1948;

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted at New York, on 2 December 1949;

Convention on the Law Applicable to Maintenance Obligations towards Children, done at The Hague, on 24 October 1956;

Convention concerning the Abolition of Forced Labour, adopted at Geneva, on 25 June 1957, (ILO Convention No. 105);

Convention concerning the Recognition and Enforcement of Decisions relating to Maintenance Obligations towards Children, done at The Hague, on 15 April 1958;

Convention concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Minors, done at The Hague, on 5 October 1961;

Convention relating to the Status of Refugees, done at Geneva, on 28 July 1951 and its additional Protocol relating to the Status of Refugees, done at New York, on 31 January 1967;

Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery, done at Geneva, on 7 September 1956;

Convention against Discrimination in Education, adopted Paris, on 14 December 1960;

Single Convention on Narcotic Drugs, done at New York, on 30 March 1961, and the Protocol Amending the Single Convention on Narcotic Drugs, concluded at Geneva, on 25 March 1972;

International Convention on the Elimination of All Forms of Racial Discrimination, adopted at New York, on 21 December 1965, and its Amendment to Article 8, adopted at New York, on 15 January 1992;

International Covenant on Civil and Political Rights, adopted at New York, on 16 December 1966;

International Covenant on Economic, Social and Cultural Rights, adopted at New York, on 16 December 1966;

Convention on Psychotropic Substances, concluded at Vienna, on 21 February 1971;

Convention concerning Minimum Age for Admission to Employment, adopted at Geneva, on 26 June 1973, (ILO Convention No. 138);

Convention on the Elimination of All Forms of Discrimination Against Women, adopted at New York, on 18 December 1979, and its Amendment to Article 20 (1), adopted at New York, on 22 December 1995;

Convention on the Civil Aspects of International Child Abduction, done at The Hague, on 25 October 1980;

United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, concluded at Vienna, on 20 December 1988;

Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted at New York, on 10 December 1984, and its Amendment to Articles 17(7) and 18(5), done at New York, on 8 September 1992;

International Convention on the Rights of the Child, adopted at New York, on 20 November 1989, and its Amendment to Article 43(2), adopted at New York, on 12 December 1995;

Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, done at The Hague, on 29 May 1993;

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted at Geneva, on 17 June 1999, (ILO Convention No. 182);

Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, adopted at New York, on 25 May 2000;

Optional Protocol to the Convention on the Rights of the Child, on the Involvement of Children in Armed Conflicts, adopted at New York, on 25 May 2000; and

Convention on the Rights of Persons with Disabilities, adopted at New York, on 13 December 2006.

Annex III

Other relevant information

Strategy for the Comprehensive Development of Youth of Macao - electronic files;

Service for Youth in the Gaming Area Project - electronic files;

Macao Youth Indicators Profile - electronic files; and

Law 6/2008, of 23 June – Approves the Law on the Fight against Trafficking in Persons - electronic files.