

**PR OF CHINA'S 2004 INITIAL REPORT UNDER
ARTICLES 16 AND 17 OF THE COVENANT
CONCERNING THE APPLICATION OF THE
ICESCR TO MACAU ***

(PART III)

MACAO SPECIAL ADMINISTRATIVE REGION

Introduction

780. The present report is the first to be submitted by the People's Republic of China under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant") for the application of the Covenant to its Macao Special Administrative Region (hereinafter referred to as the MSAR). It

* E/1990/5/Add.59, 4 of March.

covers the period from 20 December 1999 to 31 December 2002.

781. The report, prepared in accordance with the Guidelines on the Form and Content of Reports to be submitted by States Parties to the International Human Rights Treaties (HRI/GEN/2/Rev. 1), should be read in conjunction with Part III of the second revision of the Core Document of the People's Republic of China (HRI/CORE/1/Add.21/Rev.2). The third parts of China's reports on the implementation of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD/C/357/Add.4 (Part III)) and of the Convention on the Rights of the Child (CRC/C/83/Add.9) should also be taken into consideration regarding concurring subject matters.

782. The Covenant entered into force for Macao on 27 July 1993¹. Its text was published in the *Macao Official Gazette*, No. 52, I Series, 3rd Supplement, of 31 December 1992.

783. On 2 December 1999, the People's Republic of China notified the Secretary-General of the United Nations of its assumption of the responsibility for the obligations arising from the continuous application of the Covenant to the MSAR. Upon that notification China made the following declaration:

“1. The application of the Covenant, and its Article 1 in particular, to the Macao Special Administrative Region shall not affect the status of Macao as defined in the Joint Declaration and in the Basic Law.

2. The provisions of the Covenant, which are applicable to the Macao Special Administrative Region, shall be implemented in

¹ On 27 April 1993, the Portuguese Republic notified the Secretary-General of the United Nations of the extension of the Covenant to Macao.

Macao through legislation of the Macao Special Administrative Region.

The residents of Macao shall not be restricted in the rights and freedoms that they are entitled to, unless otherwise provided by law. In case of restrictions, they shall not contravene the provisions of the Covenant that are applicable to the Macao Special Administrative Region.

Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights and obligations that place on a Party to the Covenant.”

784. As the People's Republic of China resumed the exercise of sovereignty over Macao, on 20 December 1999, the MSAR was established and its Basic Law was put into effect.

785. The Basic Law, which has constitutional value, enshrines several principles, policies and provisions under the principle of “*One country, Two systems*”. According to this principle, the socialist system and policies are not to be practiced in the MSAR and its previous capitalist system and way of life shall remain unchanged for a period of 50 years.

786. The Basic Law establishes that the laws, decrees, administrative regulations and other normative acts previously in force in Macao should be maintained, except for those that contravene the Basic Law or are subject to any amendment by the legislature or other relevant organs of the MSAR (Article 8). Furthermore, it also provides that international agreements to which the People's Republic of China is not a party but which are implemented in Macao may continue to be implemented in the MSAR (Article 138 (2)).

787. With specific regard to the Covenant, Article 40 of the Basic Law prescribes that:

“The provisions... of the International Covenant on Economic, Social and Cultural Rights... as applied to Macao shall remain in force and shall be implemented through laws of the Macao Special Administrative Region”.

788. The Committee expressed great concern as to residents’ unfamiliarity with the judicial system as well as insufficient dissemination of the principles and rights enshrined in the Covenant. Other issues of concern were related with the lack of social security protection to non-residents and the lack of special programmes for physically disabled persons regarding employment, education and access to public facilities.

789. It is worth mentioning that great efforts and important steps have been taken since Reunification in order to ensure the full enjoyment by the MSAR population of the rights enshrined in the Covenant. Examples of these are the widening of the scope of social security protection, the provision of better conditions and quality of life to disabled persons and the intensive and extensive work of promoting and disseminating human rights.

Article 1

The MSAR autonomy

790. As previously stated, the Basic Law has constitutional value and it sets forth the general principles regarding the MSAR, as well as the norms regarding the relationship between the Central Authorities and the MSAR, the fundamental rights and duties of the MSAR residents, the political structure of the Region, the economy, cultural and social affairs, and external affairs. It also contains rules on its own interpretation

and amendment, supplementary provisions and three Annexes. The first two Annexes relate respectively to the methods for the selection of the Chief Executive and for the formation of the Legislative Assembly. The third one lists the national laws that currently apply to the MSAR.

791. Under the Basic Law, the MSAR exercises a high degree of autonomy, except for foreign and defence affairs, which are the responsibility of the Central Government of the People's Republic of China, and it enjoys executive, legislative and independent judicial powers, including final adjudication.

792. By stipulating that the executive authorities and legislature of MSAR shall be composed of permanent residents of Macao (art. 3), the Basic Law also ensures that the Region is ruled by its own people.

793. In accordance with the Basic Law, the Government of MSAR is responsible for the management, use and development of the land and natural resources within the Region and for their lease or grant to natural or legal persons, except for the private land recognized as such according to the laws in force before the establishment of the MSAR. The revenues derived therefrom are exclusively at the disposal of the Government of the Region (art. 7).

794. MSAR is entitled to decide and to formulate, by itself, its own policies on the economic and financial, cultural and social fields, determining priorities and respective mechanisms of implementation. Also underlining the exercise of autonomy is the fact that MSAR remains a separate customs territory. All financial as well as all fiscal revenues of MSAR are managed and controlled by the Region itself and are not handed over to the Central Government, which does not levy any taxes in the Region.

795. Further information regarding the MSAR political and institutional framework can be found in Part III of the second revision of China's Core document (HRI/CORE/1/Add.21/Rev.2).

Article 2

Recognition and application of Covenant rights

A. Non-discrimination in the safeguarding of rights

796. Respect for human rights and fundamental freedoms is deeply rooted in the MSAR legal system.

797. One of the general principles of MSAR, in itself, is that the rights and freedoms of its residents and of other persons in the Region shall be safeguarded in accordance with law (Article 4 of the Basic Law).

798. The main substantive provisions on fundamental rights are contained in Chapter III of the Basic Law. However, Article 41 foresees other rights and freedoms as safeguarded by law, and other chapters of the Basic Law also ensure some more fundamental rights, in particular, economic, social and cultural ones. This range of fundamental rights and freedoms is also protected under various treaties that are in force in the MSAR. Applicable international treaties are a direct part of the MSAR legal order.

799. The enjoyment of the fundamental rights of the MSAR residents prescribed in Chapter III of the Basic Law is guaranteed to non-residents in accordance with the law (Article 43 of the Basic Law).

800. The right to equality without discrimination as to nationality, descent, race, gender, language, religion, political persuasion or ideological belief, educational level, economic status or social conditions is expressly enshrined in Article 25 of the Basic Law. On the other hand, Article 44 establishes that all persons in MSAR have the obligation to abide by the laws in force in the Region.

801. Notwithstanding the fact that it is a fundamental individual right, equality, along with legality and publicity, is also one of the main

positive principles of the MSAR legal system.

802. The protection of human rights and fundamental freedoms safeguarded in the Basic Law is further bolstered by ordinary legislation.

803. In relations between the Government and individuals, the Government shall not privilege, benefit, prejudice, deprive of any rights or exempt from any obligations 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 Administrative Procedure Code approved by Decree Law 57/99/M, of 11 October).

804. The same principle is also expressly retained in several other laws, as for example in the Legal Framework on Family Policy (Law 6/94/M, of 1 August), the Legal Framework on Employment and Labour Rights (Law 4/98/M, of 27 July) and the Legal Framework on Education System (Law 11/91/M, of 29 August).

805. The Government of MSAR is fully committed to the implementation of human rights and fundamental freedoms in the Region.

B. Measures for achieving economic, social and cultural rights

806. As mentioned, all persons in MSAR, regardless of race, origin, religion or gender, are equal before the law and are subject to the same law. No government authority or official and no individual is above the law.

807. The Basic Law grants to everyone the right to resort to law and to have access to the courts, to assistance from a lawyer in protecting their lawful rights and interests, and to judicial remedies. Everyone has the right to file legal proceedings in the courts, including those against acts by the executive authorities and their personnel (Article 36 read together with Article 43). Individual human rights may, as an integral part of the

MSAR legal order, be directly invoked before the courts.

808. Nevertheless, safeguarding and enforcing human rights is also ensured through quasi-judicial and non-judicial remedies. It should be noted that a growing body of norms presently exists as means of protecting individual fundamental rights in this context, such as: the right to lodge complaints with the Legislative Assembly, which though it existed before is now expressly recognized at the constitutional level (in Article 71 (6) of the Basic Law), the petition right under Law 5/94/M, of 1 August which is maintained, as well as the right to lodge complaints with the Commission Against Corruption (CAC), also possible before Reunification and equally reinforced by means of the new law on the competencies and powers of the CAC (Law 10/2000 of 14 August) and finally the administrative complaint reformulated under Decree Law 57/99/M of 11 October.

809. The role and powers as *Ombudsman* have been expanded. CAC still promotes the protection of the rights, freedoms, safeguards and legitimate interests of individuals, ensuring that the exercise of public powers abides by criteria of justice, legality and efficiency, but nowadays it also has independent powers of criminal investigation within the scope of its activity.

810. The applicable human rights treaties have been extensively disseminated in recent years. The Covenant was published in both official languages (Chinese and Portuguese) and was distributed to the population, in February 1997, in April 1999, in July 2001, in June 2002 and August 2002.

811. Brochures and leaflets specially focused on human rights were also distributed, such as: basic rights (1996, 2000, 2001), children's rights (1998 and 2001), family rights (1998, 2001 and 2002), labour law (1998-

-2001), property rights (1997), the importance of law to children/teenagers (2000-2002), the legal aid system (1997 and 2002), the MSAR legal system (1997 and 1999-2002) and the social security system (1999 and 2002).

812. In May 2001, the Legislative Assembly compiled and published the most important laws regarding basic human rights, such as freedom of association, legal framework on family policy, employment and labour rights, freedom of speech and freedom of religion.

813. Other measures have been carried out by the Government of MSAR, aiming at promoting information and public awareness on fundamental rights among the local community and school activities, not only through the media but also by means of contests, inquiries and interactive programmes, as well as the web site of the Government and the official press and a compilation of legislation on CD-Rom (in both the official languages and English).

814. In the above-mentioned web site, one can find the texts of several international treaties, applicable National Laws, the Basic Law and all major codes of the Region (such as the Civil Code, the Criminal Code, the Civil Procedure Code and the Criminal Procedure Code).

815. During the last few years, the media has played an important role in the community by implementing awareness campaigns, particularly aimed at the major ethnic group (Chinese) so as to provide them with the basic information related to fundamental human rights and to explain the legal system in force in the Region.

Article 3

Equal rights of men and women

816. As mentioned before, Article 25 of the Basic Law prohibits

all forms of discrimination, including on grounds of gender. In addition, Article 38(2) of the Basic Law specially foresees the protection of the legitimate rights and interests of women. Furthermore, the legal system, as a civil law system, is shaped by positive principles, such as equality, which underline its contents.

817. Regarding equality of gender, there are several treaties that are applicable in the MSAR, as for example the Convention against Discrimination in Education of 1960, the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, the Convention on the Elimination of All Forms of Discrimination Against Women of 1979, the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value of 1951 (ILO Convention No. 100) and the Convention concerning Discrimination in Respect of Employment and Occupation of 1958 (ILO Convention No. 111).

818. The civil law makes no distinction between men and women insofar as concerns legal personality and capacity, particularly marriage and marital status, capacity to own property, right to enter into a contract and right to inheritance.

819. Gender equality is also one of the key principles of the MSAR education system, to which access is guaranteed on an equal basis for women and men.

820. Referring specifically to labour law, there is a set of norms that prescribes anti-discriminatory measures (prevention and control) by stating that all workers shall be treated equally without any gender discrimination or other forms thereof. This principle of non-discrimination covers equal job opportunities, equal treatment at the workplace, equal remuneration for work of equal value and equal access to professional training. This

issue is addressed in more detail in the present report in relation to Articles 6 and 7.

821. It should be noted that positive discrimination in order to correct inequalities is admissible through the enactment of special provisions on the grounds that preference towards one gender should be established (Article 34 (3) of the Law on Labour Relations, Decree Law 24/89/M, of 3 April).

822. In relation to immigration laws, there are no legal provisions that may be considered as discriminatory towards women. Women are equal to men in rights and duties and no restrictions are imposed on their entry into or exit from the MSAR.

Article 4

Permissible limitation of Covenant rights

823. Under Article 14 of the Basic Law, the Central Government is responsible for the defence of MSAR while the MSAR Government is responsible for maintaining public order in the Region.

824. In the event that the Standing Committee of the National People's Congress decides to declare a state of war or, by reason of turmoil within the Region which endangers national unity or security and is beyond the control of the MSAR Government, decides that the Region is in a state of emergency, the Central Government may issue an order to apply the relevant national laws in the Region (Article 18 (4) of the Basic Law).

825. Under the Law on Internal Security, Law 9/2002 of 9 December, the adoption of measures of an exceptional nature that will eventually restrict certain civil rights is admitted without prejudice to Article 40 of the Basic Law and thus to Article 4 of the Covenant.

826. The regime for civil protection, regulated under Decree Law 72/92/M, of 28 September as amended by Administrative Regulation 32/2002, of 16 December, allows for the adoption of emergency measures in the case of dangerous situations or serious accidents, catastrophes or disasters. All eventual restrictive measures should observe the criteria of necessity, proportionality and suitability for the intended objective and abide by the general principles of law.

Article 5

Restrictions on the rights recognised in the Covenant

827. Several rights and freedoms to individuals are guaranteed by the MSAR legal system. Derogating measures can only be taken to the extent that is strictly required by a given situation and in accordance with the law.

828. Article 40 of the Basic Law reaffirms the application of the Covenant, the International Covenant on Civil and Political Rights as well as the International Labour Conventions in the MSAR and stipulates that any restrictions on the rights and freedoms of the MSAR residents shall be prescribed by law and shall not contravene the aforesaid treaties.

Article 6

Right to work

A. Legal framework

829. Article 35 of the Basic Law determines that “Macao residents shall have freedom of choice of occupation and work”.

830. The MSAR Government is responsible for the implementation of policies that seek to attain economic growth and aim to find a fair balance between labour parties (Articles 114 and 115 of the Basic Law).

831. Insofar as concerns the private sector, the three main laws on labour are: Decree Law 24/89/M, of 3 April, which governs labour relations; Decree Law 52/95/M, of 9 October, which sets forth the Law on Equal Opportunities and Equal Treatment, and Law 4/98/M, of 27 July, which sets out the Legal Framework on Employment and Labour Rights.

832. It is worth noting that the MSAR Government is undertaking a number of legal reforms in this field, such as: the Legal Procedural Regime for Labour Conflicts, the Regime for Imported Labour, the Regime on Labour Relations and the Regulation on Safety and Hygiene Conditions for Labour. The new legislation aims to improve labour relations and working conditions and also to set out a minimum wage system.

833. Labour in the public sector is governed by the Statute of the Public Administration Employees (SPAÉ), Decree Law 87/89/M, of 21 December as last amended, which is also currently under revision.

834. Besides ILO Convention No. 111 referred to above, the Convention concerning Employment Policy of 1964 (Convention No. 122) also applies to the MSAR.

B. Employment, unemployment and underemployment

835. The rise in unemployment after 1998 is mainly due to the Asian financial crisis, along with the need for structural adjustment in the economic sector, which increased the demand for a specialised labour force within the tertiary market sector. As a result, a slowdown in both the economy and employment were observed, resulting in job losses

mainly in the secondary sector.

Employment, unemployment and underemployment rates

Rates	1999	2000	2001	2002
Activity rate (%)	65.5	64.3	64.8	62.3
M	76.4	74.6	74.7	70.6
F	56.1	55.3	56.2	55.1
Unemployment rate (%)	6.3	6.8	6.4	6.3
M	8.0	8.6	8.1	7.9
F	4.4	4.6	4.4	4.5
Underemployment rate (%)	1.3	3.0	3.6	3.4

Source: Employment Survey, Statistics and Census Department.

836. The above reasons also contributed to a rise in underemployment, given the impossibility of allocating jobs according to workers' qualifications.

837. Accordingly, the MSAR Government adopted new measures and programmes to increase job promotion such as qualifying workers and upgrading vocational and technical training in order to overcome this tendency and to face the new market needs. Signs of economic recovery during the years 2001-2002 are already noticeable as a positive outcome arising from such measures.

838. Law 4/98/M referred to above establishes that all workers within MSAR have the right to be remunerated according to the nature, quality and quantity of their work, to equal pay for work of equal value, to hygienic and safe working conditions, to a maximum limit to be set on a day's work, to a weekly rest and periodic paid holidays, as well as to receive remuneration for local holidays and to join associations that represent their interests (art. 5).

839. Assistance in case of illness or pregnancy, insurance against

work accidents and professional illnesses are also provided to non-resident workers (Articles 15 and 37 of Decree Law 24/89/M).

840. In this respect, it should be pointed out that ILO Convention concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents (Convention No. 19) of 1925 is applicable in MSAR.

Gradual development of the number of non-resident workers

Year	1999	2000	2001	2002
Entry	9,988	7,334	7,542	7,720
Exit	9,818	12,296	8,838	10,185
Balance	32,183	27,221	25,925	23,460
Annual growth rate (%)	+0.5	-15.4	-4.8	-9.5

Source: Demographic Statistics, Statistics and Census Department.

Employed population by gender and nationality

2001	Total	Chinese		Portuguese		Filipino		British		Other	
MF	202,807	181,725	89.60%	14,881	7.34%	4,457	2.20%	497	0.25%	1,247	0.61%
M	106,749	95,902	89.84%	8,030	7.52%	1,783	1.67%	282	0.26%	752	0.70%
F	96,058	85,823	89.34%	6,851	7.13%	2,674	2.78%	215	0.22%	495	0.52%

Source: 2001, Employment Survey, Statistics and Census Department.

C. Major employment policies and measures to guarantee the right to work

Promotion of employment

841. The Labour and Employment Department (LED) is responsible for the implementation of the employment policies and

measures, which aim at promoting job allocations and a stable/competitive market environment. Its primary purpose is to tackle large-scale unemployment rates and to respond to the actual needs of the labour market.

842. The focuses of major concern are youth employment, low salary levels and educational and technical (re)qualifications.

843. To undertake such a task, LED provides different types of services tending towards market needs, including vocational guidance services and professional training; workshops on occupational hygiene and safety, improvement of labour legislation, job centres, monitoring of labour relations, seminars/conferences and social service.

844. In June 2000, the LED Promotion of Employment and Occupational Relations Division designed the new “*One Stop Service*” to assist job-seekers and to collect data to be forwarded to the Social Welfare Institute (SWI). This service envisages a more efficient and quicker response to the job applicants and workers who benefit from social welfare. In December 2001, LED adopted the “*Quality Certificate*” that aims at improving services such as attendance.

845. LED also created a job centre that operates on a free-of-charge basis to assist job-seekers and employers.

846. One of its objectives is to help workers in finding a better job, promoting contacts (interviews) between companies and job-seekers and providing information according to the needs of the labour market. In 2001, 25,491 job offers, 37,140 job interviews and 1,289 job allocations were registered.

Support for employment of vulnerable groups

847. The employment policy includes measures as well as technical and financial incentives to promote the professional integration of the

disabled in the labour market other than the creation of alternative work opportunities, in particular, self-employment, pre-professional training, re-adaptation to work and protected labour (Article 21 (2) of Decree Law 33/99/M, of 1 July).

848. In order to achieve social and labour reintegration of unemployed persons with physical or behavioural disability, the Social Security Fund (SSF) provides technical and financial support to private institutions.

849. Within this area, it has to be pointed out that activities are carried out by two private institutions: the “Centre for Social Welfare and Protected Workshop for the Disabled” and the “Macao Special Olympics Training Centre”. The former provides professional training to the moderately mentally disabled and to the physically disabled of both sexes aged over 16 years, while the latter promotes the professional training of self-supporting mild to medium mentally disabled persons over 16 years.

850. In 2000, LED organized its first training course for 10 disabled workers, who were later integrated into the labour market. In 2001, another course was set up for 10 trainees, who are still waiting for employment. In 2002, the LED organized 4 courses for 40 disabled trainees. These courses are still under progress.

851. Prisoners are also provided with work and vocational training, together with teaching and re-education.

852. Aiming at creating, maintaining and developing the prisoner’s capacities to carry out an activity that might facilitate his/her social rehabilitation, the prison establishment promotes adequate training and professional improvement of prisoners (articles 51 and 56(1) of Decree Law 40/94/M of 25 July).

853. All prisoners are remunerated for their work, degree of

professionalism and type of performance.

D. Vocational and training programmes

854. The core system of professional training is set up through Decree Law 51/96/M, of 16 September, by developing new employment areas and training in order to create better job opportunities and skilled workers. Target groups are mostly apprentices, the unemployed and job-seekers.

855. Vocational guidance and training are offered to all without discrimination.

Private sector

856. In 2001, the Occupational Training Centre of LED offered (directly or in collaboration with other entities) 134 courses, registering 3,224 trainees, representing an increase of 100% compared to the previous year. The large number of trainees is justified by the implementation of courses in Chinese culture, targeted at the unemployed.

857. LED conducted 20 training courses inside numerous companies with the aim of creating more job opportunities. Within this programme, the number of trainees increased from 458 in 2000 to 1,693 in 2001.

Attendances at the Occupational Training Centre in 2000 and 2001

Training systems	Courses modalities	Total number of trainees	
		2000	2001
Initial training (Young people and people looking for first job)	Learning (14 to 24 years old)	113	110
	Qualification	20	100

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Training systems	Courses modalities	Total number of trainees	
		2000	2001
Continuous training (Active young people or adults)	Improvement	117	311
	Conversion	1,201	633
	Conversion actions in the work-place	113	234
	Course in Chinese culture (Unemployed 40 year-olds and older)	--	1,321
		--	515
Courses organised by the LED or in collaboration with other entities (total)		1,564	3,224
Courses organised for in-house company training given at OTC facilities		458	1,693
Total		2,022	4,917

Source: 2001 Activity Report, Labour and Employment Department.

Public sector

858. Public sector workers are also entitled to receive on-going education and training to improve their efficiency and effectiveness when dealing with the increased demands of the public.

859. The Public Administration and Service Department provides several training programmes for public workers, divided into specialised training, language training and technical-professional training. Language training is mostly in Mandarin, Cantonese and Portuguese. The technical-professional training is divided into the following areas: Information Systems, Management, Human Resources Management, Administration, Public Relations and Communication.

860. The Tourism Department also offers some vocational training programmes targeted at students and employees of the tourism sector to

improve service quality. Related information can be found at www.macautourism.gov.mo.

861. The Institute for Tourism Studies offers the general public courses comprising vocational and professional training programmes. The Professional and Continuing Education School is specialised in the continuous link with the industry and the local community. In this kind of course local participants usually account for 99% and overseas participants for 1%, with male participants representing 54% and female participants 46%. More information can be found at www.ift.edu.mo/mecats/index.htm.

862. The Macao Polytechnic Institute has a Centre for Continuing Education and Special Projects, which offers a number of training courses. The School of Public Administration, the Training Centre of the School of Language Translation, the School of Health Sciences and the School of Physical Education and Sports also conduct several courses. More information can be found at www.ipm.edu.mo.

E. Restrictions on the right to work

Gender equality

863. As previously mentioned, there are no restrictions under the MSAR legal order on labour rights, employment and vocational training. Legislative improvements have taken place in the last few years.

864. Labour law, both in the private and the public sectors, expressly recognises that all workers shall be treated equally without discrimination based on gender, marital status or family situation, access to job opportunities and treatment at the workplace, upholding the non-existence of direct or indirect discrimination towards women and the principle of

equal pay for work of equal value.

865. These principles were subsequently reinforced by means of the adoption of the Law on Equal Opportunities and Equal Treatment, Decree Law 52/95/M, of 9 October. Under this law, the rights of non-discrimination based on gender (Article 4), equal right to work (Article 5), equal opportunities, access to professional training and equal treatment at the workplace (Article 6), equal remuneration for work of equal value (Article 9) and equal job opportunities (Article 10) are expressly determined.

866. The Legal Framework on Employment and Labour Rights also establishes the need to comply with the principles of non-discrimination, equal payment and equal treatment at the workplace.

Employed population by gender and age

Years	By gender	Employed population ('000)						
		Age						
		Total	14-24	25-34	35-44	45-54	55-64	65+
1999	MF	196,1	24,7	55,8	68,2	35,7	8,9	2,7
	M	104,2	9,3	25,7	38,8	22,0	6,4	2,0
	F	92,0	15,5	30,1	29,4	13,8	2,4	0,8
2000	MF	195,3	23,0	54,4	68,3	38,2	9,0	2,4
	M	103,2	9,1	25,2	37,4	23,5	6,3	1,7
	F	92,1	13,9	29,2	30,9	14,7	2,7	0,7
2001	MF	202,8	24,3	53,6	67,1	43,5	10,6	3,8
	M	106,7	9,7	24,3	36,4	26,0	7,4	2,8
	F	96,1	14,5	29,3	30,7	17,5	3,2	0,9
2002	MF	200,6	21,7	51,2	65,7	46,4	12,4	3,2
	M	104,1	8,8	23,2	34,3	27,1	8,4	2,3
	F	96,5	12,9	28,1	31,5	19,3	4,0	0,9

Source: Employment Survey, Statistics and Census Department.

Unemployed population by gender and age

Years	By gender	Unemployed population ('000)						
		Age						
		Total	14-24	25-34	35-44	45-54	55-64	65+
1999	MF	13,2	3,2	2,9	4,4	2,2	0,5	0,1
	M	9,1	2,0	1,8	3,2	1,7	0,3	0,1
	F	4,2	1,2	1,1	1,3	0,4	0,2	----
2000	MF	14,2	2,7	2,8	5,2	2,9	0,5	0,1
	M	9,8	1,7	1,7	3,8	2,2	0,4	0,1
	F	4,4	1,1	1,1	1,5	0,7	0,1	----
2001	MF	13,9	2,7	2,7	4,9	3,0	0,5	----
	M	9,4	1,7	1,7	3,1	2,5	0,4	----
	F	4,5	1,0	1,0	1,8	0,5	0,1	----
2002	MF	13,4	2,7	2,3	4,5	3,1	0,8	----
	M	8,9	1,7	1,5	2,9	2,2	0,6	----
	F	4,5	1,0	0,5	1,6	0,9	0,2	----

Source: Employment Survey, Statistics and Census Department

867. In order to combat discriminatory situations at the workplace, several mechanisms were developed such as awareness campaigns and monitoring by LED. This Department is responsible for ensuring that work relations are in conformity with the law and that worker's rights are protected (Article 16 of Decree Law 52/95/M).

868. All workers are entitled to lodge complaints with LED under Article 16 of the above Decree Law. No complaint has been filed pointing towards the existence of discrimination.

Positive discrimination

869. The recognition of the fact that some population groups need

special protection is clearly stated under Article 38 (2) and (3) of the Basic Law, whereby special protection is granted to women, minors and disabled persons.

870. Positive discrimination in favour of women, minors or disable persons is admissible with the purpose of restoring *de facto* inequalities or abusive situations.

871. In this respect, labour legislation prohibits or limits certain working activities which may endanger (or create a potential risk to) the physical, spiritual and moral development of minors (Articles 35 and 40 of Decree Law 24/89/M) or the conditions of pregnancy or childbirth in women (Article 34 (3) of Decree Law 24/89/M and Article 5 (2) of Law 4/98/M).

872. The Law on Equal Opportunities and Equal Treatment also foresees special provisions for women in relation to pregnancy or childbirth by limiting or forbidding certain types of work, if it poses a potential risk to their condition (Article 8).

873. Without prejudice to judicial remedies, if the above provisions are violated, LED can fine employers up to 12,500 Macao patacas (MOP) per worker for each infraction (Article 50 of Decree Law 24/89/M and Article 15 of Decree Law 52/95/M).

Article 7

Right to enjoy just and favourable conditions of work

A. Legal framework

874. The following ILO Conventions are all applicable in MSAR:

- Convention concerning the Application of the Weekly Rest in Industrial Undertakings of 1921 (No. 14);

- Convention concerning Labour Inspection in Industry and Commerce of 1947 (No. 81);
- Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value of 1951 (No. 100);
- Convention concerning Weekly Rest in Commerce and Offices of 1957 (No. 106);
- Convention concerning Occupational Safety and Health and the Working Environment of 1981 (No. 155).

875. There are several legal instruments in MSAR that stipulate a system of minimum conditions of occupational health and safety, *inter alia*, the Regulation on Health and Safety in Industrial Work Sites (Decree Law 57/82/M, of 22 October), the Regulation on Health and Safety in Commercial Establishments, Offices and Services (Decree Law 37/89/M, of 22 May), Regulation on Health and Safety in Civil Construction (Decree Law 44/91/M, of 19 July) and the Regulation on Occupational Noise (Decree Law 34/93/M, of 12 July).

876. One should also mention in this respect Decree Law 40/95/M, of 14 August, which establishes the right to compensation for damage caused by accidents at work and occupational diseases.

877. These laws provide a framework whereby all workers benefit from healthy and safe working conditions and employers have the responsibility of managing the risks at the workplace, based on a set of incentives and sanctions.

878. The principle of the enjoyment of minimum working conditions is stipulated in Article 14 of the Law on Labour Relations (Decree Law 24/89/M) and in Article 5 (1) (c) of the Legal Framework on Employment and Labour Rights.

879. The LED Labour Inspection Division is responsible for the

implementation of the legal provisions on occupational health and safety referred to above. This Division and the LED Health and Safety Labour Division conduct regular inspections and have the power to apply fines for infringements of the law.

B. Information on wages

Wage setting

880. Within the public sector, salaries are fixed according to an index, which determines the remuneration of each professional category. The minimum salary is MOP 5,000.

881. In the private sector, there is no statutory minimum wage scheme. According to the Law on Labour Relations in the Private Sector, wages are fixed by agreement between the employer and the worker (Article 27 of Decree Law 24/89/M).

882. Nevertheless, Article 25 of the above law establishes the general principle of a fair wage, which means that contractual freedom is limited by its definition, calculation and compliance with standards of good faith.

883. It is important to point out that one of the objectives of the current revision of the Labour legislation is to introduce a minimum wage system.

884. The principle of equal pay for work of equal value is expressly stated within the MSAR labour legislation, both in the public and the private sectors.

885. There is no statistical information regarding the distribution of income in the public and private sectors. The data provided by the Statistics and Census Department shows the median remuneration for employees (M/F) is MOP 5,221 per month in 1997 and MOP 4,772 in

2002. From 1999 to 2002 the average public sector employee remuneration was MOP 14,643.

C. Health and safety at work

886. As pointed out earlier, legislation was enacted to promote health and safe working conditions while practical measures were introduced to ensure them.

887. Another task of LED is to undertake preventive measures to avoid work-related accidents and diseases, namely through education, training and dissemination of minimum standards amongst workers and employers.

888. In addition, LED, within its powers of labour inspection, may take samples of any material or substance at the workplace, order workers to be attended by the LED medical department, elaborate safety reports and issue certificates.

889. In spite of the growing number of victims of work-related accidents and diseases during the last 10 years (35.3%), one could observe that the increase between 1997 and 2001 was only 2.4%, which means a considerable improvement in working conditions. On the other hand, the number of mortalities decreased significantly from 1991 to 2001.

Work-related accidents and diseases

Accidents per year	1997	2001	2001/1991 (%)	2001/1997 (%)
Victims of work-related accidents — TOTAL	3,567	3,651	+35.3	+2.4
Fatal accidents	8	6	-50.0	-25.0
Occupational diseases	-	-	-	-

Source: Labour and Employment Department, 2002.

D. Principle of equal opportunity for promotion

890. Promotion depends solely on the result of an assessment made on the basis of the quality of the performance and experience of the worker.

891. Equal access to vocational courses and training is expressly guaranteed under the Law concerning Technical and Vocational Training (Article 4 (a) of Decree Law 51/96/M, of 16 September).

892. In the public sector, the principle of equal opportunities is also promoted on the premise that the public sector should set an example for positive action to the private sector.

E. The right to enjoy periodic holidays, rest leisure, reasonable limitation of working hours, regular paid leave and remuneration for public holidays

893. In the private sector, the daily working period is 8 hours and the working week 48 hours, while in the public sector, civil servants must work 36 hours within a week, a minimum of 7 hours per day.

894. In the private sector, workers have the right to a weekly rest of one day after 7 days of work without loss of remuneration while, in the public sector, there is a weekly rest of 2 days.

895. In the private sector, workers are entitled to annual leave of 6 working days and minimum annual paid leave of 6 working days. They also enjoy 10 statutory holidays per year. In the public sector, workers are entitled to annual leave of 22 working days and paid leave in the amount equal to the remuneration corresponding to the post held.

Article 8

Right to trade union membership

896. The MSAR Basic Law expressly enshrines the residents' right and freedom to form and join trade unions, as well as the right to strike (Article 27).

897. Workers are free to form associations by themselves or to join associations. In fact, labour associations have long been an active group within Macao society, acting politically and defending the interests of the working class. In MSAR, there are 79 workers' associations involved in trade union activities; 5 of them are associations of civil servants.

898. The freedom of association is regulated under Law 2/99/M, of 9 August. Any group of persons may form an association without the need for authorisation, provided that its object is neither the promotion of violence nor the infringement of criminal law, nor is contrary to public order.

899. No data is available concerning the size of membership. However, it should be pointed out that 8 labour associations were constituted after the establishment of MSAR, 6 of which were formed during 2002.

900. The right to collective bargaining is also recognised. In fact, representatives of the employers and labour associations have a seat in the Standing Committee for Social Affairs, which is the advisory committee of the MSAR Government assigned to promoting dialogue between all labour partners and social development. This entity gives advice on socio-labour policies, in particular, salaries, labour regime, employment strategies and social security.

901. The ILO Convention concerning the Freedom of Association and Protection of the Right to Organise of 1948 (Convention No. 87) and the Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively of 1949 (Convention No.

98) are applicable in MSAR.

902. There is no discrimination against those who are members or wish to become members of labour associations and no restrictions are placed upon the exercise of the rights enshrined in the MSAR legislation.

903. Restrictions or repressive measures with regard to the exercise of the right to strike by any worker are illegal. The right to strike is exceptionally restricted for the militarised personnel of the Security Forces of the MSAR (Article 32 of the Statute of Militarised Personnel of the Security Forces, Decree Law 66/94/M, of 30 December).

Article 9

Right to social security

A. Legal framework

904. The right to social security is expressly stipulated under Article 39 of the Basic Law, which states:

“Macao residents shall have the right to social welfare in accordance with law. The welfare benefits and retirement security of the labour force shall be protected by law.”

Furthermore, according to Article 130 of the Basic Law, one of the MSAR Government’s responsibilities is to formulate policies and develop measures towards a comprehensive welfare system.

905. In this regard, a number of legal changes are currently being undertaken in order to improve the present social security system.

906. In addition, major financial support by the Government was targeted at the problem of unemployment and re-qualification of the labour force.

907. It should be pointed out that significant progress has been

made in the area of social security since Reunification. The main purpose has been to correct visible anomalies and to provide assistance to the most needy, such as low-income earners, unemployed workers and disabled workers, thus a new type of benefits was created (Order 199/2000, of 16 October by the Chief Executive).

908. Local private organisations may also provide social services in MSAR as long as they do not contravene the law.

B. Social security schemes, benefits and method of financing

909. There are two main systems of social security: one for public sector workers and the other for private sector workers.

Public sector

910. In the public sector, workers are entitled to a number of benefits, which are conferred according to their family situation, such as family benefit, residence allowance, marriage benefit and maternity benefit. Other social security benefits are also granted, such as holiday allowance (including Christmas), shift subsidy, retirement benefit, survivor's benefit, death allowance, funeral benefit and medical care benefits (health services and medicines).

911. In the case of retired workers, these benefits are granted through the Macao Pension Fund (MPF), which is an autonomous agency of the MSAR Government.

912. The public administration's retirement scheme is a defined benefit scheme. The main source of its funds comes from regular contributions by employees and from a percentage of the MSAR budget (Article 259 of SPAE). The retirement pension value depends on the number of years of service in the administration and on the category of remuneration at the date of the retirement of the worker.

Public Administration social security scheme

Name of benefits	Main features
Medical care	Beneficiaries: workers and retired workers, and other dependent family members not covered by another health care protection scheme; or families under the Survivor's benefit scheme. The contribution of the worker is fixed at 0.5% of total wages, salary or retirement pension.
Marriage benefits	Each beneficiary is entitled to a fixed amount of MOP 2,300 when he/she marries.
Maternity benefits	Each beneficiary is entitled to a fixed amount of MOP 2,300 per childbirth.
Retirement benefits	There are two types of retirement benefit: voluntary and compulsory. The first is given for civil servants aged 55 and with a minimum of 30 years' service. The latter is given at age 65, with a minimum of 15 years' service. Each beneficiary is entitled to an amount equal to the 36 th part of the civil servant's salary, multiplied by the number of years counted for the retirement, up to a maximum of 36 years. Pensions are revised in proportion with changes in the income levels of active workers.
Invalidity benefits	This benefit is available to workers with permanent and total disability, as certified by the Medical Board (a minimum of 15 years' service is also required), or for permanent and total disability resulting from occupational accident or illness contracted in the performance of one's work, or in the performance of humanitarian acts or actions on behalf of the community. In this case, no minimum number of years of service is required. Each beneficiary is entitled to an amount equal to the 36 th part of the civil servant's salary, multiplied by the number of years counted for the retirement, up to a maximum of 36 years. Pensions are revised in proportion with changes in the income levels of active workers.
Funeral benefit	An amount of MOP 2,700 is paid on the death of the retired worker in order to cover funeral expenses.
Death allowance	An amount equivalent to 6 times the month's salary prior to the date of death is paid to the family relatives.
Surviving spouses and dependants benefit	This benefit is available to the surviving spouse and unborn children, as well as other successors who are entitled to benefit from the family allowance. The amount of the survivors benefit is equal to half the retirement benefit that the member of the MPF was entitled to receive at the date of his death, or that he would have been entitled to if he had left the job at that time in order to retire.

Continue...

Name of benefits	Main features
Family benefits	This benefit is a monthly allowance of MOP 170 per each dependent whenever the retiree's spouse and/or parents receive a monthly income of less than half of the amount corresponding to 100 index points of the salary index (i.e. MOP 2,500). Each beneficiary is entitled to a monthly allowance of MOP 220 per each child, whenever: children aged between 18 and 21 attend secondary school or equivalent education, and those under 24, enrolled in any undergraduate courses.
Housing allowance	Each beneficiary living in Macao is entitled to receive a monthly allowance of up to MOP 1,000.

Source: Macao Pension Fund and Public Administration and Civil Bureau, 2002.

Private sector

913. SSF provides the social security schemes for workers of the private sector, while the Health Department (HD) mainly provides medical care. The SSF is an autonomous agency of the MSAR Government. Under Decree Law 58/93 of 18 of October, only workers registered at the Fund are beneficiaries and their employers should be registered as contributors.

Social Security Fund benefits

Name of benefits	Main features
Medical care	Each beneficiary must have minimum 9 months of contributions in the 12 months prior to the quarter that the illness begins. Benefits are calculated on a daily basis and is payable in a consecutive or alternate manner; hospital stay is MOP 70 per day (up to a maximum of 180 days per year) and non-hospital stay is MOP 55 per day (up to a maximum of 30 days per year).
Marriage benefits	Each beneficiary is entitled to a fixed amount of MOP 1,000. The beneficiary must have a minimum of 9 months of contributions in the 12 months prior to the quarter of marriage.

Continue...

Name of benefits	Main features
Maternity benefits	Each beneficiary is entitled to a fixed amount of MOP 1,000 per childbirth. The beneficiary must either have a minimum of 9 months of contributions in the 12 months prior to the quarter of childbirth, or a minimum of 15 months of contributions in the 24 months prior to the quarter of childbirth.
Old-age benefits	This benefit is a monthly payment of MOP 1,150 available to a beneficiary aged 65 or above; with minimum 7 years of permanent local residence; and minimum 60 months of contributions.
Invalidity benefits	This benefit is a monthly payment of MOP 1,150 available to a beneficiary aged 18 or above; with certification of permanent loss of earning capacity minimum 7 years of permanent local residence; and minimum 36 months of contributions prior to the quarter of disability.
Funeral benefits	The person proven to have paid for the funeral expenses is entitled to a fixed amount of MOP 1,300.
Pneumoconiosis benefits	This benefit is available to a beneficiary who infected with Pneumoconiosis under the circumstances defined by legislation.
Social assistance benefits	This benefit is a monthly payment of MOP 750 available to local residents who are incapable of maintaining a basic living but are ineligible for both the old-age benefits (age 65 or above) and the Invalidity benefits (age 18 or above).
	Complementary allowance provides additional money; on top of the Social assistance benefits, to a person certified by the SWI as requiring more than the social assistance benefits to cover his/her basic living costs.
Additional allowances	This is a one-month bonus payable each January to beneficiaries under the old-age benefits, the Invalidity benefits and the Social assistance benefits.
Unemployment benefits	This benefit is available to a beneficiary who is unemployed against his/her will. The beneficiary must be registered at the LED and have a minimum of 9 months of contributions in the 12 months prior to the quarter of unemployment. The benefit is calculated on a daily basis of MOP 70 per day up to a maximum of 90 days per year.

Source: Social Security Fund, 2002.

914. The three income sources of the SSF are: (1) Government subsidies; (2) social security contributions from employer and employees; and (3) investment income. One percent of government revenue must be

allocated to the SSF every year (Decree Law 59/93/M, of 18 October).

915. Each worker contributes MOP 15 each month; each employer contributes either with MOP 30 or 45 depending on whether the worker is resident or not and self-employed people must contribute MOP 45 every month.

Unemployment benefits for local residents

Type of unemployment benefits	Main features
Vocational training scheme	This benefit is available to the unemployed who participate in the training courses offered by designated institutions. A participant who has achieved a minimum of 60% course attendance each month is eligible for a training allowance of MOP 80 per day, but not exceeding a total of MOP 1,800 per month.
Social assistance benefits for the unemployed	This benefit is available to the unemployed who participates in the Cultural education programme. A participant who has achieved a minimum of 80% course attendance each month is eligible for a monthly payment for a maximum of 12 months. Payment is calculated based on family members: from MOP 1,800 for family with 1 member up to MOP 6,800 for family with 6 members and over.
Employment arrangement for the unemployed scheme	Employer will receive a grant of MOP 13,800 (paid over 6 months) for the employment of every unemployed who is registered at the LED.
Assistance for the unemployed with disabilities scheme	A maximum amount of MOP 500,000 will be granted as a subsidy to organisations and non-government entities that offer or organise activities (such as, vocational training programmes, sheltered workshops, job arrangements and removal of encountered difficulties programmes, etc.) for the unemployed with disabilities.
Young job-seekers scheme	This is a fixed amount of MOP 12,000 subsidy (paid over 6 months) to an employer that employs a youth aged under 26, who is registered at the LED and seeking first employment.

Source: Social Security Fund, 2002.

C. Expenditure on social security

916. Over the last ten years, social security expenditure remained quite steady. However, due to the economic recession of recent years, there was a sudden rise in the period 2000-2001. As a result, SSF received special subsidies from the MSAR Government to carry out several temporary relief programmes for the unemployed.

Share of social security expenditure in the MSAR budget (in thousand patacas)

Years	1999	2000	2001	2002
Social security expenditure	349,577	382,803	519,485	483,347
Government contribution to Pension Fund	318,076	316,617	323,420	332,723
Total	667,653	699,420	842,905	816,070
Share in the MSAR budget	6.81%	7.98%	8.9%	8.5%

Source: Finance Department, 2003.

Subsidies to the Social Security Fund (in thousand patacas)

Years	1999	2000	2001	2002
One percent share in the MSAR budget	81,746	84,571	78,553	78,000
Special subsidies	--	12,000	122,540	224,372
Total	81,746	96,571	201,093	302,372

Source: Finance Department, 2003.

D. Supplementary arrangements for public social security schemes

917. SSF offers social security schemes for employees.

Notwithstanding, employers can also set up their own provident funds for their employees (Decree Law 6/99/M, of 8 February as amended by Law 10/2002, of 2 July). On the other hand, employees can choose to purchase retirement schemes from insurance companies to extend their benefit coverage.

E. Non-enjoyment of the right to social security

918. The social security benefits are open to all MSAR residents and are free from gender and racial discrimination.

919. Contribution to SSF is mandatory for all workers in the public sector not registered at the MPF (Article 259 (9) of SPAE).

920. Under Order of the Chief Executive 227/2002, of 15 October, the social security scheme was extended to self-employed people so as to achieve the MSAR objective of providing benefits to all employed and self-employed.

Article 10

Protection of the family

A. Legal framework

921. In MSAR, the family is regarded as the fundamental unit of society. Men and women are considered as equals in marriage and have the right to enter into marriage by their own free will and consent. Maternity and paternity constitute human and social values, respected and safeguarded by law.

922. Article 38 (1) of the Basic Law stipulates the freedom of marriage of the residents and their right to form and raise a family freely. On the other hand, Article 103 grants individuals and legal persons the

right to acquire, use, dispose of and inherit property.

923. The law on the Legal Framework on Family Policy, Law 6/94/M, of 1 August, sets up the basic framework on family policies, while the MSAR Civil Code regulates the family rights. In both laws the right to constitute a family and to enter into marriage in conditions of full equality is reaffirmed.

924. According to the Legal Framework on Family Policy, family policy has the following objectives: 1) to guarantee the right to constitute a family, protecting maternity and paternity as eminent human and social values; 2) to ensure the protection, development and right of a child to education; 3) to foment the living conditions relating to housing, health and education, in order to enable the integral development of the family and each one of its members; 4) to support, in particular, economically challenged families, as well as single parent families; 5) to co-operate with parents in the education of their children, promoting within families the exercise of their full responsibilities in regard to education; 6) to favour the integration and the participation of the aged in the family life and promote solidarity and mutual support between different generations; 7) to ensure the effective participation and the organic representation of the families in decisions that affect its moral and material existence; and 8) to promote the participation of families in the community development process.

925. The term “family” can have several meanings, the most common being the relationship derived from marriage and adoption. However, the term family can also mean a group of people who live under the same roof and/or share the same economic environment, a de facto marriage and their children and single parents.

926. Both spouses have the responsibility of running the family and should agree as to the way in which family life is lived, taking into

account the well being of its members and each other's interests (Article 1532 (2) of the Civil Code and Article 2 of Law 6/94/M).

927. The Civil Code sets the legal majority at 18 years (Article 118). However, whenever a minor enters into marriage, emancipation is automatic under Article 120 of the Civil Code.

928. In principle, the minimum legal age for marriage concurs with the of legal majority. However, a person aged between 16 and 18 may marry provided that the consent of the parents or guardians is given (Article 1487 of the Civil Code). In the absence of the consent of the parents or the guardians, the court may give the minor authorization to marry. The court's decision depends upon the existence of serious reasons for the marriage to take place and evidence of the minor's ability of carry out his/her life with sufficient physical and mental maturity being produced.

B. Family assistance

929. The MSAR Government, together with associations concerned with the family, have a special responsibility to promote the quality of family life and the moral and material well being of families and their members (Article 1 (2) of Law 6/94/M).

930. To achieve this target, the MSAR Government, either on its own or in collaboration with such private associations, has created family support centres aimed at helping families in special situations, such as: women refugees, family service centres and day care centres.

931. These centres provide, among other things, special assistance to single parents and prisoner's families and also target developing efficient mechanisms for dealing with crisis situations provoked by any member of the family, in particular those situations arising from marital or family break-ups and domestic violence, especially when children are involved.

932. In November 1998, a new division of the SWI, the Bureau for Family Action, was created to support families with problems or at risk. This Division has a team of specialised technical staff, such as social workers, psychologists, nursery teachers, legal advisers, and so on.

933. SWI provides several support services to families in need or vulnerable families or families at risk, such as economic assistance, marriage counselling, family education and meal services.

934. Families with financial difficulties are assisted under the social security system as stated in this report in relation to Article 9.

C. Protection of mother and child

Maternity protection system

935. Specialized personnel and care services at the public hospital and Health Centres provide mother and child with several health care services.

936. Before and during pregnancy, information and services for family planning; prevention of sexually transmitted diseases, tetanus immunisation, antenatal registration, minimum of 6 consultations during pregnancy; advice regarding nutrition and diet and early detection and management of complications are offered. Safe delivery in hospital is provided.

937. Services for the early detection of post-partum complications at hospital/health centres; consultations and post-partum care; promotion of breastfeeding and management of breast complications; information for family planning and tetanus immunisation are provided to mothers after delivery.

938. With regards to newborns, early detection and prevention

of neonatal infections; TB immunisation, early and exclusive breastfeeding information and support; early consultation at health centres to register for immunisation and infant surveillance plans are also offered.

939. In 2001, maternity care at health centres consisted of 8 consultations per expectant mother, a coverage rate of 72.8% of the general female population of reproductive age.

940. The MSAR Government promotes the creation and operation of a mother-infant network system and nurseries. Nurseries accept children aged between 3 months to 3 years, providing adequate conditions for the development of children as well as appropriate support to families (Article 3 (1) (a) of Decree Law 90/88/M, of 27 September).

941. Proper training and family planning that ensure planned births is fully supported by the MSAR Government.

942. Family planning is intended to improve the health and well-being of the family, and consists of providing individuals and couples with information, knowledge and the means that will enable them to decide freely and in a responsible way the number of children they wish to have and when. Consultation programmes on family planning are also organised in schools and community associations. Family planning includes pre-marriage and genetic counselling, information on birth control methods, treatment of infertility and prevention of genetic and sexually transmitted diseases (Article 10 (2) of Law 6/94/M).

943. Health centres offer a family planning programme. All medication and devices used in family planning are free of charge and provided at the expense of the Government (Articles 6 (2) and 7 (1) (d) of Decree Law 24/86/M of 15 March).

944. In the private sector, the Labour Law states that pregnant women who have been in employment for over one year are entitled to

35 days of maternity leave without loss of remuneration or employment; out of these 35 days, 30 must be taken after the birth and the remaining 5 may be used either before or after birth. This period of 35 days can be increased in exceptional cases. Nevertheless, the right to maternity leave without loss of remuneration is guaranteed for up to three births (Article 37 of Decree Law 24/89/M). During pregnancy and for 3 months following the birth, women should not engage in any tasks that could cause discomfort or a risk to their condition (Article 35 (2) of Decree Law 24/89/M).

945. In the public sector, workers have the right to a maternity leave of 90 days, 60 of which shall be enjoyed after the birth, and the other 30 before or after the birth, without limitation on the number of births. They also have the right to take one hour off each working day to breastfeed their children until the infant is one year old (Article 92 of SPAE).

946. In the public sector, male workers have the right to 5 days of paternity leave, which shall be enjoyed after the child's birth (Article 93 of SPAE).

947. As already mentioned, both labour laws are currently under revision. The MSAR Government has proposed in relation to the private sector law, *inter alia*, to omit the limit of up to three births as requisite to the maternity leave and to increase the duration of maternity leave.

948. More information on other social security benefits is given relating to Article 9.

D. Protection of children and young persons

949. The Basic Law expressly determines that minors shall be taken care of and protected by the Region (Article 38 (3)).

950. Apart from the Convention on the Rights of the Child of

1989 and the Convention concerning the Minimum Age for Admission to Employment of 1973 (ILO Convention No. 138), other treaties relevant to the protection of children are also applicable in the MSAR. These include, among others, the Convention concerning the Night Work of Young Persons Employed in Industry of 1919 (ILO Convention No. 6); the Hague Convention on the Law Applicable to Maintenance Obligations towards Children of 1956; the Hague Convention concerning the Recognition and Enforcement of the Decisions relating to Maintenance Obligations towards Children of 1958; the Hague Convention concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Minors of 1961; and the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

951. The MSAR Government, in cooperation with associations related to family interests and institutions of social solidarity, promotes a policy for the protection of minors deprived of a normal family environment, trying to provide them with better living conditions, family unity and integration within the community.

952. The Education and Youth Affairs Department (EYAD) and SWI jointly provide educational and community based programmes on health and children's rights. The dissemination of family and children's rights is also made through these bodies as well as others.

953. The MSAR Government pays particular attention to orphans, children who do not live with their biological parents, young girls, children who are abandoned or deprived of their family environment, as well as physically or mentally handicapped children.

954. In this regard, several social institutions provide shelter and assistance to minors of different ages who, for whatever reason, have been forced out of their homes. The residential childcare service offers

supervision and care for vulnerable children and young persons who cannot be adequately looked after by their families.

955. In the MSAR, there are 15,437 infants aged 0 to 3 (3.7% of the total population), some of them are taken care by their families, while others enjoy day care service in 51 nurseries supervised by the SWI. By the end of June 2002, a total of 3,673 infants received care from these Nurseries.

956. The MSAR labour legislation foresees the adoption of measures aimed at eradicating child labour and establishes the rules concerning the minimum age for work, which is 18 years for the public sector, and 16 years for the private sector.

957. In the private sector, the employment of persons under 16 years of age but no less than 14 is exceptionally authorized by law if the minor's physical capacity required for the exercise of the work is previously attested. At least once a year, minors undergo regular and periodic physical robustness and health examinations (Articles 38, 39, 40 and 42 of Decree-Law 24/89/M). In relation to this issue see the information given in respect to Articles 6 and 7.

Training and rehabilitation of young offenders and delinquents

958. In the MSAR, the age of criminal responsibility is 16 years. Minors are criminally responsible starting from that age, and they are consequently subject to the criminal law should they be accused of having infringed it. Minors under the age of 16 are not criminally liable according to Article 18 of the Criminal Code.

959. The MSAR Juvenile Justice system determines that minors under 16 years of age who have committed an act that qualifies as a criminal offence under the law shall be subject to an educational regime and that adequate measures shall be applicable depending on their social and

educational needs (Articles 6 and 67 of Decree Law 65/99/M, of 25 October).

960. The Minors Institute (MI) is the entity under the Legal Affairs Department responsible for the teaching, education and re-education, vocational guidance and training of juvenile offenders. EYAD assists MI in providing basic education.

E. Protection of the elderly

961. The MSAR Government devotes great attention to the impact of the ageing population on the Region. In 1998, the “*Macao Declaration and Plan of Action on Aging for Asia and the Pacific*” of the Economic and Social Commission for Asia and the Pacific was launched. This was the first Regional Action Plan focused on the aging issue. At the moment, a research report for long-term development strategy is being prepared in this field.

962. SWI provides the elderly with health education and services with the support of other governmental departments and private associations. This support includes the provision of adequate services by establishing full time professional teams composed of physical therapists, social workers and personal attendants who guarantee elderly household care and day care services for the elderly.

963. HD cooperates closely with SWI in providing primary health care and attention service to the elderly, in particular to those living alone or suffering from chronic illness.

964. SWI also provides special support for families to assist them in how to take care of old persons in poor health through the establishment of new facilities which provide to the elderly health care and other services, such as household care and meals.

965. In addition, the MSAR Government, aware of the need to strengthen community-based support and family values, promotes joint activities with the elderly, particularly with those living alone. Hence, recreational, cultural and occupational activities for old persons have also been implemented.

Article 11

Right to an adequate standard of living

A. General description

966. In MSAR, there are a number of mechanisms established by law that allow residents to live with dignity, even in situations of particular difficulty or adversity. Thus the problem of poverty is not a striking one in the Region. Even so, the MSAR Government is strongly committed to reducing poverty and social exclusion as much as possible, particularly through wide-ranging social security benefits and a comprehensive social welfare system.

967. SWI is designed to protect individuals/families in conditions of indigence and to create better socio-economic living conditions as well as community development (Decree Law 52/86/M, of 17 November).

968. SWI is based on the principles of equality, efficiency, solidarity and sharing and provides financial and social assistance in the form of equipment and services, *inter alia*, social housing, shelters, free access to health services, education, meals and nursery services. Through its social welfare centres, scattered around the city of Macao and the two islands, SWI offers, amongst others services, financial assistance to individuals/families that live below the poverty line.

969. In MSAR, there are 3 Meal Service Centres, which assisted

around 1,170 persons in 2001.

970. As previously mentioned, support to individuals/families takes the form of financial subsidies granted to the elderly, needy families, the disabled who are not covered by the social security system and to all those who are not beneficiaries of social security benefits. Subsidies can be permanent (on an annual basis) or temporary.

971. The permanent subsidies include: old age or old-aged supplementary benefits; benefits for those living in seriously poor conditions, disability, unemployment and sickness; pneumoconiosis benefits; and benefit for single parent families.

972. Temporary subsidies include: funeral benefits, household remodelling benefit, support for victims of catastrophes, subsidies for the purchase of furniture, prosthetics and other specific equipment, subsidies for the expenses of staying at nursing homes or hospital, and subsidies for education fees and public transportation. Currently, the sum of a permanent subsidy to be allocated to a single person is set at MOP 1,300 per month.

973. In 2001, SWI granted permanent benefits to 5,035 individuals/families (involving 13,069 persons) totalling MOP 65,686,144, while in 2000, it granted such benefits to 4,235 individuals/families (involving 12,029 persons) totalling MOP 47,606,226. In 2001, 315 individuals/families (involving 831 persons) received temporary benefits, totalling MOP 791,822, while in 2000, SWI granted such benefits to 258 individuals/families (involving 724 persons) with a total amount of MOP 755,778.

974. To be entitled to the above benefits, the following conditions must be met: one should be an MSAR resident or have lived in MSAR for 18 months before claiming the benefits. Afterwards, SWI evaluates if the individual/family is living below the poverty line (i.e. the family income

is lower than the minimum living standard).

975. Since May 2002, SWI has provided special assistance to poor families in the following categories: single parent family, family member with a chronic disease or with disabled family member. Those benefits are granted by SWI to ease the economic pressure on these families (Order 21/2002, of 8 April by the Secretary for Social and Cultural Affairs).

976. Whenever an individual or his/her family receiving the benefits is still in need of assistance, SWI can prolong the time to one year at most on a case-by-case basis. Likewise, if the individual or family concerned is not eligible for benefits (for example: holding a Macao resident ID but under age), SWI can analyse his/her situation and provide adequate assistance.

977. To sum up, SWI offers some financial assistance in order to ensure the minimum basic living needs such as food, accommodation and other daily necessities of deprived people. In case of special need, the individual or family concerned can ask for assistance from SWI or from private associations.

B. The right to adequate food

978. There is no data available on malnutrition. However, the percentage of low birth weight can be a useful indicator. In 1999, the percentage of low birth weight (< 2 500 g) was 5.4%, in 2000, 5.3% and in 2001 it was 5.6%.

979. The MSAR Government acknowledges that the quality and security of food consumption plays a vital role in the psychological and physical development of children and young people.

980. Therefore, the importance of breast-feeding and a balanced diet are emphasised to the future mother during health checks within maternal and child health consultations. Mothers are encouraged to start

breast-feeding their babies as soon as they are born. Guidance and support continue in the hospital's maternity wards and Health Centres.

981. Periodic evaluation of the growth, the nutritional education and instruction as well as supply of multivitamins and other supplements to infants are part of the child health programme guaranteed free of charge to all children.

982. At nurseries and kindergartens, food is generally well prepared and adequate to the child's age, both in terms of quality and quantity (Article 20 of Administrative Rule 156/99/M, of 24 May).

983. In the Homes for Children and Young People, young persons have a balanced diet that incorporates good quality food with varied ingredients, adapted to their age (Article 26 (1) of Administrative Rule 160/99/M, of 24 May).

984. SWI supplies daily meals to students coming from families with financial difficulties. These meals are free of charge or might merely bear a symbolic cost. SWI also provides students from 7 different schools with additional food supplements (in 2001, this service covered a total of 1,193 students, with an expenditure of MOP 1,149 526).

985. On the other hand, the EYAD carries out together with SWI and HD educational and community based programs, at schools and Health Care Centres, focusing on food safety, healthy diet programmes and lifestyles, chronic diseases and health risk behaviour.

986. The Civic and Municipal Affairs Institute (CMAI) has the specific duty of controlling the safe production of food and sanitary conditions of food production and the overall environmental and industrial hygiene of food in the domestic market.

987. Food monitoring and surveillance are carried out through regular inspections by CMAI. Moreover, CMAI implemented mechanisms

to ensure that hygiene conditions across all aspects of production, conservation and distribution of food are observed. Those mechanisms, by making use of technical and scientific knowledge, increase food security standards and thus contribute to the full enjoyment of the right to adequate food.

988. CMAI has promoted several training courses and seminars on food hygiene during the last 3 years (4 in 2000, 3 in 2001 and 2 in 2002) targeted at professionals, food hygiene inspectors and food suppliers.

C. Right to adequate housing

989. The MSAR Government provides economic low-cost or temporary housing to individuals who have financial problems and are incapable of acquiring or renting accommodation or have housing reallocation problems.

990. The public housing allocation scheme is divided into two major categories: economic houses and social houses.

991. Low-cost Houses are those constructed under a special land concession contract between the MSAR Government and the private estate developers. The main purpose is both to reduce the shortage in the provision of local housing and to support the construction industry by increasing the supply of affordable houses in accordance with local needs, by offering houses at a lower price as compared with houses in the private sector.

992. The application to buy low-cost Houses is open to the public every three years and is organised by the Housing Institute (HI). To be eligible, local residents should be 18 years old and have lived in Macao for a minimum period of 5 years (Decree Law 26/95/M, of 26 June).

993. In 1999, of a total of 7,309 applications, 6,835 were accepted.

By September 2002, there were about 3,800 applications on the waiting list.

994. Social Houses are houses owned by the MSAR Government, and are rented to local families living in difficult economic conditions. In determining eligibility, the socio-economic conditions of the applicants are taken into consideration as well as the number of the family members and/or family members who are sick or have a mental/physical disability (Decree Law 69/88/M, of 8 August).

995. The application to rent Social Houses is open to the public every 3 years and is also organised by HI.

996. In 2000, of a total of 3,986 applications, 3,628 were accepted. By September 2002, there were about 800 applications in the waiting list. Normally, the waiting period for obtaining a social house is less than 3 years.

997. In some exceptional cases, families can be allocated a social house without going through the general application procedure, namely when there is a social, physical or mental danger, or when there is a need for urgent resettlement (Decree Law 45/88/M, of 13 of June).

998. The general concern of HI is to shorten the length of time on the waiting list in order to achieve a balance between the supply of and demand for public housing. By September 2002, a total of 28,200 families occupied about 30,000 public housing units, representing a total of 79,400 residents (18% of the MSAR population).

999. Squatter huts are houses with inadequate conditions, such as the lack of waste disposal or sanitary facilities. The legislation that regulates squatter huts is Decree Law 6/93/M, of 15 February.

1000. Nowadays, there are about 1,000 huts with 3,600 people. Some residents do not accept the resettlement offered by HI because

they do not want to leave the area that they are familiar with.

1001. Most of the squatter huts are located on private land, which poses major difficulties as far as the relocation of the people and the demolition the huts are concerned.

1002. The MSAR Government is indeed determined both to provide housing for genuinely needy people and to encourage financially sound persons to purchase their own houses.

1003. Decree Law 35/96/M, of 8 July, as amended by Administrative Regulation 24/2000, of 26 June, regulates the interest subsidy scheme for housing programme. The main objective of this scheme is to facilitate home ownership by residents and to help the real-estate market (with excessive vacant flats) by giving 4% interest subsidy to local people so that they could purchase their own housing property.

1004. The first stage of this scheme ended in December 1999 (1996-1999), whereby approximately 8,300 families benefited from such a programme. The second stage was extended from July 2000 till June 2002, whereby nearly 5,800 families bought their own houses.

Household situation of vulnerable and disadvantaged groups

1005. As is the case anywhere in the world, there are some street sleepers in MSAR in spite of the availability of 3 Shelter Centres. In 2001, 71 persons benefited from such accommodation as each shelter accommodates 34 persons. Nonetheless, and according to SWI, there are some persons who refuse to live in the shelters.

1006. SWI grants financial and technical assistance and encourages private associations to set up homes for children and young persons at risk (i.e. persons under age without or lacking family care; children and young persons who are in a crisis resulting from family or social conflicts)

with accommodation service, thus enabling them to grow normally and be integrated into the society.

1007. Up to now, there are 7 Homes for children and young persons and 1 Boarding school that can accommodate a total of 540 children and young persons. By the end of June 2002, there were 392 children and young persons who lived in these homes and school.

1008. This policy also applies to old people through the creation of homes for the elderly and the provision of specialised care for the elderly who are unable to take care of themselves, cannot care for another, or cannot live in a community.

1009. There are now 8 homes for the elderly and 1 care and attention home that can accommodate 784 elderly persons. By the end of June 2002, 662 elderly lived in these homes. In addition, the MSAR Government has set up 5 public buildings for single old persons or elderly couples to live in. There are now about 600 elderly persons living in these buildings.

1010. Such assistance is also given to disabled persons who lack independence, lack care from others and cannot live in a community. So far, there are 4 Rehabilitation homes for the disabled that accommodate disabled children, retarded persons or chronic mental patients.

1011. In addition, there is one halfway boarding house that provides mental patients who are recovering from illness with transit accommodation service. The 5 homes mentioned above can lodge 355 persons in total, and by the end of June 2002, 329 disabled persons were living in these homes.

Land legislation

1012. The use of land is regulated by Law 6/80/M, of 5 July, urban

construction by Act 1600 of 13 July of 1963, land expropriation by Law 12/92/M, of 17 August, and Decree Law 43/97/M, of 20 October and horizontal property by Law 25/96/M, of 9 September.

1013. It should be stressed that there is legislation concerning building codes, building regulations and standards and the provision of infrastructures, such as the laws on Suppression of Architectural Barriers (Law 9/83/M, of 3 October), Car Parking in Buildings (Decree Law 42/89/M, of 26 June), Safety Against Fires (Decree Law 24/95/M, of 9 June), Water Supply and Drainage of Residual Water (Decree Law 46/96/M, of 19 August), Safety and Actions on Structures of Buildings and Bridges (Decree Law 56/96/M, of 16 September), Standard of Cement (Decree Law 63/96/M, of 14 October) and Standard of Reinforcement Steel Bars (Decree Law 64/96/M, of 14 October).

1014. With regard to environmental planning and health, housing and human settlements, the Regulation on Solid Residues and Cleanliness and Town Planning, the Legal Framework on Environment Policy (Law 2/91/M, of 11 March) and the Noise Protection Law (Decree Law 54/94/M, of 14 November) it should be pointed.

Town planning and management

1015. CMAI is the local authority responsible for the development and promotion of environmental planning and health in housing and human settlements and town planning.

1016. In order to improve the living environment, CMAI regularly carries out projects to expand green and leisure areas. In recent years, the Region expanded its green areas: 5,538,275 m² in 1999, 5,690,489 m² in 2000 and 5,669,870 m² in 2001.

1017. The north side of the Macao peninsula, where a large

proportion of the population lives, was the focus of a site upgrading in 2002 adding to the existing green and leisure areas, 5 empty lots of temporary playgrounds for the enjoyment of the people.

1018. CMAI also carries out projects to renovate some old town sites in order to renovate the business environment of the surrounding areas. For instance, the old town centre of the Taipa Island project includes the repainting of old houses, re-paving of streets and alleys, decorating the whole area with flower pots and hanging baskets, and classic street lamps. A Sunday flea market is also held there. This project successfully attracts local and foreign tourists back to the island and most of all improves residents' quality of life.

1019. Furthermore, MSAR is at present deeply engaged in projects to upgrade and renewal urban sites in order to host the 4th East Asian Game in 2005. CMAI has formed a special team consisting of landscape architects and engineers to set up plans to beautify the city with intensive landscaping among others.

Article 12

Right to health

A. Population's state of physical and mental health

1020. Health statistics from 2001 show that the Macao population had an annual growth rate of 1.2% in relation to the previous year (436,686 in 2001 as against 431,506 in 2000). Men accounted for 48% and women for 52%.

1021. The population is ageing as a result of the decline in the crude birth rate (8.9% in 2000 and 7.5% in 2001) and the increase in life expectancy over the past 10 years.

1022. Between 1996 and 1999, average life expectancy at birth in MSAR was 76.2 years for men and 80.2 years for women.

Major demographic indicators

Indicators		1999	2000	2001
Natural growth rate	‰	6.5	5.8	4.4
Crude birth rate	‰	9.7	8.9	7.5
Sex male birth rate	%	103.4	111.7	103.1
Crude death rate	‰	3.2	3.1	3.1
Infant mortality rate	‰	4.1	2.9	4.3
Neonatal mortality rate	‰	3.4	2.1	2.5
Perinatal mortality rate ^(a)	‰	6.0	6.7	5.8
Late foetal mortality rate	‰	2.4	3.1	2.5

Source: 2001 Statistics Yearbook, Statistics and Census Department.

^(a) including those weighing 500 grams or more.

Main causes of death, evolution by reported incidence

Year	1999	2000	2001
Heart failure	94	156	104
Malignant neoplasm of trachea, bronchus and lung	85	96	125
Malignant neoplasm of liver and intrahepatic bile ducts	59	69	44
Pneumonia organism and unspecified	28	37	40
Other forms of chronic ischaemic heart disease	47	44	38

Source: 2001 Demographic Statistics, Census and Statistics Department

1023. In 2002 a Centre of Physical Fitness Evaluation was created, with the purpose of setting up research and evaluation of the physical fitness of the population. The Centre offers a free service to test individual

functions, capacity and constitution, so as to promote health and sports development. Scientific programmes and sports medicine equipment and services, medical care, rehabilitation and physiotherapy treatments, combine to support the physical fitness of Macao's citizens, to improve the quality of life.

1024. All the population has access to safe tap-water. Safety and quality control is made at two different levels: one by the CMAI and another by the HD through strict analytical laboratory control.

1025. CMAI monitors and controls local drinking water quality from the public water supply system, which is administered by the Macao Water Supply Company (MWSC). Raw water samples and treated water samples from the treatment plants and distribution network are collected in order to conduct bacteriological and physico-chemical analysis to ensure that the supplied water quality meets the standards.

1026. CMAI also carries out sanitary inspections in public swimming pools, swimming pools of hotels and swimming pools located in private buildings but open to the public. On average, every year about 1,600 samples of drinking water and 1,300 samples of swimming pool water are collected and tested.

B. Health policies

1027. According to Article 123 of the Basic Law, the MSAR Government formulates the appropriate health policies to promote general public health and provides the necessary health and medical services to achieve such an aim. The health-care system offers a comprehensive range of preventive, curative and rehabilitative services. One of the main measures is to provide medical services and medical care and to improve access to Health Centres.

1028. All the population has access to primary health care at Health Centres and follow-up and specialised care at the Public Hospital for the treatment of common diseases and injuries. Nevertheless, primary health care is particularly aimed at women of reproductive age and to infants/children.

1029. Primary health care for the elderly tends to improve the quality of life by assessing the level of dependence (functional dependence) and establishing nurse/doctor home visits in situations of incapacity, and in collaboration with Social Welfare Institute.

1030. For vulnerable and disadvantaged groups, intervention is also made at the level of the Health Centres with the collaboration of SWI. Mentally and physically disabled persons have access to a Mental Health Centre, which provides specialised psychiatric care and social care.

1031. Within the overall health policy, the MSAR Government focused on Health Promotion and Education programmes for prevailing health problems, *inter alia* Dengue Fever prevention, HIV/AIDS, Drugs and Smoking prevention, Diabetes prevention, Tuberculosis prevention and Hepatitis B prevention.

1032. There are selective approaches to vulnerable and risk groups that may develop some health problems: physical/mental health issues (preventive approach near the family/support groups in the community, secondary prevention and support at mental health centres); geriatric functional problems (cognitive function assessment to early recognition of quality of life by nursing home visits); infectious diseases: tuberculosis (TB screening offered for high risk groups, early detection and treatment), hepatitis B; chronic/degenerative diseases; osteoporosis and cervix/breast cancer (in women); heart-associated diseases (in adults).

1033. Health programmes aimed at women of reproductive age and infants/children cover a variety of aspects, such as nutrition, family

planning, vaccination campaigns and health education. The surveillance during pregnancy, infants/children, delivery at hospitals by trained and specialised personnel and the immunisation programmes are some of the measures, which have been implemented, thus contributing to the declining infant death rate and safe pregnancies.

1034. The MSAR Government launched an immunisation programme specially focused on children from childbirth up to 6 years. The following are the vaccination statistics for major infant communicable diseases.

Vaccinations record

Vaccination	1999	2000	2001
Diphtheria and tetanus (double vaccination)	5,881	5,949	5,616
Measles	3,723	3,823	3,486
B.C.G	4,315	4,440	1,902
Rubella	993	41	20
Measles, mumps and rubella	14,158	14,330	15,962
Diphtheria, tetanus and whooping cough (triple vaccination)	15,500	14,367	13,618
Anti-poliomyelitis	24,321	22,773	21,941
Tetanus	21,275	24,612	19,797
Yellow fever	5	24	18
Hepatitis A	60	20	85
Hepatitis B	25,612	28,680	23,271
Varicella	2	147	306
Influenza	133	603	2,221
Others	1,201	2,793	5,289 ^a
Total	117,179	122,602	113,532

Source: 2001 Statistics Yearbook, Statistics and Census Department.

^a Including 5 087 TUB and 141 IgHB.

1035. The subject of child health care is exhaustively addressed

in the part of China's report on the implementation of the Convention on the Rights of the Child in MSAR.

1036. In 2001, there were 3,655 cases of notifiable communicable diseases reported to the Health authorities. Among them 1,490 cases were of varicella, 1,418 cases of classic dengue fever, 410 cases tuberculosis of lung and 92 cases of acute hepatitis C.

1037. Control and education-based programmes/campaigns on the prevention of pests and animal diseases such as dengue fever and other environmental hygiene activities are addressed in coordination with HD by several entities such as CMAI and the Environment Council (EC).

Prevention and control of HIV/AIDS

1038. Until now, MSAR has enjoyed a low HIV prevalence but the spread of this virus is growing rapidly throughout Asia. Increasing cross-border movements and changing behaviours among youth and other vulnerable/risk groups have generated major concerns. The Health authorities have had to respond with high-level awareness campaigns on HIV/AIDS providing basic knowledge to the general public and to target groups. They also assist HIV/AIDS patients and their families. Education, information and professional counselling are seen as basic elements in handling the problem of HIV/AIDS.

1039. The HD launched a campaign for the years 2002-2003 (within the framework of the World AIDS Day) in co-ordination with other institutions, based on the non-discrimination principle and the protection of fundamental human rights of HIV/AIDS patients. The idea is to raise a sense of solidarity and respect among the community and to promote the well being of HIV/AIDS patients.

1040. Up to the end of October 2002, a total of 255 HIV infections

had been reported in the MSAR, among them 21 cases which have developed into AIDS and are being monitored by the Health authorities.

1041. The majority of the HIV infected population are temporary residents employed in the entertainment industry (67.8%). The principal means of transmission is sexual contact (78.4%), with predominance in heterosexual transmission (69.4%) followed by homosexual transmission (9%) and by intravenous transmission among drug users (5.1%).

1042. Special units in the Public Health Laboratory and in HD were recently created. An AIDS counselling hotline was established to provide psycho-social support to HIV/AIDS patients and their families. Pre- and post-test counselling services, educational sessions, assistance from social workers and social welfare are also made available. HIV antibody blood tests are confidential and free of charge.

Drug addiction

1043. Of major concern is drugs consumption. The MSAR Government has adopted a balanced and integrated approach to counter the drugs problem, based partly on prevention, risk/harm reduction measures and free treatment programmes for drug addicts, and partly on strengthening control and law enforcement to combat illegal drug trafficking.

1044. A free medical service is given to drug addicts, including medical check-ups for infectious diseases, (e.g. HIV, hepatitis B and C, TB), and other biochemistry check-up, (such as blood and urine tests), treatment and rehabilitation programmes.

1045. The health situation of drug addicts is significantly worse than that of the majority of the population, as is shown by higher rates of hepatitis B, hepatitis C, sexually transmitted diseases amongst intravenous

drug users and other organic infectious diseases.

1046. Harm reduction programmes, including the prevention of sharing needles and safe sex, are implemented in most of the treatment programmes. These measures are aimed at reducing and controlling the rate of infectious disease transmission within this group.

1047. All measures described above are limited to those addicts who voluntarily seek treatment (treatment is not compulsory but is strongly recommended).

1048. In 2001, there were about 330 drug addicts registered in voluntary treatment programmes (male (85%), average age: 30-35, unemployed, heroin dependence, and low education).

Health education

1049. As mentioned before, health education plays a fundamental role in the Government's health policy. Since 1994, health education has been included in the Pre-primary, Primary and Secondary School Curricula. It is focused on health prevention, treatment and education. Community education and extracurricular activities are also promoted at schools.

1050. Health institutions, schools and private associations strengthen community participation within school activities and at the workplace in order to prevent high-risk behaviours and promote healthy lifestyles.

1051. Health information is disseminated to the general public and targets selected groups through the mass media, the distribution of pamphlets, newspapers, CDs, etc.

C. Health system

1052. A total of 367 public and private establishments in MSAR provide medical and health care to the population. Of the 365 health-care centres, 95.9% are private establishments while 4.1% are public.

Health care establishments

Classification	1999			2000			2001		
	Total	Public	Private	Total	Public	Private	Total	Public	Private
Total	386	14	372	360	13	347	367	16	351
Hospital	2	1	1	2	1	1	2	1	1
Health centres	384	13	371	358	12	346	365	15	350

Source: 2001 Statistics Yearbook, Statistics and Census Department.

1053. The two hospitals provide a total of 1 099 beds (980 beds for internment and 119 for emergency situations) plus 4 delivery rooms and 15 operating rooms. The rate of hospital stay is of 71.2%.

1054. The demand for hospital services has been increasing. The emergency units of both hospitals attended in 2001 a total of 250,073 cases, a rise of 13.8% compared with the previous year. The majority cases involved sickness (94.5%) followed by pregnancy (1.6%). Medical consultations at the public hospital totalled 175,360, the majority being in obstetrics/gynaecology, ophthalmology, orthopaedics and traumatology.

1055. In addition, there is a Centre for the Prevention and Control of Diseases with 5 functional areas: Infectious Disease Prevention Unit, Food and Environment Unit, Health Planning Unit, Health Education and Chronic Diseases Control Unit and Occupational Health Unit.

1056. In MSAR, there is a total of 891 doctors (including several medical specialities) and 960 nurses. The hospitals' manpower totalled 2,160 in 2001.

1057. HD supports the on-going training of specialised health care personnel and direct collaboration with social workers. The Department is undertaking some reforms such as re-organising services, re-allocating technical resources, rationalising practices, upgrading the database system and improving attendance rates.

1058. Emergency health care is free of charge. The cost of medical consultations is affordable to most of the population.

D. Expenditure on health care

1059. HD guarantees access to health care services and free health care for the entire population of MSAR. The principle of free universal access to health care is stipulated by law. Health care costs are fully or partly covered by the Region's budget, depending on the type of illness or the socio-economic condition of the patient or other private health care protection schemes (Articles 3 and 14 of Decree Law 24/86/M).

1060. Health care is provided free of charge: in public health centres (medical care, nursing and medication); reasons of public health to those who are suspected of carrying infectious or contagious diseases, to drug addicts and people suffering from cancer or needing psychiatric assistance; family planning; risk groups, (e.g. pregnant women); for childbirth and post-natal care; to children in primary and secondary schools; to prisoners; to families/individuals living below the poverty line; and individuals over the age of 65.

Share of health expenditure in the MSAR budget (in thousand patacas)

Years	1999	2000	2001	2002
Health expenditure	954,614	1 133,583	798,988	639,208
Share in the MSAR budget	9.74%	12.93%	8.5%	6.7%

Source: Finance Department, 2003.

E. Other policies and measures on health prevention and control

Improvement of environmental and industrial hygiene

1061. Health Department and CMAI have made significant efforts to improve aspects relating to environmental and industrial hygiene, including food and hygiene preventive projects at restaurants and food suppliers. In this respect, they also conduct regular inspections in order to control the safety of products and check if industrial activities are healthy in terms of environmental pollution and working conditions.

Solid waste management

1062. CMAI is responsible for solid waste management, in other words controlling the final disposal of residue from the incineration plant, inspecting garbage collection, and enforcing the municipal city cleaning regulations.

1063. Waste recycling, recovery and reuse are not yet sufficient to offset the increasing trend of waste generation. The population has been growing at a much slower rate and this implies that each inhabitant is producing greater quantities of waste. Major sources are households, businesses and commercial activities (shops, hotels and offices), industries

and health services (hospitals and health care facilities).

Emission pollution and fuel standards

1064. The existing data demonstrate that the major sources of pollution as a result of human activities are power generation and road transport.

1065. Given that MSAR has a small geographical area with typical urban features, in the absence of alternative sources of energy (such as wind, solar, hydroelectric and biomass), fuel combustion is used to respond to the demand for energy. This represents the main source of emission of pollutants.

1066. The analysis of lead emissions demonstrates that these have been decreasing since the introduction of unleaded petrol into the market (Decree Law 44/94/M, of 22 August). The effect of Executive Order 49/2000, of 7 August, which limits the sulphur content in light diesel for motor vehicles to 0.05% in weight, will certainly be seen in future inventories.

1067. Despite the technological advances in the automobile industry (such as the introduction of catalytic converters and the reduction of sulphur and lead content in fuels), which reduced some adverse effects on the environment, there is still a problem of traffic pollution.

1068. To improve the eco-efficiency and safety of transport, the MSAR Government has enacted legislation and technical standards while introducing new policies on prices and taxes on fuels and parking planning aspects. Adequate parking places have been built and people's awareness has been raised to the advantages of using a good public transport network and pedestrian zones in order to avoid the harmful effects on the environment, health and quality of life caused by the increasing number of

vehicles.

Control of air pollution

1069. The Meteorological and Geophysical Department (MGD) has been monitoring atmospheric pollution over the last decade. The levels of local air pollutants collected are usually compared with internationally recommended limits (e.g. WHO and European Union).

1070. The air quality is affected by the high concentration of sulphur dioxide together with smoke, and dust from industrial emissions as well as suspended particles transported by wind affecting the region, which results in acid rain.

1071. The production of substances that could affect the depletion of the ozone layer is banned (Decree Law 62/95/M, of 4 December).

1072. The Economic Department (ED) supervises the import and export of substances and equipment (such as sprays, air conditioners, refrigerators, fire extinguishers, etc.) containing substances that may affect the ozone layer. ED has to inform and request opinions from the EC concerning environment-related situations.

Control of noise pollution

1073. Although Macao is small, it is a densely populated city. The constantly increasing numbers of vehicles, accompanied by economic growth, have intensified problems caused by traffic, and these are very difficult to overcome.

1074. There are direct and indirect approaches to reducing road traffic noise. The direct measures include studying the implementation of a vehicle noise standard, the installation of acoustic barriers and the

construction of anti-noise road surfaces. Traffic flow management, traffic planning and restructuring of road networks are among some of the indirect measures.

1075. With a view of diminishing discomfort caused by traffic noise, acoustic barriers of 511 metres were installed along the flyovers of Macao's two main streets. This project started in 2000 by the Lands, Public Works and Transport Department and finished in May 2001.

1076. The reduction of noise pollution depends on several factors, *inter alia* the enactment of environmental legislation (e.g. Decree Law 54/94/M); the introduction of specific and rigorous evaluation criteria; the provision of specialised human and technical resources; and the promotion of civic and environmental education.

1077. CMAI and EC are the entities responsible for monitoring the noise level and for setting up a database to assess feasible noise control standards for Macao.

Coastal water quality

1078. Outlying factors are the main coastal water pollution sources of Macao. However, there are also direct discharges into the estuary from local sources, especially during the rainy season when the combined sewers and drains cannot handle the amount of both wastewater and rainwater. This is also due to the fact that part of the wastewater sewage system has not been connected to the wastewater treatment plants.

1079. During the year 2000, HD (responsible for the monitoring of coastal water quality) introduced a new index system to assess the coastal water quality. The analysis of the pollution index reveals that coastal water pollution has become a concern in Macao and some sampling points have even reached critical levels. Therefore, it is necessary to cooperate with

the relevant authorities in the nearby regions and research methods to solve environmental problems and control pollution sources.

Water quality at beaches

1080. The monitoring of water quality in the beaches is the responsibility of the Public Health Laboratory (PHL) of HD. From April to October each year, the sampling frequency is twice per week at two locations on each beach (other samples are taken within the same week whenever the microbiological levels exceed standards). Microbiological and physicochemical parameters are analysed and, whenever possible, the results are compared with the legislated limits of mainland of China, Hong Kong SAR and the European Union.

Environment management

1081. The MSAR Government pays careful attention to environmental problems. Effective measures for environmental protection and education and adequate standards for improving the environment have been introduced. These environmental policies aim at raising the population's environmental awareness and to improve consumption patterns.

1082. CMAI, EC and HD are responsible for environmental management. EC analyses urban planning and conducts environmental impact studies. It has a specific division for research and development project.

1083. For example, at present CMAI and EC are engaged in creating an Environmental Geographic Information System (database) and implementing the environmental management systems (the conservation

of natural resources by controlling the use of resources and raw materials, wastewater and generated waste with lower medium- or long-term production costs). Environmental information is available to the general public through electronic means (VCD and Internet).

1084. Most of the important environmental treaties applicable in MSAR and there are several laws governing each of the different aspects of the environment. The Legal Framework on Environment Policy, Law 2/91/M, of 11 March, sets up the main principles and policies for environmental protection as a whole. Whenever pollution creates a serious danger to the physical integrity or life of a person or to property, it constitutes a criminal offence provided for and punished by Article 268 of the Criminal Code.

1085. Moreover, international and inter-regional cooperation are regarded as vital and the MSAR Government has joined efforts towards a sustainable regional environment with Hong Kong, Guangzhou, Shenzhen, Zhuhai and other cities of China.

1086. Another important factor is that the MSAR residents are becoming more aware of environmental problems and a higher standard of living, thus more complaints have been lodged with the competent authorities (CMAI and EC) in recent years.

Environmental education

1087. Bearing in mind that the environment is closely related to human activities and social development, CMAI and EC rely on education and environmental promotion to increase public awareness and willingness to change lifestyles and pay attention to the need for ecological balance.

1088. Environmental issues are integrated within the school curricula. In co-operation with the CMAI and EC, several wide-ranging

activities have been implemented by EYAD, aiming at developing students' respect for the environment.

1089. For example, in the period 2000-2001, the following campaigns were launched: "*The Adventures of Mr. Garbage*", "*A Path for Growth: Saving the World*", "*Emissions and Energy*", "*Camp on Environmental Protection*" and the "*Scientific Summer Camp*".

1090. CMAI also organised, together with other entities, the Waste Recovery and Recycling Programme targeted at schools and public gardens, involving 23 schools and 6 public gardens. The scheme was successful, considering that the amount of recycled waste has increased and that new types of waste containers are being introduced.

F. Measures to develop international contacts and cooperation

1091. As mentioned above, the more important health and environment treaties apply in MSAR, and representatives of the Region participate in several international scientific meetings, seminars, conferences and cooperation interchange at different levels as well as engaging in specific training.

1092. Moreover, MSAR itself is a member of the International Federation of Sport Medicine (IFSM), the International Council of Sport Science and the Physical Education (ICSSPE) and the Asian Federation of Sport Medicine (AFSM). The publications of scientific research articles contribute for the development of the scientific field.

Articles 13 and 14

Right to education

A. Legal framework

1093. Without any kind of discrimination, everyone has the right to education in accordance with Article 37 of the Basic Law and Article 2 of the Legal Framework on Education System, Law 11/91/M, of 29 August.

1094. The freedom to choose an educational institution and to pursue education outside the Region is also safeguarded under Article 122 (2) of the Basic Law and Article 15 (2) of the Legal Framework on Family Policy.

1095. Article 122 (1) of the Basic Law also guarantees that all educational institutions, including private ones, shall enjoy autonomy and teaching and academic freedom in accordance with the law.

1096. The Government respects the autonomy of private schools and does not interfere with their programme of education. It also strictly observes the application of the principle of equality of opportunities in access to and achievement in education.

1097. Two essential targets of the MSAR educational policy are the phased setting up of a compulsory education system (Article 121 (2) of the Basic Law and Decree Law 42/99/M, of 16 August) and the generalisation of the concept of universal and free education (Article 6 (2) of Law 11/91/M and Article 13 of Decree Law 62/94/M, of 19 December).

1098. EYAD is the main governmental body responsible for the promotion of education, ensuring equal opportunities in access to education, establishing standards and guidelines, seeking general and free education, making compulsory education effective, and working with

private educational institutions, other governmental departments, private associations, parents and educators, etc.

1099. The educational system comprises: pre-school education, the preparatory year for primary school, primary school, secondary school, higher education, special education, adult education, and technical and professional education.

1100. Compulsory education in the Region comprises pre-school education, primary school and general-secondary school and is provided by public or private educational institutions. It covers children and young persons between the ages of 5 and 15 (Decree Law 42/99/M).

B. Education system

1101. For more detailed information on this issue, please refer to Part III of China's Report on the implementation of the Convention on the Rights of the Child. The following is an update regarding new data on education.

1102. In the school year of 2001/2002, there were 17 public as against 73 registered private kindergartens and primary, secondary, vocational and technical schools in Macao. For historical and social reasons, the public schools represent a very small part of the overall school network (17 out a total of 90). There were 93,691 students enrolled in private schools at the start of the 2001/2002 school year, accounting for 94% of the total student population.

1103. According to a survey conducted by the EYAD in 2001, 75.8% of students successfully graduated from supplementary-secondary education in the 2001/2002 school year and enrolled in higher education in and outside Macao.

1104. With regard to higher education, during the school year of 2001/2002, there were 7 769 local students enrolled in PhD, MA and 3-year

degree programmes, as well as other diploma programmes in the 11 tertiary education institutions.

Vulnerable and disadvantaged groups

1105. The promotion of literacy and equal educational opportunities for adults is also a major objective of EYAD (Article 14 of Law 11/91). Decree Law 32/95/M, of 17 July, regulates the continuing and adult education system. “Back to school” schemes are included in the MSAR free education system at all levels.

Establishments of adult education, teachers, students and results of study by gender

Year	No of Facilities	Teachers			Students					
					Enrolled			Completed the courses		
		MF	M	F	MF	M	F	MF	M	F
1990 / 2000	124	1,091	644	447	46,432	19,396	27,036	38,946	16,584	22,362
2000/ 2001	122	1,234	775	459	65,695 ^a	22,307	32,162	49,795 ^a	17,481	24,503

Source: 2001 Statistics Yearbook, Statistics and Census Department.

^aSub-totals of gender do not add up to the grand totals because a few establishments could not provide the relevant data.

1106. Apart from the education system, in 2001, a number of culture and literacy courses were organized with the Association of Fishermen and the Association of Women as a stimulus for their members to take up studies at a higher level in the “back to school” scheme.

1107. Teaching materials to enhance the basic skills in the reading and writing of the Chinese language, basic arithmetic and personal financial management skills of adults were published in 2001/2002. The lack of self-confidence in some adults is the main obstacle that prevents them from joining and succeeding in literacy programmes.

1108. Regarding special education, in the school year of 2001/2002, a total of 644 students were registered within the school system as students with special needs, which included physical, permanent or transitory, emotional and adaptation difficulties. Some of those students with special needs were integrated into normal classes and the rest in special training units located either in normal schools or in independent units.

1109. One public school and 4 private institutions within the public school network cater exclusively to students with special educational needs. All staff working under the special education regime have special qualifications in this area, given by EYAD in collaboration with local and foreign higher education institutions.

1110. With respect to the education of prisoners, a prisoner aged under 25 years old who is illiterate or has not finished compulsory education has the right to attend classes of the respective education programme either in Portuguese or Chinese and to participate in other educational activities organised by the establishment. Prisons also facilitates prisoners' access to educational courses taught through correspondence, radio or television (Article 58 of Decree Law 40/94/M).

1111. The education of minors who have committed a criminal offence is ensured by the Juvenile Rehabilitation Centre (Decree Law 65/99/M).

C. Share of education expenditure

1112. The share of education expenditure in the MSAR budget

increased from 7.44% in 1991 to 15.19% in 2001, owing to the recent implementation of the free education system of the MSAR Government.

Share of education expenditure in the MSAR budget (in thousand patacas)

Years	1999	2000	2001	2002
Educational expenditure	1 210,461	1 317,878	1 426,563	1 289,189
Share in the MSAR budget	12.35%	15.04%	15.19%	13.5%

Source: Finance Department, 2003.

D. Promotion of education

1113. To guarantee the full enjoyment of right of education to all students in the MSAR, including young girls, children of low-income groups, children who are physically or mentally disabled, children of immigrants, children belonging to linguistic, ethnic, religious or other minorities, several measures have been implemented, including for example, the establishment of new school places, financial assistance for needy students/families, support for the social integration and education of newcomers (namely immigrants) and the promotion of on-going training of teachers to deal with different needs and cultural backgrounds.

1114. Some immigrant children, mostly from Mainland China, experience difficulties in adjusting to living and school conditions in MSAR. EYAD organises various learn-the-local-culture activities, and courses in traditional Chinese characters, Cantonese and English courses for immigrant children in order to better integrate them into the local schools.

1115. It should be noted that simplified characters are used in Mainland China, where the medium of instruction is Mandarin, while in

MSAR it is Cantonese.

1116. Outward immigration also creates difficulties in locating and assisting students leaving the school system.

1117. EYAD has also developed a special mechanism designed to assist drop-out students looking for new schools and new residence. The department successfully assisted over 1,600 persons between 2000 and 2002.

1118. The main effort of the MSAR Government is focused on improving the performance of schools and students, ensuring access and satisfactory academic performance.

E. Fees and financial assistance to students

1119. Basic education is universal, free of charge and compulsory in public educational institutions and in those subsidised by the MSAR Government. This assistance covers exemption from fees or other charges concerning enrolment, attendance or certification, and the granting of subsidies for tuition to students of unsubsidised private schools (Article 6 of Law 11/91/M and Article 1 of Decree Law 42/99/M).

1120. The MSAR Government assumes the responsibility of financing the educational levels covered by the free education system within the public school network. This network includes public and private schools that offer free education under an agreement with the education authorities (EYAD). Thus, MSAR residents enjoy a reduction in tuition fees of between 40% and 85%, depending on the courses and establishments.

1121. Students from low-income families enrolled in private schools outside the public school network are eligible to receive a school tuition subsidy. They can apply for subsidy for learning materials (books, stationary,

school uniform, special equipment for the handicapped, etc.). Grants and loans are also offered to students of higher education.

1122. Within primary education, the MSAR Government subsidised up to MOP 6,100 of the tuition fees of pre-primary and primary students attending private schools in the school year 2002/2003. Private schools within the public school network can collect up to MOP 1,160 per student/per school year as a supplementary service charge (Administrative Regulation 20/2002, of 9 September).

1123. Pre-primary and primary schools outside the public school network charge tuition fees and other charges. Students enrolled in these schools are entitled to receive MOP 2,900 per school year from the MSAR Government as a basic subsidy. Besides this basic subsidy, students in financial difficulties can apply for further subsidy ranging from MOP 1,600 to MOP 3,200. This subsidy is extended to pre-school education.

1124. Needy students can also apply for a grant for learning materials (including school uniform) ranging from MOP 425 to 850. Handicapped students have access to a fund for grants with no pre-defined limit. Applications are handled on a case-by-case basis.

1125. All lower secondary students, including those who attend technical and vocational secondary education, enrolled within the public school network are entitled to receive free education and supplementary service charges. The MSAR Government provided fee-paying private schools with subsidies of up to MOP 9,200 per lower secondary student in the school year 2002/2003. The schools can collect up to MOP 1,760 per student/per school year as supplementary service charges.

1126. Lower secondary students enrolled in schools outside the public school network are entitled to receive MOP 4,300 as a basic subsidy per school year.

1127. Supplementary grants for tuition fees (MOP 2,475 to 4,800) and learning materials (MOP 625 to 1,300) are also available for needy students.

1128. The number of students benefiting from the public school network at the secondary education level has increased substantially in recent years.

1129. Financial assistance is also provided for students attending higher education (Order 18/2001, of 14 May by the Secretary for Social Affairs and Culture). According to data provided by EYAD in 2002, scholarships, student loans, special student loans, travel and rent allowances for students attending higher education in the academic year of 1999/2000 totalled MOP 59,888,967 with a total number of 2,905 beneficiaries; in 2000/2001 totalled MOP 61,874,179 with a total number of 3,040 of beneficiaries and in 2001/2002 totalled MOP 59,701,332 with a total number of 3,060 beneficiaries.

Scholarships in high education

Years	Total	China Mainland	Macao	Taiwan	Portugal	USA	Others
1999/2000	2 905	1,130	1,208	475	36	26	30
2000/2001	3 040	1,120	1,392	437	31	25	35
2001/2002	3 060	1,020	1,524	452	18	18	28

Source: Education and Youth Affairs Department, 2002.

F. Language policy

1130. Chinese and Portuguese are both the official languages of MSAR. Consequently, public schools can only adopt Chinese or Portuguese as their medium of instruction, and the ones using Chinese as a teaching medium shall adopt Portuguese as their second language and vice-versa (Article 35 (7) and (8) of Law 11/91/M).

1131. The exercise of pedagogic autonomy implies that private educational institutions have total freedom in choosing the medium of instruction, as well as the second language to be included in their respective curricula (Article 35 (6) of Law 11/91/M).

1132. Cantonese is the most commonly used language in teaching.

Students divided by language of instruction

School year 2000/2001	Chinese	Portuguese	English	Others
Pre-school	14,775	107	96	--
Primary	42,350	339	2,785	--
Secondary	31,328	561	3,721	240
Technical vocational	2,306	--	--	--

Source: 2001 Census, Statistic and Census Department.

1133. In terms of language facilities, the MSAR Government provides courses in the mother tongue of the students, such as Chinese and Portuguese, through the Centre of Continuing Education and Special Project of the Polytechnic Institute, and the School of Language and Translation.

G. Teaching staff

1134. Under the MSAR educational system, teachers and educators

carry out an activity considered as being in the public interest and one that benefits from a status that is dignified and compatible with their professional qualifications and social responsibilities (Article 25 of Law 11/91/M and Decree Law 15/96/M of 25 March).

1135. By law, teachers and educators have the right and duty to receive professional training, and the MSAR Government is responsible for promoting the conditions and creating the necessary means of achieving this aim. Teacher training assumes varied and flexible forms, ranging from the initial training (the traineeship) to on-going training (Articles 25 (2) and 26 of Law 11/91/M).

1136. All training provided to teachers should guarantee scientific-pedagogic knowledge and skills. It should also integrate a component of personal and social training that is adequate to the curricular needs of the respective levels of education and teaching.

1137. In 2001, 133 teacher training courses were provided by EYAD, in which 8,873 teachers participated. In the 2001/2002 school year, EYAD also provided a subsidy of MOP 3,427,310 to pre-service and in-service teachers to participate in teacher training programmes organised by various higher education institutions.

1138. The total number of teachers has increased and the student-teacher *ratio* has decreased gradually over the past few school years. According to data provided by EYAD (not including higher education) the total number of teachers was 3,983 in 2000/2001 and 4,050, in 2001/2002 while the total number of students was 99,576 in 2000/2001 and 99,990 in 2001/2002.

Number of teachers by education level

Education level(s) instructed	1999/2000	2000/2001	2001/2002
Pre-school (kindergarten)	531	494	472 ⁽¹⁾
Primary	1,496	1,530	1,527 ⁽¹⁾
Secondary	1,465	1,599	1,716
Special education	83	83	89
Others	271	277	246
Total	3,846	3,983	4,050

Source: Education and Youth Affairs Department, 2002.

(1) The number of pupils at kindergartens and primary schools is diminishing.

1139. The average monthly salary of teachers in private and public educational institutions is around MOP 10,000. Teachers benefit from free health services.

Education standards

1140. Respect for human rights and fundamental freedoms is enshrined in the Legal Framework on Education Policy. Equally relevant is that human rights, respect for cultural identity and values and the natural environment, and healthy lifestyles occupy a crucial place in the subject “*Personal and Social Development*” integrated in the school curriculum.

1141. These principles and values are recognised within the MSAR educational policy and are thus developed and strengthened at all levels of education (Legal Framework on Education System and Article 2 of Decree Law 11/91/M, of 4 February).

1142. As a result, activities that complement the curricula aim at

cultural and civic enrichment, physical and sports education, artistic education and student integration within the community and are regularly promoted.

1143. It should be mentioned that Article 49 (2) of Law 11/91 recommends educational institutions to allow teachers, parents, students and associations to be involved in the education process. The role of parents and educators in education is also recognised by Decree Law 72/93/M, of 27 December.

H. Measures to develop international contacts and cooperation

1144. In relation to education and youth affairs, the MSAR Government encourages government departments, other educational institutions and private associations to participate in international and interregional activities.

1145. As an example, the University of Macao is a member of many international higher education associations, including the International Association of Universities and the Association of Universities of Asia and the Pacific. The University organizes a number of seminars and international conferences and invites the participation of prominent international scholars. At present, the University has co-operation and partnership agreements with over 50 foreign universities/institutions.

1146. There are also various types of exchange programmes for students. In the academic year 2001/2002, the University of Macao had 91 exchange students from over 40 universities of 11 countries while it sent out 87 local students. It also organises annual Portuguese summer programmes for about 150 students from Asian countries as well as activities such as the International Week and the International Cultural Exchange Day.

Article 15

Right to cultural life and scientific progress

A. The right to take part in the cultural life

1147. In accordance to Article 37 of the Basic Law, “*Macao residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities*”. It should be noted that the freedom of speech, of the press and of publication are also guaranteed under Article 27 of the Basic Law.

1148. MSAR valuable cultural heritage is a result of 500 years of cross-cultural characteristics of eastern and western cultures. This unique cultural identity has remained intact after Reunification and efforts have been made to strengthen it, encouraging the affirmation and assertion of its respective cultural values.

1149. The MSAR Government is thus deeply committed to the promotion and protection of residents’ cultural rights, and is responsible for formulating policies on culture, including literature and art (Article 125 (1) of the Basic Law).

1150. The Cultural Institute (CI) is the governmental body entrusted with the task of contributing and reinforcing the cultural identity and diversity of the Region. It embraces the areas of cultural heritage, cultural activities, training and research (Decree Law 63/94/M, of 19 December).

1151. The areas mentioned above cover other diverse subjects, including the maintenance and revitalisation of historical, architectural and cultural heritage, research and publication of works, organisation and maintenance of libraries and archives, promotion and support of cultural and artistic activities, responsibility for teaching of music, dance and drama.

1152. There are other governmental bodies (e.g. the Tourism Department and CMAI), entities (e.g. the Macao Foundation) and private

associations engaged in promoting and diffusing cultural rights through the execution of a number of relevant activities.

1153. The MSAR Government recognises the important role of education in the preservation of cultural heritage, at present as well as in the future, especially among young persons.

1154. Decree Law 4/98/M, of 26 January establishes the principles, structures and guidelines of implementing artistic education and the enjoyment of artistic creativity within the Macao education system. Studies of culture, science and art are included in the formal kindergarten, pre-primary, primary, secondary, technical and vocational (namely visual and commercial art) education curricula and are present in many extracurricular activities.

1155. Together, EYAD and youth associations carry out several types of activities such as “Youth Singing and Composing Competition in Macao” and “Expecting a Bright New World: Youth Outdoor Painting Series”. EYAD also subsidises various culture and art projects organised by associations, which offer lessons in, among other things, violin playing, choral, *guzheng*, pottery, photography, Chinese paintings, Chinese calligraphy, ballroom dancing, martial art, Chinese lion dance, flower arrangement studies.

1156. Additionally, CMAI supports educational, cultural and arts activities by working with the associations and inviting accomplished professionals to workshops in schools. Sponsorships are granted to amateur groups including theatre, visual arts and dance groups as an encouragement for regular competitions and interactive performances, such as the theatre-sports group and the Macao Fringe.

1157. In terms of professional cultural education, the Macao Conservatory is a professional college under the coordination of CI, which provides systematic training programmes in music, dancing and drama

(Administrative Rule 184/89/M, of 31 October). CI provides scholarships to talented people who wish to develop their cultural knowledge and study in relevant areas in the Region or overseas.

1158. Furthermore, the Macao Polytechnic Institute has a School of Arts while the Institute of European Studies of Macao offers 2 specific postgraduate programmes on Cultural Tourism and Management of the Arts. The Cultural Tourism postgraduate programme was jointly launched with the Institute for Tourism Studies. This programme is considered unique in Asia as it offers for the first time a programme of study shaped to its specific characteristics and cultural resources, with the intend of reinforcing professionalism vis-à-vis cultural tourism.

1159. The Macao Cultural Centre (CCM) does not provide professional education on a regular basis but it presents around 30 educational activities every year in the performing arts and the audiovisual field ranging from small lectures, conversations with artists to workshops. These educational activities are either conducted by artists or by educators. They target children, adolescents and the elderly.

1160. The Macao Museum of Art offers teaching services and educational and promotional activities to meet the needs of those in the community who suffer from hearing and speech deficiencies, as well as other social groups.

1161. In line with the objectives of encouraging the full participation of the population in the cultural life of MSAR and of forming a consciousness regarding the protection of the cultural heritage and values including the respect of minorities' cultural rights, CI organises a wide range of activities, which include performances; concerts; exhibitions; film cycles, conferences and seminars.

1162. During the year 2002, CI carried out many events together with other entities as can be observed in the following table:

Public shows/Exhibitions

Type of event	No. of shows			No. of seats		
	1999	2000	2001	1999	2000	2001
Ballet	15	18	13	8,848	11,515	10,387
Concerts	167	210	216	121,120	105,015	88,495
Operas/variety shows	84	77	116	173,146	169,093	171,408
Chinese operas	59	51	72	22,401	19,505	28,960
Theatre	81	54	40	19,336	23,001	31,772
Contests	42	32	36 ^a	10,214	16,511	6,038 ^a
Film shows	9,525	9,920	10,233	155,410	207,191	215,744
Exhibitions ^b	111	120	125	196,646	237,286	415,758
Others	196	214	188	62,583	40,536	29,057
Total	10,280	10,696	11,039	769,704	829,653	997,619

Source: 2001 Statistics Yearbook, Statistics and Census Department.

^a The data on attendances at twenty-one contests were not available.

^b The data on entrants to 16 exhibitions, 7 exhibitions and 15 exhibitions in 1999, 2000 and 2001 respectively were not available.

1163. In addition to the great number of cultural activities for the general public, more specialised workshops were also organised, such as painting or ceramics techniques, dance, pantomime and video courses, seminars on popular culture, history and culture, paintings in Chinese ink, calligraphy, literature and the Collective Artists of Macao exhibition for promoting local art.

1164. CMAI has also a specific department for cultural activities and recreation, focusing on cultural heritage and conservation, museology, animation of historical spaces with intrinsic patrimonial value for Macao, organization of exhibitions, editions and publications, folk culture promotion and annual popular festivities, as well as the organization of

sporting and recreation activities, workshops, fairs, shows and management of infrastructures and parks.

1165. In order to accommodate and represent the different ethnic expressions of the population, a number of cultural events and festivities are held on an annual basis. Traditional Chinese festivities belonging to the Chinese calendar are held, such as: the Chinese New Year celebration, the Chong Ieong event, the innumerable folk song and Chinese Opera, the Green Week games, the Lotus flower festival, the Lunar Cake festival, the Dragon Boat Racing, the traditional Chinese martial arts, the workshops on Chinese traditional medicine, traditional games and several literature events.

1166. Local communities also promote other events, namely the Macanese Culture week, the Lusofonia Festival, Gastronomy and Folk Festivals, Theatre, and guided tours through historical places.

1167. The tourism industry has been used to promote the MSAR cultural heritage with the theme “*City of Culture*”. The idea is to promote the culture and historical identity that differentiates Macao from the rest of Asia, preserving and revitalising its cultural heritage along with tourism activities.

1168. CI promotes, organises and supports research projects, produces studies concerning Macao’s culture, grants subsidies for training in arts, holds competitions for research scholarships in the fields of history, literary studies, cultural heritage, anthropology and sociology, organises and supports seminars, conferences and lectures. It also publishes books, studies and a magazine, the Culture Review.

1169. In order to promote people’s participation in cultural activities, newspapers, some periodicals and broadcasting stations undertake cultural projects and disseminate cultural issues. A total of 11 daily newspapers in Chinese and Portuguese and seven weeklies in Chinese, Portuguese and

English, two radio stations and one free-to-air TV station carry out various cultural projects, including literary contests and musical and theatrical performances.

1170. Despite its relatively small size, MSAR has a sophisticated and well-developed media industry.

1171. The Government Information Bureau (GCS) provides assistance to Government departments and the media by disseminating information and arranging interviews.

1172. The Government has an official web site with information and updates on the Region, to which several websites of public departments and public entities are linked, in both the official languages and English (<http://www.macau.gov.mo>).

Infrastructures for the enjoyment of cultural rights

1173. The MSAR Government has expanded its cultural facilities significantly in recent years while maintaining others in order to ensure that the public in general and youth and children in particular are provided with the suitable conditions for the effective enjoyment and development of cultural rights.

1174. The first Cultural Centre was inaugurated in March 1999 representing an investment of MOP 960 million, with a construction area of 45,000 sq. m., on a 15,000 sq.m. site. It features an Auditoria building, an Art Museum and a Library of Art. The Library of Art is a multimedia Reference Library, with information on the Western and Eastern cultural art.

1175. The Auditoria building has a grand auditorium and a small auditorium with seating for 1,500 persons as well as the usual modern facilities. The Art Museum has a total area of 20,000 sq.m. of which 5,000 sq.m. are exhibition areas open to the public, housing seven exhibition halls.

1176. MCC was designed to accommodate touring troupes of Performing visual and Audiovisual Arts and their programmes range from classical to contemporary art, presenting a balanced and eclectic cultural agenda.

1177. Other institutional infrastructures such as 9 public libraries, 3 movie-theatres with a capacity of 2,727 persons, galleries, traditional arts and crafts fairs and movable structures are available to the population.

1178. MSAR has another important facility called the Historical Archives, responsible for preserving public records of historical value and for operating the public record system. The current archives facilities offer excellent conditions for safe storage of microfilms, particularly of rare works, and can be consulted via a computerised system. The Historical Archives Bulletin is a precious source of information for researchers.

1179. Another infrastructure is the Macao Maritime Museum, Library and Archive, which displays a considerable collection of material related to maritime history.

1180. The Macao Museum, with a total area of 2,800 sq.m includes an Auditorium. It is an example of the preservation of cultural heritage since it is located inside the ancient Monte Fortress, built by the Jesuits in 1626. It displays a number of items related to Macao's historical background and culture traditions.

B. Funding for cultural activities

1181. A special public fund, the Cultural Fund, was created to assist financially the promotion and the development of cultural activities and the popular participation in cultural life. This fund mainly supports cultural projects and private initiative programmes, having increased its budget significantly in recent years. In 2000, the budget of the Fund was MOP 67,669,000 while in 2001 it was MOP 72,122,000 and in 2002 MOP 83,920,000.

1182. CMAI budget for the cultural area was MOP 11,500,000 in 2001, including support for private initiatives. In fact, the CMAI supports local associations, individual artists and groups, and several traditional and contemporary artistic expression groups. Activities range from theatre to jazz, and from occupational activities of the young to sport events for all.

1183. The MCC 2001 general budget was MOP 56 million, in addition to MOP 14 million for cultural activities such as performing arts and audio-visual programmes.

1184. In addition, CI annually offers scholarships and financial or other kinds of assistance to individuals/organisations carrying out studies, research and other creative activities in the field of culture.

1185. Other institutions such as the Tourism Department, Sports Development Institute and the Macao Foundation also allocate funds to support private initiatives engaged in cultural and scientific activities. The Macao Foundation has a special significant role, as can be seen in the following table.

Subsidies granted by the Macao Foundation

Areas of intervention	Year 2001 (11/7/2001 – 31/12/2001)	Year 2002 (1/1/2002 – 30/09/2002)
Cultural area	5,241,800	4,895,700
Social area	1,480,000	3,266,025
Economic area	60,000	4,169,384
Educational area	18,216,400	24,035,900
Scientific area	388,700	1,489,000
Academic area	91,000	3,645,945
Philanthropic area	30,000	1,495,000
Promotion of Macao	2,455,000	3,235,295
Total	27,962,900	46,232,249

Source: Macao Foundation, 2002.

C. Cultural and scientific conservation and diffusion

1186. The MSAR Government attaches great importance to the protection of “scenic spots, historical sites and other historical relics as well as the lawful rights and interests of the owners of antiques”, in conformity with Article 125 (3) of the Basic Law.

1187. Ordinary law also protects the historic, cultural and architectural heritage of Macao, as is the case of Decree Law 56/84/M, of 30 June.

1188. A total number of 128 monuments, classified buildings and sites are considered to be cultural property and are specially protected sites under Decree Law 83/92/M, of 28 December.

1189. IC, through its Cultural Heritage Division, is focused its activities on the preservation of the cultural heritage of different ethnic groups and on classifying, restoring, renovating and up-grading Macao’s cultural heritage, including both buildings and artefacts.

1190. For the last two decades the value of heritage preservation has been emphasised and the MSAR Government has drawn guidelines in order to strike a sustainable balance between cultural preservation and social and economic progress.

1191. Important steps were taken, such as efficient monitoring, classification and protection of sites or those forming part of a complex in classified sites or in protected areas, restoration, maintenance of archaeological and artistic vestiges, dissemination and archaeological/cultural heritage studies.

1192. In 2001, CI trained 58 young persons as “Young Heritage Ambassadors”, with the purpose of spreading the cultural heritage and values of Macao to other countries.

D. Right to benefit from scientific progress

1193. The right to pursue scientific and technological research is enshrined in Article 37 of the Basic Law. The Legal Framework on Science and Technology Policy, Law 9/2000, of 17 July, reaffirms this right in its Article 2.

1194. Furthermore, Article 124 of the Basic Law entitles the Region to formulate, on its own, policies on science and technology as well as to protect by law achievements in scientific and technological research, patents, discoveries and inventions.

1195. The MSAR Government determines the scientific and technological standards and specifications applicable in the Region. Its policy has been targeted, in particular, at increasing and developing scientific and technological knowledge and local resources, raising productivity and competitiveness, promoting social and economic development, information technology, familiarisation with computer's networks, data protection, environmental protection, and scientific and technological research (Article 3 of Law 9/2000).

1196. Such objectives have been accomplished by adopting several measures, such as granting special incentives to establish institutions dedicated to scientific and technological research and development, provision of qualified personnel, supporting specialised training within private entities; the teaching of science and technology within schools curricula, as well as the creation of the Scientific and Technological Development Fund (Law 9/2000).

1197. The MSAR Government has been encouraging the development of high technology and high value-added business by identifying priority areas, facilitating technology transfer and development, providing specialised human resources and funding programmes.

1198. In March 2000, a new university, the Macao University of Science and Technology, was created. This private institution is specially engaged in training local human resources, scientific and technological development and research (Executive Order 20/2000, of 27 March).

1199. Under Administrative Regulation 16/2001, of 27 August, the Science and Technology Council was set up in 2001, with the purpose of advising the MSAR Government on drafting and implementing policies that would foster the scientific and technological modernisation and development of the Region.

1200. The Macao Productivity and Technology Transfer Centre supports companies to use an efficient approach, new concepts and standards of modern technology and information society as well as resources, in order to enhance the added value of its products and services, resulting in stronger productivity and competitive capacity.

1201. Science and education technology are covered in the area of sciences within the basic school curricula.

1202. EYAD is entrusted with promoting science and technological progress in schools, encouraging students and teachers to participate in extra-curricular activities, such as the “IT Week” and the annual technology fair.

1203. Moreover, starting from 2001, the MSAR Government allocated special funds in the amount of MOP 26,723,192 to schools to enhance teaching and learning in information and communication technology.

1204. EYAD also promotes scientific, literary and artistic activities, as well as the protection of intellectual property rights, by organising youth activities such as “Youth Civic Education Competition” and participation in national and international scientific exchange programmes

and contacts.

1205. EYAD has taken several measures to promote the diffusion of information on scientific progress following the MSAR Government policy of actively assisting young persons in broadening their knowledge and increasing common scientific knowledge, namely by sponsoring youth associations to install computers. Through this action, EYAD guarantees to young persons access to computers and Internet connections at the Information Technology Centres.

1206. Furthermore, the Fourth National Computing and Network Physics Teaching Conference was held in Macao from 6 to 11 November 2002, in addition to workshops and exhibitions, such as “Multiple Dimensions of the Internet Workshop Series”.

1207. Briefly, at higher education level, the University of Macao offers one course on Science and Technology while the Macao University on Science and Technology offers a course on Information Technology and a course on Chinese Medicine. Both provide postgraduate studies. The Macao Polytechnic Institute has, *inter alia*, a School of Health Sciences. There is also the Kiang Wu Nursing College.

1208. Research papers and publications are also important components in the promotion and dissemination of scientific and technological knowledge. Several governmental bodies and private institutions in the Region promote scientific and technological investigation.

1209. For example, in the academic year 2001/02 the University of Macao sponsored, a total of 74 research projects, which resulted in the publication of 60 papers in international journals and 140 presentations at international conferences. In the first half of 2002 it sponsored 32 projects and 39 participations in international conferences. The University also holds projects in cooperation with the University of Washington and

with European and Mainland institutions, having completed four “Eureka” projects.

E. Intellectual property

1210. The right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work is enshrined in Article 125 (2) of the Basic Law.

1211. Intellectual property is fully protected in the MSAR legal system. In fact, the relevant legislation was drawn up according to modern international standards as Macao is an original full member of the World Trade Organization and fully complies with the Agreement on Trade Related Aspects on Intellectual Rights (TRIPS).

1212. The legal framework on intellectual property is regulated in a number of laws. The protection of copyrights is foreseen by Decree Law 43/99/M, of 16 August, the regime for industrial property is set forth in Decree Law 97/99/M, of 13 December and the rules regarding competition and consumers’ rights are governed by Articles 156 to 173 of the MSAR Commercial Code.

1213. The effective protection of intellectual property is also enforced through administrative and criminal sanctions, as for instance Articles 215 to 218 of Decree Law 43/99/M (copyrights) and Articles 299 to 304 of Decree Law 97/99/M (industrial property).

1214. The fight against violations of property rights, in particular, piracy and counterfeit, has been strengthened in recent years. The Customs Service of the MSAR Government has recently been assigned with this task and has achieved great results.

F. Measures to develop international contacts and cooperation

1215. In February 2002, a formal proposal to the World Heritage UNESCO List was submitted, covering an urban route linking the old Chinese inner harbour to the centre of the old Christian city (12 monuments) of Macao. At present, the Macao sites are at the top of the provisional list of the Chinese sites waiting for the evaluation of UNESCO.

1216. MSAR participates in various international organizations, such as the World Tourism Organization, the International Congress & Convention Association, the Asia Pacific Economic Cooperation Working Group, the International Federation of Library Associations and Institutions (IFLA), and the International Council of Museums.

1217. Interested parties, including scientists, writers, artists and others involved in scientific research or creative activity are frequently invited by the MSAR authorities to participate in international scientific and cultural conferences, seminars, symposiums, meetings and forums.

1218. The role of associations in the field of education, science, technology, culture, media, is recognised under the Basic Law. Associations may maintain and develop relations with their counterparts in foreign countries and regions and with relevant international organisations based on the principles of no-subordination, non-interference and mutual respect (Articles 133 and 134 of the Basic Law).