



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the second periodic report of Macao, China\*

1. The Committee considered the second periodic report of Macao, China,<sup>1</sup> at its 3897th, 3899th and 3901st meetings,<sup>2</sup> held on 13, 14 and 15 July 2022, in a hybrid format owing to restrictions imposed in connection with the coronavirus disease (COVID-19) pandemic. At its 3912th meeting, held on 22 July 2022, it adopted the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report of Macao, China, and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the high-level delegation of Macao, China, on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to Macao, China, for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by Macao, China:

- (a) Law No. 2/2016 on Preventing and Combating Domestic Violence;
- (b) The amendments made in 2017 to the Criminal Code, criminalizing child pornography and expanding the scope of crimes relating to child prostitution;
- (c) The amendments made in 2020 to the Law on Labour Relations, increasing the number of days for maternity leave and introducing paternity leave;
- (d) Law No. 5/2020 on the Minimum Wage for Workers.

#### C. Principal matters of concern and recommendations

##### Implementation of the Covenant

4. The Committee reiterates its previous concern about the power vested in the Standing Committee of the National People's Congress to interpret the Basic Law of the Macao Special

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\* Adopted by the Committee at its 135th session (27 June–27 July 2022).

<sup>1</sup> [CCPR/C/CHN-MAC/2](#).

<sup>2</sup> See [CCPR/C/SR.3897](#), [CCPR/C/SR.3899](#) and [CCPR/C/SR.3901](#).

<sup>3</sup> [CCPR/C/CHN-MAC/RQ/2](#).

<sup>4</sup> [CCPR/C/CHN-MAC/Q/2](#).



Administrative Region of the People's Republic of China and the absence of mechanisms to ensure the full conformity of any such interpretation with the Covenant.<sup>5</sup> It is particularly concerned that the Standing Committee's interpretation of the Basic Law in 2011, in relation to the methods for the selection of the Chief Executive and the formation of the Legislative Assembly, subjected local political reforms to the overall authority of the Central People's Government (art. 2).

**5. Macao, China, should ensure that the Covenant prevails over local legislation, and bring its local legislation and practice into full conformity with the Covenant. It should also ensure that all interpretations of the Basic Law and other local laws, including those by the Standing Committee, and practices are in full conformity with the Covenant and with the principle of "one country, two systems".**

6. While appreciating the information provided by Macao, China, that, between 2011 and March 2022, the Court of Final Appeal invoked the Covenant in 11 cases and the Court of Second Instance in 34 cases, the Committee regrets the lack of information on the rights invoked in those cases and their outcomes. Furthermore, it is concerned that – as illustrated by several court decisions, including cases No. 94/2019, No. 81/2021 and No. 113/2021 of the Court of Final Appeal – the judiciary of Macao, China, appears to misinterpret the Covenant, particularly by applying overbroad restrictions on the rights to freedom of expression and participation in public affairs. In this respect, the Committee reiterates its previous concern that the level of awareness of the provisions of the Covenant among the judiciary, the legal profession and the general public appears to remain limited (arts. 2, 19 and 25).<sup>6</sup>

**7. Recalling its previous recommendation,<sup>7</sup> the Committee urges Macao, China, to intensify its efforts to raise awareness among judges, prosecutors, the legal profession and the general public of the rights set out in the Covenant, and their applicability under local law. In its next periodic report, Macao, China, should include detailed information on the application of the Covenant by its courts, including the rights invoked, the outcomes of the cases and the remedies provided for individuals claiming a violation of their rights as enshrined in the Covenant.**

#### **National human rights institution**

8. While noting the delegation's statement that Macao, China, had no plans to establish a national human rights institution because that role was fulfilled by the Commission against Corruption, the Committee nevertheless remains concerned about the lack of a broad human rights mandate within the Commission and the lack of measures taken to strengthen its independence, including with regard to the fact that the Commissioner is appointed by the Chief Executive. The Committee notes from the information provided on the number of complaints received by the Commission that only one of the complaints concerned a violation of fundamental human rights, while most complaints were of an administrative nature. The Committee is also concerned about the lack of information on how each of the existing institutions, including the Commission for Women and Child Affairs, the Commission for Disciplinary Control of the Security Forces and Services and the Office for Personal Data Protection, raises awareness about its mandate and activities among public officials and the general public. The Committee also regrets the lack of any response about the human rights interdepartmental working group, established in 2016 to follow up on the implementation of international human rights treaties and the treaty bodies' recommendations (art. 2).<sup>8</sup>

**9. Recalling its previous recommendations,<sup>9</sup> the Committee urges Macao, China, to establish an independent national human rights institution with a comprehensive mandate and appropriate powers in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Macao, China, should also take concrete measures to strengthen the**

<sup>5</sup> CCPR/C/CHN-MAC/CO/1, para. 6.

<sup>6</sup> Ibid., para. 5.

<sup>7</sup> Ibid.

<sup>8</sup> CCPR/C/CHN-MAC/2, para. 56.

<sup>9</sup> CCPR/C/CHN-MAC/CO/1, para. 8.

**independence and effectiveness of the existing institutions and to further expand their mandates.**

#### **Non-discrimination**

10. The Committee is concerned that the existing anti-discrimination laws do not provide protection against all forms of discrimination based on all the prohibited grounds of discrimination under the Covenant, and regrets the explicit intention of Macao, China, not to adopt comprehensive anti-discrimination legislation. In particular, it notes with concern reports of stigmatization of and discriminatory attitudes towards multiple groups, including migrant workers and lesbian, gay, bisexual and transgender persons (art. 2, 3, 25 and 26).

11. **Macao, China, should:**

(a) **Reconsider its position and take concrete steps to adopt comprehensive anti-discrimination legislation that prohibits all forms of direct, indirect and multiple discrimination, based on all prohibited grounds of discrimination, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation, gender identity, and other status, in all public and private spheres, in accordance with the Covenant, and that provides for effective remedies in cases of violations;**

(b) **Develop and conduct awareness-raising campaigns and activities to address stigmatizations of and discriminatory attitudes towards minority and vulnerable groups, particularly migrant workers and lesbian, gay, bisexual and transgender persons, promote sensitivity and respect for diversity and eradicate prejudices against members of such groups among the general public.**

#### **Discrimination against lesbian, gay, bisexual and transgender persons**

12. The Committee regrets that, despite the establishment in 2017 of a working group on gender identity recognition, Macao, China, still does not allow transgender persons to change the gender marker on their birth records and identity documents, reportedly for lack of social consensus. It is further concerned that Law No. 2/2016 on Preventing and Combating Domestic Violence does not apply to same-sex intimate partners, thereby limiting their protection against domestic violence (art. 2, 3 and 26).

13. **Macao, China, should put in place a simple, transparent and accessible procedure for the legal gender recognition of transgender persons. It should also refrain from any discriminatory treatment on the basis of sexual orientation and gender identity and afford equal protection to all, in law and in practice, including against domestic violence.**

#### **Gender equality**

14. While acknowledging the increased representation of women in the public administration, the Committee is concerned about persisting gender inequality, including in the Legislative Assembly and other areas of public life, and stereotypical attitudes about roles of men and women in the public and private spheres (arts. 2, 3, 25 and 26).

15. **Macao, China, should intensify its efforts to raise public awareness with a view to combating gender stereotypes in the family and society and to achieve the full and equal participation of women in political and public life, including in executive and legislative bodies at the national, regional and local levels, particularly in decision-making positions, and in the private sphere.**

#### **Violence against women**

16. While appreciating the efforts made by Macao, China, to combat violence against women, such as the adoption of Law No. 2/2016 on Preventing and Combating Domestic Violence, the Committee nevertheless remains concerned by reports that the vague definition of domestic violence in the Law often leads to the reclassification of cases of domestic violence as offences of a less serious nature, such as simple assault under the Criminal Code, which denies victims the protection and services afforded under the domestic violence

legislation. It also regrets that, even after the criminalization of sexual harassment in 2017, cases of workplace harassment continue to be underreported (arts. 2, 3, 7 and 26).

**17. Macao, China, should step up its efforts to combat violence against women, including domestic violence, by, inter alia:**

(a) **Considering legislative amendments to further clarify the definition of domestic violence, refraining from reclassifying cases of domestic violence under legal provisions that provide for lesser penalties, such as simple assault, and providing law enforcement officers, members of the judiciary, prosecutors and other relevant stakeholders with training on how to detect, investigate and handle those cases in a gender-sensitive manner and under the most pertinent legal provisions;**

(b) **Promptly, effectively and thoroughly investigating all cases of violence against women, including domestic violence, and prosecuting perpetrators and, if they are convicted, imposing commensurate penalties on them;**

(c) **Ensuring that victims have adequate access to effective remedies and means of protection, including shelters and medical, psychosocial, legal and rehabilitative support services;**

(d) **Encouraging the reporting of cases of violence against women, especially domestic violence and sexual harassment, including by informing women of their rights and available protection, assistance and redress and addressing the social stigmatization of victims.**

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

18. While noting that the Commission for Disciplinary Control of the Security Forces and Services conducts monitoring activities in places of detention and that detainees can bring their complaints to prison authorities, the Committee is concerned by the information provided by the delegation that there were no complaints of torture or ill-treatment of prisoners between 2011 and 2021. In this respect, it regrets the lack of sufficiently independent monitoring and complaints mechanisms with a broad mandate to receive and investigate allegations of torture and ill-treatment. While also noting the information provided by the delegation that prisoners with psychosocial disabilities were provided with counselling and support services and that judges and prosecutors conducted monthly prison inspections, it remains concerned about the lack of specific information regarding periodic judicial review and independent monitoring for these individuals (art. 7).

**19. Macao, China, should take the steps necessary to establish an effective and independent complaints mechanism to receive, handle and investigate allegations of torture and ill-treatment, lodged without fear of reprisals, in all places of deprivation of liberty, including psychiatric institutions. It should also ensure that persons with psychosocial disabilities who are deprived of their liberty are afforded appropriate legal and procedural safeguards, such as periodic judicial review and access to effective remedies.**

20. The Committee reiterates its previous concern that Macao, China, has not adopted specific regulations concerning the transfer of offenders from Macao, China, to mainland China in order to protect them against the risk of the death penalty or ill-treatment.<sup>10</sup> It is further concerned that, in 2015, the police of Macao, China, handed over a former Chinese official accused of corruption, who had a resident permit for Macao, China, to the authorities in mainland China, where the offence of corruption is punishable by life imprisonment or the death penalty. It notes with concern that, despite the court rulings prohibiting the surrender of offenders to mainland China, the Government of Macao, China, can still expel offenders, as expulsions are subject to different conditions and objectives (arts. 6 and 7).

<sup>10</sup> Ibid., para. 11.

21. **Recalling its previous recommendations,<sup>11</sup> the Committee urges Macao, China, to reach an agreement with the Government of mainland China on the surrender of offenders from Macao, China, to mainland China. Macao, China, should also ensure that its legal framework governing the surrender of fugitive offenders and the extradition, transfer or removal of individuals, including to mainland China, provides sufficient legal and procedural safeguards against their exposure to treatment contrary to articles 6 and 7 of the Covenant.**

#### **Treatment of aliens, including refugees and asylum-seekers**

22. While noting the information on the provision of housing, a monthly allowance and social assistance to asylum-seekers while their applications are under review, the Committee is seriously concerned by the significant delay in processing asylum applications, particularly the two applications pending since 2011 and 2012. It regrets that, to date, no one has been granted refugee status in Macao, China (arts. 7, 9, 13 and 24).

23. **Macao, China, should, as a matter of priority, expedite the processing of pending asylum applications and ensure that asylum-seekers have access to adequate standards of education, health, social and legal aid services. It should increase its efforts to guarantee access to its jurisdiction and to asylum procedures for persons in need of international protection and provide for adequate safeguards against arbitrary detention, deportation and refoulement.**

#### **Migrant workers**

24. The Committee is concerned by reports that, despite the adoption of the Law No. 16/2020 on Employment Agency Activities, recruitment agencies continue to charge migrant domestic workers excessive agency fees. It further notes with concern that the Law No. 5/2020 on the Minimum Wage for Workers does not apply to non-resident domestic workers, thereby limiting their protection against unduly low pay. In this respect, it regrets the lack of specific information on the protection of migrant domestic workers, including in relation to their wages, and on any awareness-raising activities carried out among migrant workers and their employers about the prohibition of abuse and labour exploitation, and the lack of updated statistics on the number of complaints filed by migrant workers employed without contracts and on labour disputes (arts. 7, 9, 13 and 26).

25. **Macao, China, should enhance the protection of migrant workers, especially migrant domestic workers, provide effective complaints mechanisms for reporting abuse and exploitation, including in relation to the excessive agency fees, and raise awareness about such mechanisms among migrant workers. It should also ensure that all cases of exploitation and abuse are thoroughly investigated, that perpetrators are prosecuted and, if found guilty, punished with appropriate sanctions, and that victims have access to effective remedies.**

#### **Elimination of trafficking in persons**

26. While noting various services provided to victims of trafficking in persons and awareness-raising activities carried out, the Committee remains concerned by the very low number of prosecutions and convictions. In this respect, it is concerned about reports that officials often consider a victim's initial consent or "voluntary association" with a trafficker as sufficient proof that a crime of trafficking has not occurred and that most cases of trafficking are converted, during court proceedings, to offences of procurement, illegal lodging or assisting illegal immigration, owing to the lack of evidence (arts. 7, 8, and 24).

27. **Bearing in mind the Committee's previous recommendations,<sup>12</sup> Macao, China, should step up its efforts to:**

(a) **Ensure that the legal framework prohibiting trafficking in persons, including Law No. 6/2008 on Fight against the Crime of Trafficking in Persons, and its**

<sup>11</sup> Ibid., para. 11.

<sup>12</sup> Ibid., para. 13.

application, particularly with regard to the scope of victims, are in compliance with the Covenant and other international standards, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(b) **Ensure that all cases of trafficking in persons are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate penalties and that victims are provided with full reparation;**

(c) **Strengthen relevant training programmes, including on standards and procedures for the identification and referral of victims of trafficking in persons, of judges, prosecutors, law enforcement officers and immigration agents;**

(d) **Provide victims of trafficking in persons with protection and assistance, including access to shelters and to adequate legal, medical and psychological services, and ensure that legal alternatives, such as residence permits on humanitarian grounds, are, in law and in practice, available to victims that may face hardship and retribution upon removal.**

#### **Access to justice**

28. The Committee appreciates the information on the efforts made to reduce the backlog of court cases, including increasing the number of judges and simplifying procedures for court proceedings. While noting the information on the interpretation and translation services available at courts, it regrets the information provided by Macao, China,<sup>13</sup> that a large number of deliberations at second instance are conducted in Portuguese, while the majority of the population is Chinese-speaking (art. 14).

29. **In the light of the Committee's previous recommendations,<sup>14</sup> Macao, China, should continue its efforts to reduce the backlog of court cases and ensure true bilingualism in the administration of justice.**

#### **Independence of the judiciary and fair trial**

30. While noting the information provided by Macao, China, that article 19-A of Law No. 4/2019 did not have the effect of creating a special court for certain types of offence, the Committee is concerned that, under that Law, the Council of the Judicial Magistrates preselects judges who meet certain criteria to hear cases involving national security offences, stipulated in Law No. 2/2009 on Defending National Security. It is particularly concerned about reports of a lack of transparency in the selection criteria and the procedures for preselecting judges, which undermines the independence of judiciary and interferes with the rights of defendants to have access to justice and to a fair trial. In this respect, it is further concerned that Law No. 2/2009 on Defending National Security, fails to provide a definition of the "preparatory acts" referred to in the articles of the Law addressing treason, secession and subversion, which may lead to arbitrary interpretation of those provisions (arts. 2 and 14).

31. **Macao, China, should safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors and prevent judges from being influenced in their decision-making by any form of political pressure, in accordance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors. It should, in particular, amend or repeal article 19-A of Law No. 4/2019, with a view to removing any undue influence on judges in their hearing of cases involving national security offences and ensuring that all defendants, particularly those charged with national security offences under Law No. 2/2009 on Defending National Security, are in practice afforded all fair trial guarantees, including equality of arms and presumption of innocence, in accordance with article 14 of the Covenant and the Committee's general comment No. 32 (2007).**

<sup>13</sup> CCPR/C/CHN-MAC/2, para. 210.

<sup>14</sup> CCPR/C/CHN-MAC/CO/1, para. 14.

### Right to privacy

32. While acknowledging that Law No. 2/2012 on the Legal Regime for Video Surveillance in Public Spaces provides for certain safeguards against video surveillance practices, the Committee is concerned by reports that mass surveillance activities conducted by the police are not effectively and independently monitored. While also noting the position of Macao, China, that facial recognition technology is unrelated to “Sky Eye”, the public closed-circuit television system, it nevertheless remains concerned by reports that law enforcement officials do use these two systems together and that there are no legal safeguards against any abuse in this respect or sufficiently independent monitoring mechanisms. While noting the delegation’s statement that the draft legislation on wiretapping would enhance the effective oversight of surveillance activities, it regrets the lack of specific information on the compliance of that draft legislation with the Covenant, including with regard to the notification requirement and legal remedies for affected persons (art. 17).

**33. Macao, China, should ensure that its regulations governing data retention and access, surveillance, including mass surveillance through the public closed-circuit television system, and interception activities, including the draft legislation on wiretapping, are in conformity with the Covenant, in particular article 17 thereof, and ensure strict adherence to the principles of legality, proportionality and necessity. It should establish independent oversight mechanisms for the surveillance and interception activities to prevent abuse and ensure that any interference with the right to privacy requires prior authorization from a court, that all reports of abuse are thoroughly investigated, that such investigations, where warranted, lead to appropriate sanctions, and that victims have access to effective remedies.**

### Freedom of expression

34. The Committee is concerned about the deterioration of freedom of expression and media freedom in Macao, China, in recent years. It notes with concern persisting reports of harassment and threats against journalists, particularly around politically sensitive events, the continued entry bans against foreign journalists for allegedly posing a threat to national security and the requirement for public broadcasting journalists to “promote patriotism” and “not disseminate information or opinions contrary to the policies of China or the Macao Special Administrative Region”. It also regrets that, in 2014, two university professors, Bill Chou Kwok-ping and Eric Sautedé, were dismissed for allegedly voicing their dissenting political opinions. It is further concerned about reports of the suppression of the public display of political messages, as the authorities apply overbroad definitions of “assembly” and “protest” so that any action involving the expression of opinion in public is deemed to constitute an assembly requiring prior authorization, without which sanctions apply. It is also concerned about the lack of justification for banning a mock referendum in 2014 for allegedly “impeding the legal rights of other residents”,<sup>15</sup> while, in case No. 100/2014, the Court of Final Appeal found a mock referendum to be merely an opinion poll. Furthermore, it regrets the absence of information on any protection measures for whistle-blowers (arts. 19 and 21).

**35. Recalling its previous recommendation,<sup>16</sup> the Committee urges Macao, China:**

(a) **To ensure that any restrictions on the right to freedom of opinion, particularly on national security grounds, comply with the strict requirements of article 19 of the Covenant and the Committee’s general comment No. 34 (2011);**

(b) **To review all restrictions imposed on press and media activities, including entry bans against foreign journalists and undue restrictions imposed on the editorial independence of journalists and broadcasters, so as to ensure that they are strictly in accordance with the provisions of article 19 (3) of the Covenant;**

(c) **To refrain from taking any measures against journalists, human rights defenders, critics of the Government and academics that are aimed at deterring or discouraging them from exercising their right to freedom of expression, guarantee their**

<sup>15</sup> CCPR/C/CHN-MAC/RQ/2, para. 57.

<sup>16</sup> Ibid., para. 15.

**effective protection against any kind of threat, pressure, intimidation or attack, and ensure that such acts are promptly, independently and effectively investigated and that those responsible are brought to justice;**

**(d) To ensure that the legal framework provides adequate protection to whistle-blowers.**

#### **Defamation**

36. The Committee regrets that Macao, China, continues to criminalize defamation and insults to the national flag, emblem and anthem, and has no intention of decriminalizing such acts or at least repealing the sanction of imprisonment. It is further concerned by reports that the lack of clarity as to the definition of “insult” leads to undue restrictions on free speech, that the penalty for insults is disproportionate to that applied in mainland China, and that police officers in Macao, China, often threaten those exercising their right to freedom of expression with criminal consequences (art. 19).

**37. Macao, China, should consider decriminalizing defamation and insults to the national flag, emblem and anthem, and, in any case, resorting to criminal law only in the most serious cases, bearing in mind that imprisonment is never an appropriate penalty for defamation, as set out in the Committee’s general comment No. 34 (2011). It should also refrain from using these criminal provisions to suppress the expression of opinions, particularly critical and dissenting opinions.**

#### **Right of peaceful assembly**

38. The Committee is concerned about increased reports of undue restrictions on the exercise of freedom of peaceful assembly in recent years, including in the context of the COVID-19 pandemic. It is concerned by reports that several peaceful assemblies, including a protest against police brutality in Hong Kong, China, in August 2019, were banned for promoting “purposes contrary to the law” under article 2 of Law No. 2/93/M on the Rights of Assembly and Demonstration, while there is no statutory definition of this phrase or relevant internal guidelines within the Public Security Police Force, facilitating its arbitrary interpretation. It further notes with concern the authorities’ application of criminal provisions, such as articles 298 (incitement to promote a violent change of the political, economic and social system) and 300 (incitement to civil collective disobedience) of the Criminal Code, in banning peaceful assemblies, including the ban on events in June 2021 to commemorate the Tiananmen Square protests. Despite the delegation’s statement that residents, including migrants, enjoy freedom of assembly, the Committee remains concerned by reports that members of the Public Security Police Force denied permission to non-resident migrant workers to hold assemblies because of their residency status. As regards the use of recording devices by the police during demonstrations, the Committee is concerned about insufficient safeguards against the abuse or misuse of such recordings made during demonstrations and the lack of effective procedure to challenge the Government’s use or retention of them (arts. 6, 7, 19 and 21).

**39. In accordance with article 21 of the Covenant and in the light of the Committee’s general comment No. 37 (2020), Macao, China, should:**

**(a) Bring all laws and practices governing peaceful assembly into full compliance with the Covenant and ensure that any restrictions, including those imposed under Law No. 2/93/M, the Criminal Code and public health-related regulations, comply with the strict requirements contained in the Covenant;**

**(b) Review article 2 of Law No. 2/93/M and clarify the definition of the phrase “purposes contrary to the law” with a view to preventing any arbitrary interpretation that can unduly restrict the right to freedom of assembly;**

**(c) Ensure that the right to freedom of assembly is guaranteed for all persons within its jurisdiction, regardless of their nationality or residency status;**

**(d) Develop and implement clear and publicly available guidelines to ensure that the use of recording devices by law enforcement officials during assemblies,**



**including body-worn cameras, are consistent with international standards on privacy and do not have a chilling effect on participation in assemblies.**

#### **Freedom of association**

40. While noting that article 27 of the Basic Law guarantees the right and freedom to form and join trade unions and to strike, the Committee is concerned about the absence of a specific law protecting these rights. While also noting the ongoing consultation process to enact such a law, it is concerned about reports that the current draft excludes a reference to the right to strike and appears to excessively regulate the exercise of the right to freedom of association, including by monitoring, for national security purposes, unions that join international labour alliances or participate in international events (art. 22).

**41. Macao, China, should take the measures necessary to guarantee, in law and in practice, the meaningful exercise of the right to freedom of association, including the right to strike, in full compliance with article 22 of the Covenant. It should refrain from taking any action that is likely to curb the exercise of the right to freedom of association and ensure a safe and favourable environment for the activities of civil society organizations, including trade unions and student unions, without fear of reprisals.**

#### **Participation in public affairs**

42. While recognizing the reservation to article 25 (b) of the Covenant, the Committee reiterates its previous concern that Macao, China, has not expressed an intention to institute universal suffrage to ensure the right of all persons to vote at genuine elections and to stand for election without unreasonable limitations, and that Macao, China, intends to maintain its reservation to article 25 (b).<sup>17</sup> Furthermore, the Committee expresses its serious concern that, in July 2021, the Electoral Affairs Committee disqualified 21 candidates from the Legislative Assembly election on grounds of being “not loyal to the Macao Special Administrative Region” and of “not upholding the Basic Law”, under Law No. 3/2001 on the Electoral Law for the Legislative Assembly, as amended. It is particularly concerned that the authorities used overbroad and vague criteria in order to justify their disqualification for participating in activities such as events to commemorate the Nobel Peace Prize laureate Liu Xiaobo and the Tiananmen Square protests and a mock referendum on the political system of Macao, China. It further regrets information indicating that, in disqualifying these candidates, the Electoral Affairs Committee used surveillance records of them, which had been compiled by the police without their knowledge. The Committee also notes with concern the suspension from office in 2017 of Sulu Sou Ka Hou, a member of the Legislative Assembly, for participating in an assembly (art. 25).

**43. Bearing in mind the Committee’s previous recommendations,<sup>18</sup> Macao, China, should:**

(a) **Introduce universal and equal suffrage in conformity with the Covenant, as a matter of priority; outline a clear and comprehensive plan of action and set timelines for the transition to an electoral system based on universal and equal suffrage that will ensure enjoyment by all its citizens of the right to vote and to stand for election in compliance with article 25 of the Covenant, taking account of the Committee’s general comment No. 25 (1996); and consider withdrawing the reservation to article 25 (b) of the Covenant;**

(b) **Review and revise candidate eligibility criteria for the Legislative Assembly, and the criteria for and process of disqualification of candidates under Law No. 3/2001 on the Electoral Law for the Legislative Assembly, as amended, with a view to bringing the law into line with the Covenant. It should refrain from using this law to suppress the expression of critical and dissenting political opinions.**

<sup>17</sup> Ibid., para. 7.

<sup>18</sup> Ibid.

**D. Dissemination and follow-up**

44. Macao, China, should widely disseminate the Covenant, its second periodic report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in Macao, China, and the general public. Macao, China, should ensure that the periodic report and the present concluding observations are translated into its official languages.

45. In accordance with rule 75 (1) of the Committee's rules of procedure, Macao, China, is requested to provide, by 28 July 2025, information on the implementation of the recommendations made by the Committee in paragraphs 25 (migrant workers), 33 (right to privacy) and 39 (right of peaceful assembly) above.

46. The Committee requests Macao, China, to submit its next periodic report by 27 July 2028 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests Macao, China, in preparing the report, to broadly consult civil society and non-governmental organizations operating there. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

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