

**Committee on the Elimination of Discrimination
against Women**

**List of issues and questions in relation to the combined
seventh and eighth periodic reports of China**

Addendum

Replies of China*

[Date received: 15 August 2014]

Remarks

This document contains the responses of the People's Republic of China to the list of questions submitted in March 2014 by the United Nations Committee on the Elimination of Discrimination against Women. It comprises three parts: Part I contains the replies of China's central Government; Part II contains the replies of the Government of the Hong Kong Special Administrative Region; and Part III contains the replies of the Government of the Macao Special Administrative Region.

**Part III
The Government of Macao Special Administrative Region of
the People's Republic of China**

**Reply of the Government of the Macao Special Administrative
Region to the List of Issues Raised by the Committee on the
Elimination of Discrimination against Women on 7 March
2014 ([CEDAW/C/CHN/Q/7-8](#)) relating to the Seventh and
Eighth Joint Report Submitted by the People's Republic of
China with Reference to the Convention on the Elimination of
All Forms of Discrimination against Women**

**Part Three
Macao, China**

1. Please provide information on measures taken to withdraw the reservation on article 11(2) of the Convention applicable to the Hong Kong Special Administrative Region. Please further inform whether a review of the interpretative declarations to the Convention is envisaged. Please also explain how the application of the interpretative declarations has impacted the implementation of the Convention in the Special Administrative Regions.

1. As regards the impact of the application of interpretative declarations on the Macao SAR's implementation of the Convention on the Elimination of All

* The present document is being issued without formal editing.

Forms of Discrimination against Women (hereinafter referred to as the Convention), it is necessary to clarify that when the People's Republic of China (PRC) notified the Secretary-General of the United Nations in its capacity as depositary entity of the Convention on 19 October 1999 about the continued application of the Convention to the Macao SAR since 20 December 1999, apart from declaring the application to the Macao SAR of the PRC's reservation to Article 29(1) of the Convention concerning the disputes in relation to the interpretation and application of the Convention, no other reservations or interpretative declarations regarding the application of the Convention to the Macao SAR were made by the PRC.

8. Please provide information and statistical data on the prevalence of violence against women, including domestic violence, in the State party, including in the Special Administrative regions. The report states that most cities have set up shelters providing medical treatment, psychological support and rehabilitation for women and children who are victims of domestic violence (paras. 93 and 95). Please provide information on the number of (a) shelters available, and (b) free of charge hotlines established. Please provide an update on the draft family violence law. Does it include protection orders for victims and availability of support services; criminalization of marital rape? Please also state the concrete measures that have been taken to improve the prosecution of cases of domestic violence in Hong Kong. Furthermore, please explain the concrete measures taken to combat the increased number of rape and domestic violence in Macao. Please provide information on measures taken to investigate expeditiously incidents of violence against women in detention centres as well as preventive measures undertaken.

2. According to the information provided by the police, the number of cases of women suffering from domestic violence between 2010 and 2013 was on the decline, with 269, 243, 231 and 186 female victims respectively. This exemplifies an improvement in the situation of women suffering from domestic violence. Under the financial support of the Social Welfare Bureau (SWB), two private institutions provide asylum service for the women and children who are affected by domestic violence. The Family Counselling Office subordinated to the SWB provides supporting services for families in need from the preventive level, for instance, financial assistance, psychological counselling, legal enquiry service and so on, so as to curb the causes of domestic violence and alternately reduce the crime rate.

3. In relation to free hotlines, apart from the 24-hour hotline and an email for anonymous reporting or for the provision of information related to crimes provided by the Public Security Police Force and the Judiciary Police, the SWB also subsidises a private institution (the Lai Yuen Centre of the Women's General Association of Macau) for its 24-hour hotline, which was established especially for providing women and children affected by domestic violence with support and enquiry services. In addition, leaflets and posters are available at health centres, hospitals, schools, government departments and immigration frontier ports for the public to raise their awareness of and to disseminate the means of crime reporting.

4. The Macao SAR Government has been showing concern for the situation of domestic violence and has planned to further protect the women and children in families under the Law for the Prevention of Domestic Violence. At present, the drafting process of the proposed law has already been completed and it will soon enter the legislative process. Pursuant to the provision of the proposed law

concerned, in case of domestic violence, the victims have the rights to obtain the following assistance:

(1) Under the coordination and arrangement of the SWB, the victims can stay in the social facilities temporarily and obtain services such as financial assistance, legal assistance, free medical service, schooling and employment assistance, as well as individual and family counselling and so forth under the law.

(2) The personal safety of the victims and the family members involved can be secured by the police, who will also provide them with escort services to the facilities or hospitals, or back to the sites of the incidents or their domiciles for collecting their belongings.

(3) The judges may order the adoption of judicial protection measures upon requests of the victims and may impose the following orders or restraints on the perpetrators, namely, to order them to move out of the places where they are living with the victims, to prohibit them from approaching or following the victims, to prohibit them from getting close to the domiciles and workplaces of the victims, to prohibit them from lingering in the school areas of the victims, to prohibit them from contacting their minor children, and to order them to receive counselling, and so on.

5. As regards marital rape, as long as the related act conforms to the constitutive elements of a crime provided for in Article 157 of the Macao Criminal Code, whether or not the act takes place in a marriage constitutes the crime of rape and is punished with imprisonment from 3 to 12 years. Should the perpetrator perform the related criminal act for taking advantage of the victim's financial dependence on him, the minimum and maximum limits of the aforementioned penalty will be aggravated by one-third (Article 171(1)(a) of the Macao Criminal Code).

6. According to the records of the detention rooms of the Judiciary Police and of the Macao Prison, there was no record of any incident of violence against women in the detention rooms. In case of receipt of related complaints or suspected cases, physical examination will be immediately arranged for the victims concerned and investigations including the collection of evidence, the hearing of witnesses' statements, the checking of CCTV records will also be launched. Should the incidents contain criminal involvement, the cases will then be transferred to the Public Prosecutions Office for follow-up. Should the criminal suspects be police officers, internal and disciplinary proceedings shall be carried out at the same time and the related situations shall be reported to the Commission for Disciplinary Control of the Security Forces and Services of Macao, which is responsible for monitoring and issuing recommendations for the misconduct of the police forces, for instance, acts which damnify human rights, abuse of powers and procedures and so on (Article 3(1) of the Order of the Chief Executive No. 14/2005).

7. In practice, both the Judiciary Police and the Macao Prison adopt a series of preventive measures to guarantee the physical and psychological safety of female detainees. At the detention rooms of the Judiciary Police, all female victims of physical or sexual violence are interrogated by female officers who are specially trained to assist this type of victims. Interrogations are conducted in a private room and the victims may be assisted by legal representatives, interpreters (if necessary) and social workers. Similarly, female detainees will also receive adequate protection by being separated from male suspects and will be placed in a separate room with CCTV. On the other hand, the preventive

measures adopted by the Macao Prison chiefly includes 24-hour cell vigilance by female correctional officers, all the activity areas (except cells and bathrooms) being monitored with a CCTV system and by female correctional officers and the right to make requests, file complaints or report to the judges and prosecutors, who pay regular visits to the Prison for inspection.

12. Please state the measures being taken to establish an effective referral system for the refugee status determination procedure, and measures to facilitate the prompt identification and referral to the asylum system of victims of trafficking in Macao. (...)

8. In order to precisely implement the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees in the Macao SAR, Law No. 1/2004 established an internal system for the recognition and the rejection of refugee status, providing for the procedures of recognising the status of refugees, the protection for refugee applicants, the reasons for and consequences of rejecting refugee status and so forth, and establishing a Committee for Refugee Affairs, which is responsible for analysing individual cases of applications for refugee status and for proposing relevant recommendations to the Chief Executive. Article 3 of the aforementioned Law sets two special circumstances for the recognition of refugee status: any person who is regarded as a refugee pursuant to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, or any person who falls under the competence of the Office of the United Nations High Commissioner for Refugees (UNHCR) as prescribed in Articles 6 and 7 of the Statute of the Office of the UNHCR could be recognized as refugees in the Macao SAR.

9. Specifically, the applications for the recognition of refugee status shall be made immediately upon the applicants' entries into the Macao SAR. Should the reasons for the applications occur after their entries into the Macao SAR, they shall submit their applications as soon as they are aware of the stated facts. During the process of applications, the applicants shall be informed of their rights and obligations, including the facts that they can contact the Office of the UNHCR and that they have to inform the Immigration Department of their home addresses and report as requested and so forth. In addition, pursuant to law, the applicants can receive assistance of interpreters, legal enquiries for free and legal protection; moreover, they can have their information kept confidential and their spouses and children incorporated into the applications, and obtain basic living conditions (food, accommodation and monthly financial assistance) as well as other special support services, such as medical services and schooling for minors (Articles 8, 9, 31, 33, 34 and 38 of Law No. 1/2004).

10. The Chief Executive will make a decision, in the light of the Committee for Refugee Affairs' recommendation, on whether or not to preliminarily accept an application within 48 hours after receiving it. Should the application be accepted at a preliminary stage, the Committee for Refugee Affairs shall arrange an interview with the applicant within 5 days upon its receipt of the application and shall adopt necessary measures (such as seeking help from experts) to investigate any fact which is considered crucial for the analysis of the application. Once the investigation is completed, the Committee will make recommendations with reasons to the Chief Executive concerning whether or not he shall decide to recognize the applicant's status as a refugee. The time frame for the Committee to investigate and compile a case file is generally 30 days and can be extended to a maximum of a year when necessary. The procedures of recognising or rejecting refugee status are considered as non-

compensatory at the administrative stage and at the stage of judicial proceedings, and shall be handled as emergency procedures (Articles 15(1), 16(1), 18(5) and 37 of Law No. 1/2004).

11. Should an application be rejected, the applicant can file an appeal to the Court of Second Instance within 15 days since the day he/she is notified of the related decision. The applicant who obtains the refugee status will be issued an identity card for refugees and travel document and will be permitted to stay in the Macao SAR legally. If necessary, the applicant can still maintain the aforementioned social and financial assistance after obtaining his or her refugee status (Articles 15(5), 22(2), 23 and 35(2) of Law No. 1/2004).

12. During the process of the aforementioned applications for the recognition of refugee status, the Committee for Refugee Affairs shall cooperate with the Office of the UNHCR for assessing the applications for refugee status together. For this reason, the Office is free to contact the applicants or refugees, provide them with assistance (including legal opinions), participate in any stage of the procedures for the recognition or rejection of refugee status, attend interviews with applicants or refugees, file documents, which are important for fact-finding and analyses of the related applications, and will be informed of the decisions related to applications (Articles 4 and 6 of Law No. 1/2004).

13. With respect to promptly identifying the victims of human trafficking and transferring them to the asylum system, the Public Security Police Force has already set up a 24-hour reporting hotline for the crimes of human trafficking and of sexual exploitation and the SWB has also been subsidising a private institution for the latter's provision of a 24-hour hotline for the fight against trafficking in persons. Correspondingly, the Human Trafficking Deterrent Measures Concern Committee (Order of the Chief Executive No. 266/2007) established a set of mechanism for the communication and collaboration among the immigration departments, the Public Security Police Force, the Macao Customs and the Judiciary Police so as to facilitate their cooperation upon their discoveries of potential victims of human trafficking and to transfer the victims to the Health Bureau, the Social Welfare Bureau or the related embassies or consulates when necessary. In addition, internal guidelines have already been formulated for assisting law enforcers in identifying and assisting victims of human trafficking.

14. Furthermore, in order to protect the victims of human trafficking, Article 6 of Law No. 6/2008, the Combat against the Crime of Trafficking in Persons, provided for a series of preventive measures, including adequate protection by the police; legal enquiry service and judicial assistance service; recourse for civil compensation; psychological, medical and pharmaceutical support, interpretation assistance. Should the victims be foreigners, the Macao SAR Government will immediately inform the embassies, consulates or official representatives of their countries or regions of the related news, and will allow the victims to stay in the Macao SAR during the hearings of the cases. The people concerned are immediately entitled to the stated support services once they are confirmed as potential victims.

15. On 18 March 2011, the SWB signed a cooperation agreement with the Hong Kong Office of the International Migration Association, which provides assistance for the Macao SAR Government in the escort of victims of human trafficking to their places of origin and the follow-up and assessment of the risks of the victims and their families.

13. The data provided in the report indicate that women remain under-represented in legislative bodies, decision-making positions and the judiciary (paras. 126-131). Please provide information on the concrete measures being taken, including through temporary special measures in line with article 4, paragraph 1 of the Convention and General Recommendation No. 25 (2004) on temporary special measures, to increase the representation of women in all decision-making and legislative bodies at all levels, particularly in Villagers' Committees, as well as in Hong Kong and Macao (paras. 126 and 213). What specific measures are in place to address the low participation of ethnic and religious minority women in politics and public life?

16. The law of the Macao SAR does not allow any form of discrimination. Men and women enjoy equal status and exercise equal rights in political and public affairs.

17. Pursuant to Article 26 of the Basic Law of the Macao SAR, permanent residents of the Macao SAR shall have the right to vote and the right to stand for election in accordance with law. As of 31 December 2013, the number of registered Macao SAR electors was 281,200, with 51.7% female (145,410 women) and 48.3% male (135,790 men). From this, it is apparent that the degree of participation of the Macao SAR women in public affairs was similar to men's.

18. As regards the insufficient representativeness of women at the Legislative Assembly, it should be pointed out that the number of women elected among members of the Fifth Legislative Assembly in 2013 had increased by 43% compared to that of the Fourth Legislative Assembly in 2009, which made the total number of female members 7.

19. On the other hand, according to the information provided by the Public Administration and Civil Service Bureau, there has been an increase in the number of female civil servants working at public administrative institutions. As of 31 December 2013, among 26,593 civil servants, 42% were female (11,081 women), which reflected a steady growth in women's functions at administrative institutions in the Macao SAR. Further, as of 31 December 2013, there were a total of 84 magistrates, with 45% female (38 women); a total of 725 heads and chiefs of administrative institutions, with 41% female (296 women); a total of 53 heads and chiefs in the administration area of judicial institutions, with 49% female (26 women); a total of 4 heads and chiefs in the administration area of legislative institutions, who are all female. The present second prominent position in the Macao SAR, the Secretary for Administration and Justice, is also held by a woman. Moreover, there are 2 women (18.2%) among 11 members currently in office at the Executive Council, which is an institution that assists the Chief Executive with decision-making. In conclusion, the above data and information have shown that the proportion of women holding decision-making positions in the Macao SAR's political system is by no means low.
