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CONVENTION ON THE
RIGHTS OF PERSONS
WITH DISABILITIES

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M A C A O
L A W J O U R N A L

S P E C I A L I S S U E

CONVENTION ON THE
RIGHTS OF PERSONS
WITH DISABILITIES

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EU-MACAO CO-OPERATION PROGRAMME IN THE LEGAL FIELD



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PREFACE

Following the publication of several international legal instruments relating to human rights applicable in the Macao Special Administrative Region (Macao SAR), the Macao Government Law Reform and International Law Bureau, in compliance with the Government's policies on the dissemination of information on legislation, publishes the ninth volume of the special issue of the Macau Law Journal dedicated to the *Convention on the Rights of Persons with Disabilities*.

The purpose of this publication concerns the need to inform the community about the policies of the Government to implement and execute the international obligations under the said Convention in the Macao SAR, and to provide information on the process of monitoring the implementation of the Convention by its Committee of Experts of the United Nations.

Thus we believe to be able to contribute to raising people's awareness and accountability for upholding human rights in the Macao SAR, and to provide the law practitioners in Macao with a prospective and enlarged vision in the field of human rights, equipping them with a vast amount of material thought to be useful for the practical exercise of such rights.

The Executive Director

Chu Lam Lam

PART I

THE CRPD AND ITS APPLICATION TO MACAO

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

PREAMBLE

The States Parties to the present Convention,

(a) **Recalling** the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) **Recognizing** that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) **Reaffirming** the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) **Recalling** the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) **Recognizing** that disability is an evolving concept and that disability results from the interaction between persons with impairments

and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,

(f) **Recognizing** the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(g) **Emphasizing** the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(h) **Recognizing also** that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) **Recognizing further** the diversity of persons with disabilities,

(j) **Recognizing** the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,

(k) **Concerned** that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

(l) **Recognizing** the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

(m) **Recognizing** the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of

full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

(n) **Recognizing** the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(o) **Considering** that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

(p) **Concerned** about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

(q) **Recognizing** that women and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

(r) **Recognizing** that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,

(s) **Emphasizing** the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

(t) **Highlighting** the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,

(u) **Bearing in mind** that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the

United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

(v) **Recognizing** the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

(w) **Realizing** that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(x) **Convinced** that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

(y) **Convinced** that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

Article 1

Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental

freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2

Definitions

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with

disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including

new technologies, as well as other forms of assistance, support services and facilities;

- (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

Article 5

Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7

Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8

Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

- (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- (c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

- (a) Initiating and maintaining effective public awareness campaigns designed:

- (i) To nurture receptiveness to the rights of persons with disabilities;
 - (ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
 - (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
- (b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- (c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- (d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

- (b) Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures to:
- (a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
 - (b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
 - (c) Provide training for stakeholders on accessibility issues facing persons with disabilities;
 - (d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
 - (e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
 - (f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
 - (g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
 - (h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 10
Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11
Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 12
Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal

capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13

Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14

Liberty and security of the person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

- (a) Enjoy the right to liberty and security of person;

- (b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.
2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 16

Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18

Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

- (a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
- (b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
- (c) Are free to leave any country, including their own;
- (d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 19

Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal

basis with others and are not obliged to live in a particular living arrangement;

- (b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- (c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- (a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- (b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- (c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- (d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- (e) Recognizing and promoting the use of sign languages.

Article 22

Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference

with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23

Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

- (a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
- (b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
- (c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24

Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

- (c) Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, States Parties shall ensure that:
- (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
 - (b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
 - (c) Reasonable accommodation of the individual's requirements is provided;
 - (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
 - (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
- (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
 - (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most

appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25

Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- (a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

- (b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- (c) Provide these health services as close as possible to people's own communities, including in rural areas;
- (d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- (e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- (f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- (a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
- (b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27

Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

- (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- (c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- (e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- (g) Employ persons with disabilities in the public sector;
- (h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28

Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

- (a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
- (b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
- (c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
- (d) To ensure access by persons with disabilities to public housing programmes;

- (e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29

Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- (a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
- (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
 - (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice.
- (b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

- (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
- (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30

Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- (a) Enjoy access to cultural materials in accessible formats;
- (b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
- (c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

- (a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
- (b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
- (c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
- (d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
- (e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31

Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and

implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

- (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
- (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32

International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

- (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- (c) Facilitating cooperation in research and access to scientific and technical knowledge;
- (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

Article 33

National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34

Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain

the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 35

Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 36

Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.

2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- (a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39

Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 40

Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

Article 41

Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42

Signature

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

Article 43**Consent to be bound**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

Article 44**Regional integration organizations**

1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.

3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 45

Entry into force

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 46

Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.

Article 47

Amendments

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by

the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Article 48

Denunciation

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 49

Accessible format

The text of the present Convention shall be made available in accessible formats.

Article 50

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Notice of the Chief Executive n.º 2/2009

Considering that the People's Republic of China deposited the instrument of ratification of the Convention on the Rights of Persons with Disabilities (hereinafter referred to as "the Convention"), which was adopted in New York on 13 December 2006, with the Secretary-General of the United Nations on 1 August 2008;

Also seeing that the People's Republic of China notified that the Convention applies to the Macao Special Administrative Region in the form of a note on the same day as the deposit of the aforementioned instrument of ratification;

And in view of the provision of paragraph 2 of Article 45 of the Convention, the Convention entered into force for the People's Republic of China, including the Macao Special Administrative Region, internationally on 31 August 2008;

Pursuant to the provision of paragraph 1 of Article 6 of Law no. 3/1999 of the Macao Special Administrative Region, the Chief Executive ordered the publication of:

-- The applicable parts of the notification regarding the application of the Convention to the Macao Special Administrative Region submitted to the depositary by the People's Republic of China in Chinese and English and their corresponding Portuguese translation;

-- The authentic Chinese text of the Convention and the Portuguese translation of the Convention with each authentic text of the Convention as the basis.

Issued on 25 February 2009.

Chief Executive *Ho Hau Wah*

Notification

(Document Ref. CMS (2008) 148, of 31 July 2008;

Ref.: C.N.579.2008.TREATIES-32 (Depositary Notification))

«(...)

Upon the instruction of the Government, I have the honor to transmit to you the Instrument of Ratification by the People's Republic of China of the Convention on the Rights of Persons with Disabilities adopted by the 61st Session of the United Nations General Assembly on 13 December 2006 and to state on behalf of the Government of the People's Republic of China as follows:

In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

(...)»

PART II

REPORTS, WRITTEN QUESTIONS & ANSWERS

ADDENDUM
TO PART THREE OF THE CORE DOCUMENT OF THE
PEOPLE’S REPUBLIC OF CHINA
MACAO SPECIAL ADMINISTRATIVE REGION OF THE
PEOPLE’S REPUBLIC OF CHINA

INTRODUCTION

1. The present document is an update in the form of an addendum to Part III of the Core Document of the People’s Republic of China (HRI/CORE/1/Add.21/Rev.2.), submitted by China in relation to its Macao Special Administrative Region (MSAR) on 30 December 2000. It covers the period until December 2009. However, as censuses are taken every 10 years and by-censuses every 5 years (the most recent census and by-census took place in 2001 and 2006, respectively) and the annual statistics from 2009 are not yet fully available, some of the data herein provided refers to existing estimates.

I. GENERAL INFORMATION ABOUT THE MSAR

**A. GEOGRAPHICAL, DEMOGRAPHIC, SOCIAL,
ECONOMIC AND CULTURAL CHARACTERISTICS**

1. Geographical indicators

2. The MSAR, part of the territory of China, lies on the South-eastern coast of China, in the Pearl River Delta. It consists of the Macao Peninsula and the islands of Taipa and Coloane. Due to land reclamation along its coastline, the MSAR’s total surface area has grown from around 23.8 km² in 2000 to 29.5 km² in the end of 2009.

2. Demographic indicators

a. General information

3. The MSAR's estimated resident population as at 31 December 2009 was 542,200. The By-census 2006 (in which the indicated total was 502,113), in comparison with the Census 2001, showed the acceleration in population growth, with an average annual growth of 2.9%. More recent estimations indicate that the annual growth of the population was 4.6% in 2005, 5.8% in 2006, 4.7% in 2007, 2% in 2008 and -1.3% in 2009.

4. In fact, the rates of natural increase for 2005, 2006, 2007, 2008 and 2009 were 4.3‰, 5‰, 5.7‰, 5.4‰ and 5.7‰, respectively. However, data on migratory flow (including immigrants from mainland of China, persons authorized to reside, non-resident workers and emigrants), the other factor determining population growth, indicated a net migration of -10,100 in 2009, on account of a significant outflow of non-resident workers.

5. At the end of 2009, the estimated population density was 18,400 per km².

b. Place of birth, ethnicity and usual language

6. With respect to the place of birth, results of the By-census 2006 showed that 47% of the resident population were born in mainland of China, 42.5% in Macao, 3.7% in Hong Kong, 2% in the Philippines and 0.3% in Portugal. Compared with the Census 2001, the proportion of residents born in Macao declined whereas the proportion of those born in other places increased.

7. As to population distribution by ethnicity and spoken language, still according to the By-census 2006, the majority (94.3%) of the population was of only Chinese ethnicity, which decreased by 1.4 percentage points over 2001. Those of Portuguese ethnicity accounted for 1.6%, which fell by 0.2 percentage point over the same period of time.

Among the resident population aged 3 and above, 85.7% spoke mostly Cantonese at home, 3.2% spoke Mandarin, 6.7% spoke other Chinese dialects, 1.5% spoke English, 0.6% spoke Portuguese and 2.3% spoke other languages.

c. Gender and age structure of the population and dependency ratios

8. As regards the gender structure, according to the results of the By-census 2006, 48.8% of the resident population were male and 51.2% were female. The higher ratio of the female population was considered to be due to the fact that the majority of legal immigrants and persons authorized to reside were female. The last population estimates indicate that, among the resident population in 2009, 48.2% were male and 51.8% were female.

9. In terms of age structure, the By-census 2006 showed a decline in fertility rate that brought the proportion of the youth population (aged 0-14) down significantly by nearly 20%, from 20.6% in 2001 to 15.2% in 2006. As to the elderly population (aged 65 and over), although an increment was recorded at the time, the rate of increase was lower than that of the population growth; as a result, the proportion of the elderly population dropped slightly, from 7.3% in 2001 to 7% in 2006. The By-census 2006 also showed that the influx of immigrants and expatriates contributed to an increment in the number of the adult population (aged 15-64), thus reducing the proportion of elderly population and the elderly dependency ratio to 9.1%. At the time, the child dependency ratio, the overall dependency ratio and the ageing ratio were 19.6%, 28.6%, and 46.3%, respectively.

10. According to subsequent population estimates, the proportion of youth population was 13.5% in 2007, 12.8% in 2008, and 12.7% in 2009. In those same years, the adult population accounted for 79.5%, 80.0% and 79.5% of the total, respectively, and the elderly population took up 7.1%, 7.2% and 7.7%, respectively.

11. The youth dependency ratio was 17% in 2007, 16.1% in 2008 and 16% in 2009. The elderly dependency ratio was 8.9% in 2007, 9% in 2008 and 9.7% in 2009. The overall dependency ratio was 25.9 % in 2007, 25.1 % in 2008 and 25.7 % in 2009. The ageing ratio was 52.4% in 2007, 56.2% in 2008 and 60.3% in 2009.

d. Disability

12. Information on the MSAR's population with disabilities was collected for the first time for the Census 2001. It was sought again for the By-census 2006. However, different methods and criteria were used in these two operations. In the Census 2001, a "self reporting" method was used. The respondents were asked to identify whether any of their household member(s) suffered from physical, mental and/or emotional conditions. In the By-census 2006, the method to collect information was revised and the criteria used were: (i) as a result of one's physical, mental or emotional condition that even with the help of auxiliary equipment, one still requires assistance from others in order to move around, communicate with others, take care of oneself and perform other daily activities; (ii) the type of impairment affecting the individual had been lasting continuously for not less than 6 months. Thus, the term "person with a disability" should be here understood in this latter sense.

13. According to the By-census 2006, the number of persons with a disability totalled 8,298, corresponding to 1.7% of the total resident population. Among them, 42.8% were male and 57.2% were female.

14. Analysed by age group, persons with a disability accounted for 0.4% of the resident population aged 0-14 and 0.8% of those aged 15-64, while for the elderly population aged 65 and above, the respective proportion reached 13.4%.

15. Analysed by type of disability, 38.1% had chronic illnesses, 23.3% had physical impairment (limbs or trunk), 12.3% had visual impairment, 11.9% had hearing impairment and 10.1% suffered from mental debility,

8.8% suffered from psychiatric conditions, 7.8% had speech difficulties, 4.4% suffered from complete deafness, 2.9% had blindness, 2.4% had had speech impairment, 1.7% suffered from Autism, 20.6% had other disabilities and the remaining was unknown (individuals with more than one type of disability were counted repeatedly). Congenital disability accounted for 7.8% of the total population with a disability. Furthermore, 65.8% of them had one type of disability, 23.2% had two and 9.4% had three or more types of disabilities (the remaining was unknown).

16. The majority of the persons with a disability (85%) lived in domestic living quarters; among them, 13.7% lived alone. Meanwhile, 15% lived in collective living quarters such as institutions. Results also showed that 69.7% of those with a disability had used or were using services for persons with disabilities, such as health rehabilitation services, special education services, financial/in-kind assistance, *etc.* that were provided by the Government or social service organizations.

e. Birth and mortality rates

17. The crude birth rate was of 7.8‰ in 2005, 8.1‰ in 2006, 8.6‰ in 2007, 8.5‰ in 2008 and 8.8‰ in 2009.

18. The crude mortality rate was 3.4‰ in 2005, 3.1‰ in 2006, 2.9‰ in 2007, 3.2‰ in 2008 and 3.1‰ in 2009.

f. Life expectancy

19. The average life expectancy at birth was 81.5 years in 2003/2006, 82 years in 2004/2007, 82.1 years in 2005/2008 and 82.4 in 2006/2009 (the latter being a provisional value).

g. Fertility rates

20. The total fertility rate was 0.91‰ in 2005, 0.95‰ in 2006, 0.99‰ in 2007, 0.96‰ in 2008, and 0.99‰ in 2009.

h. Household size

21. Results from the By-census 2006 revealed that the number of households in the MSAR totalled 159,412, up by 18.1% over the Census 2001. Households with less than 4 members accounted for 59.3% of the total, an increase of 3.7 percentage points over 2001. The average household size was 3 persons, corresponding to a decrease of 0.14 compared with 3.14 persons in 2001, indicating the tendency towards smaller household. Furthermore, the number of households per living quarter also presented a decreasing tendency. The phenomenon of multi-household per living quarter became a rare scenario; in fact, the majority of the living quarters (96.8%) comprised only one household.

22. According to more recent data, the average household size was 2.93 in 2007, 2.88 in 2008 and 2.86 in 2009. An analysis by household size revealed that the relative importance of 1 to 3-person households rose from 55.9% in 2002/2003 to 59.3% in 2007/2008, with that of 2-person households increased by 1.7 percentage points over the last 5 years, while the proportion of 4-person households dropped notably by 4.1 percentage points to 24.7%. Although the average household size shrank from that of 5 years ago, the average number of economically active person per household rose from 1.65 in 2002/2003 to 1.88 in 2007/2008.

23. The By-census 2006 indicated that the proportion of single-parent households was 3.06% and the proportion of households headed by women was 29%.

3. Social and cultural indicators

a. Share of household consumption expenditures

24. The household's bi-weekly consumption expenditure amounted to MOP 5,049 in 2002/2003 and to MOP 8,827 in 2007/2008, of which the relative importance of the expenses on food and non-alcoholic beverages (27.9% and 27.4% of the total, respectively) and housing, water, electricity,

gas and other fuels (19.5% and 20.5%, respectively) accounted for 47.9% of total consumption expenditure, similar to the 47.4% in 2002/2003. In the same period, the share of consumption expenditure on healthcare was 3% and 2.3%, and on education 9.6% and 8.9%, respectively (both decreased by 0.7 percentage points).

b. Gini coefficient

25. The Gini coefficient was 0.44 for the period 2002/2003 and 0.38 for the period 2007/2008.

c. Prevalence of underweight children under five years of age

26. The only available data is on low birth weight (<2500g) per annual number of live births, which was 6.4% in 2002, 2003 and 2005, 6.7% in 2004, 7.1% in 2006, 6.9% in 2007 and 7.4% in 2008.

d. Infant and maternal mortality rates

27. In 2005, 2006, 2007, 2008 and 2009, the infant mortality rate was 3.3‰, 2.7‰, 2.4‰, 3.2‰ and 2.1‰ per live births, respectively. In those same years, the rate for maternal mortality per 1,000 live births equalled an absolute value of 0.

e. Rates of infection of HIV/AIDS and major communicable diseases

28. The rate of infection of HIV/AIDS (to end-year population) was 0.66‰ in 2005, 0.67‰ in 2006, 0.68‰ in 2007, 0.70‰ in 2008 and 0.74‰ in 2009, while the rate of communicable diseases was 5.16‰ in 2005, 7.88‰ in 2006, 4.39‰ in 2007, 5.91‰ in 2008 and 15.69‰ in 2009.

f. Prevalence of major communicable diseases and immunization rates

29. Cases of major communicable diseases are relatively low and immunization coverage rates are high, as showed in the following tables:

Incidence rate (1/100,000) of communicable diseases						
ICD-10	Disease	2005	2006	2007	2008	2009
A06.0	Acute amoebic dysentery	0.00	0.19	0.00	0.36	0.00
B17.0	Acute delta infection of Hep B carrier	0.00	0.19	0.00	0.00	0.00
B15.0-9	Acute hepatitis A	0.83	0.39	1.49	0.91	1.66
B16.1-9	Acute hepatitis B	4.75	2.53	2.97	2.55	4.06
B17.1	Acute hepatitis C(4)	7.23	5.65	3.35	4.37	1.11
B17.2	Acute Hepatitis E	1.86	0.19	0.19	0.55	1.84
A80	Acute poliomyelitis	0.00	0.00	0.00	0.00	0.00
A60	Anogenital herpes viral	1.45	0.19	0.00	2.55	0.37
Z21	Asymptomatic HIV infection	4.75	5.06	3.53	4.01	3.14
A05.0-9	Bacterial Food-borne intoxication	12.80	7.40	6.88	2.37	15.49
A00	Cholera	0.00	0.00	0.00	0.00	0.00
P35.0	Congenital rubella syndrome	0.00	0.00	0.00	0.00	0.00
A90	Dengue fever	0.00	0.39	1.49	0.55	0.74
A91	Dengue haemorrhagic fever	0.00	0.00	0.00	0.00	0.00
A36	Diphtheria	0.00	0.00	0.00	0.00	0.00
B08.4-5	Enteroviral infections	45.01	199.26	26.76	149.67	309.48
A54	Gonococcal infections	6.61	6.43	3.90	5.10	1.66
G00.0	Haemophilus meningitis	0.00	0.00	0.00	0.00	0.00
B20-B24	HIV	0.00	0.39	0.74	1.09	0.92
A83.0	Japanese encephalitis	0.00	0.00	0.00	0.00	0.00
A48.1	Legionnaires disease	0.00	0.00	0.00	0.00	0.00
A30	Leprosy	0.00	0.00	0.00	0.18	0.00
B50-B54	Malaria	0.00	0.00	0.00	0.00	0.00
B05	Measles	0.00	0.39	0.00	0.73	0.00
A39.0	Meningococcal meningitis	0.00	0.00	0.00	0.00	0.00
B26	Mumps	17.55	12.86	10.04	18.03	13.09

Incidence rate (1/100,000) of communicable diseases						
ICD-10	Disease	2005	2006	2007	2008	2009
A34	Obstetrical tetanus	0.00	0.00	0.00	0.00	0.00
A06.1-9	Other Amoebiasis	0.00	0.19	0.19	0.00	0.18
A55-A64	Other sexually transmitted disease (not include A59, A60)	0.00	0.00	0.00	0.55	0.37
A35	Other tetanus	0.00	0.00	0.00	0.00	0.00
A17-19	Other tuberculosis	6.81	5.84	3.53	6.37	7.93
J10x	Pandemic Influenza 2009	0.00	0.00	0.00	0.00	646.26
A01.1-4	Paratyphoid fever	0.62	0.19	0.19	0.00	0.92
A20	Plague	0.00	0.00	0.00	0.00	0.00
A15-A16	Pulmonary tuberculosis	78.46	79.86	70.99	69.74	60.68
A82	Rabies	0.00	0.00	0.00	0.00	0.00
A08.0	Rotaviral enteritis	0.00	0.00	8.18	50.07	42.97
B06	Rubella (German measles)	0.21	1.36	0.74	1.64	2.95
A02.0-9	Salmonella infections	15.49	22.40	4.65	7.10	8.67
B97.2	SARS	0.00	0.00	0.00	0.00	0.00
A38	Scarlet fever	6.61	4.09	1.12	2.73	4.24
A03.0-9	Shigellosis	0.00	0.00	0.56	0.18	0.18
A50-A53	Syphilis	1.24	1.56	1.86	11.29	13.46
A33	Tetanus neonatorum	0.00	0.00	0.00	0.00	0.00
A71	Trachoma	0.00	0.00	0.00	0.00	0.00
A59	Trichomoniasis	0.00	0.00	0.19	0.00	0.00
A01.0	Typhoid fever	0.41	0.00	0.00	0.36	0.18
B01	Varicella (chickenpox)	291.35	402.42	259.80	168.97	119.70
A37	Whooping cough	0.00	0.00	0.00	0.36	0.00
A95	Yellow fever	0.00	0.00	0.00	0.00	0.00

Source: Health Bureau

(%)

Vaccines	2005	2006	2007	2008	2009
BCG 1st dose	98.0	99.0	99.7	99.6	99.8
Diphtheria, tetanus, pertusis 3rd dose	88.9	90.1	90.2	91.3	91.8
Polio 3rd dose	88.8	90.1	90.0	90.8	91.8
Hepatitis B 3rd dose	87.2	89.7	90.0	91.3	92.0
Measles containing vaccine 1st dose	90.9	90.3	89.9	89.7	90.8
Measles containing vaccine 2nd dose	82.8	84.9	87.2	87.2	88.1
Haemophilus influenza type b 3rd dose	–	–	–	80.6	90.4
Varicella 1st dose					89.5

Source: Health Bureau

g. Ten major underlying causes of death

30. From 2005 to 2009, the ten major underlying causes of death were:

(No.)

Underlying causes of death	ICD-9		ICD-10		
	2005	2006	2007	2008	2009
Essential (primary) hypertension	176 ⁽¹⁾	168 ⁽¹⁾	143 ⁽¹⁾	175 ⁽¹⁾	166 ⁽¹⁾
Malignant neoplasm of trachea, bronchus and lung	119 ⁽²⁾	124 ⁽²⁾	117 ⁽²⁾	143 ⁽²⁾	142 ⁽²⁾
Pneumonia, organism unspecified	95 ⁽³⁾	85 ⁽³⁾	93 ⁽³⁾	110 ⁽³⁾	109 ⁽³⁾
Malignant neoplasm of liver and intrahepatic bile ducts	58 ⁽⁵⁾	62 ⁽⁵⁾	62 ⁽⁴⁾	62 ⁽⁵⁾	70 ⁽⁴⁾
Chronic airways obstruction, not elsewhere classified	46 ⁽⁶⁾	49 ⁽⁶⁾			
Non-insulin-dependent diabetes mellitus	77 ⁽⁴⁾	66 ⁽⁴⁾	48 ⁽⁶⁾	68 ⁽⁴⁾	56 ⁽⁵⁾
Chronic Ischaemic Heart disease	39 ⁽⁸⁾		29 ⁽¹⁰⁾	46 ⁽⁹⁾	55 ⁽⁶⁾
Hypertensive heart disease			34 ⁽⁹⁾	44 ⁽¹⁰⁾	49 ⁽⁷⁾
Heart failure	46 ⁽⁶⁾				
Other chronic obstructive pulmonary disease			47 ⁽⁷⁾	54 ⁽⁶⁾	47 ⁽⁸⁾

(No.)

Underlying causes of death	ICD-9		ICD-10		
	2005	2006	2007	2008	2009
Malignant neoplasm of colon	32 ⁽¹⁰⁾	44 ⁽⁷⁾	48 ⁽⁶⁾	51 ⁽⁷⁾	40 ⁽⁹⁾
Acute myocardial infection		30 ⁽¹⁰⁾			
Chronic renal failure		36 ⁽⁸⁾	46 ⁽⁸⁾	48 ⁽⁸⁾	32 ⁽¹⁰⁾
Malignant neoplasm of nasopharynx		31 ⁽⁹⁾			
Bacterial pneumonia, not elsewhere classified			55 ⁽⁵⁾		
Other diseases of endocardium	37 ⁽⁹⁾				

Source: Statistics and Census Bureau, Demographic Statistics

h. Net enrolment ratio, attendance and drop-out rates

31. The net enrolment ratio and drop-out rates in primary and secondary education in the last 5 academic years were as follows:

Academic years (%)						
Net enrolment ratio	G	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
Primary education	MF	89.5	90.8	87.4	88.2	89.3
	M	89.2	90.1	87.1	88.5	88.8
	F	89.9	91.5	87.8	87.9	89.8
Secondary education	MF	74.7	74.9	73.2	73.3	73.3
	M	71.7	72.1	71.4	71.6	71.4
	F	77.9	78.0	75.2	75.1	75.6

Source: Statistics and Census Bureau, Demographic Statistics

Academic years (%)						
Drop-out rate	G	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
Primary education	MF	1.9	1.7	3.0	2.3	2.2
	M	2.3	2.0	3.3	2.6	2.3
	F	1.5	1.4	2.6	2.0	1.9

Academic years (%)						
Drop-out rate	G	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
Secondary education	MF	6.7	7.0	7.5	6.3	4.8
	M	8.0	8.4	8.9	7.5	5.6
	F	5.4	5.6	6.2	5.1	4.0

Source: Statistics and Census Bureau, Demographic Statistics

i. Teacher-student ratio

32. The teacher-student ratio in government-funded schools decreased in the last 5 academic years, leading to 22 in 2004/2005, 21 in 2005/2006, 19.4 in 2006/2007, 17.9 in 2007/2008 and 16 in 2008/2009.

j. Literacy rate

33. At the time of the By Census 2006, the literacy rate of the population aged 15 or above was 93.5%. Among those not satisfying the criteria of being literate, 73.8% were female and 26.2% were male. According to posterior estimates, the overall literacy rate was 95% in 2007 (50.2% male and 49.8% female), 95% in 2008 (50.1% male and 49.9% female), and 95.2 % in 2009 (49.3% male and 50.7% female).

4. Economic indicators

a. Labour participation rates, unemployment and underemployment rates

34. Except for the year of 2009, labour force participation rates increased in the last 5 years, with the male labour force having a higher participation rate; in the same period, unemployment rates decreased, and the underemployment rate decreased from 2005 to 2006, held steady from 2006 to 2007 and rose in 2008 and 2009 by 0.6 and 0.3 percentage points, respectively, as shown in the following tables.

Years	(%)								
	Labour force participation			Unemployment			Underemployment		
	MF	M	F	MF	M	F	MF	M	F
2005	63.4	70.9	56.8	4.1	4.4	3.8	1.4	1.6	1.2
2006	68.5	76.7	61.0	3.8	3.8	3.8	1.0	1.2	0.7
2007	71.7	78.8	64.8	3.1	3.4	2.7	1.0	1.3	0.7
2008	72.9	79.9	66.3	3.0	3.2	2.8	1.6	2.4	0.6
2009	72.0	78.0	66.5	3.6	4.2	2.8	1.9	2.9	0.7

Source: Statistics and Census Bureau, *Employment Surveys and 2007 to 2008 Yearbooks of Statistics*

b. Employment by major sectors of economic activity

35. The labour force in major sectors of economic activity was as follows:

No. (10³)

Sectors of economic activity	G	2005	2006	2007	2008	2009
Total	MF	205.4	265.1	300.4	323.0	317.5
	M	108.3	141.6	160.5	172.3	164.0
Agriculture, farming of animals, hunting, forestry, fishing, mining and quarrying	MF	1.5	0.5	0.2	0.5	1.1
	M	0.4	0.3	0.1	0.2	0.6
Manufacturing	MF	37.7	29.5	24.0	24.6	17.0
	M	11.8	10.5	8.7	11.5	8.3
Textiles	MF	3.8	2.5	2.5	2.7	1.4
	M	1.3	0.9	0.9	1.5	0.5
Wearing apparel; dressing and dyeing of fur	MF	25.5	20.1	14.9	14.8	8.8
	M	5.2	4.7	3.4	4.8	2.5
Other manufacturing	MF	8.4	6.9	6.6	7.1	6.8
	M	5.3	4.9	4.3	5.2	5.5

No. (10³)

Sectors of economic activity	G	2005	2006	2007	2008	2009
Electricity, gas and water supply	MF	1.3	0.9	1.2	0.9	1.0
	M	1.0	0.8	1.0	0.6	0.7
Construction	MF	16.4	31.1	38.6	38.4	32.7
	M	14.8	27.8	33.9	33.7	28.9
Wholesale and retail trade, repair of motor vehicles, motorcycles, and personal and household goods	MF	33.2	36.4	38.4	39.6	41.5
	M	17.4	17.8	19.3	19.3	19.8
Hotels, restaurants and similar activities	MF	22.4	30.0	34.7	41.3	43.7
	M	11.8	14.6	16.7	20.5	21.0
Transport, storage and communications	MF	14.4	16.8	16.4	16.0	16.7
	M	10.6	12.0	11.8	11.8	12.4
Financial intermediation	MF	6.3	6.9	7.9	7.5	7.5
	M	2,6	2.9	3.1	2.8	2.9
Real estate, renting and business activities	MF	12.0	16.3	20.1	23.8	25.6
	M	7.7	9.9	11.7	14.5	16.0
Public administration, defence and compulsory social security	MF	18.1	20.3	22.0	20.2	20.3
	M	12.5	14.0	14.2	13.0	12.9
Education	MF	9.8	11.3	11.9	11.5	12.3
	M	3.1	3.7	3.8	3.5	3.9
Health and social welfare	MF	4.7	5.4	6.0	6.5	7.3
	M	1.5	1.4	1.7	2.0	2.0
Other community social and personal services	MF	23.9	52.5	69.1	78.9	75.2
	M	12.8	25.6	33.9	38.3	34.1
Gaming	MF	15.4	42.6	58.7	66.6	62.7
	M	8.8	21.3	28.9	33.3	28.7
Others	MF	8.5	9.9	10.4	12.3	12.5
	M	4.0	4.3	5.0	5.0	5.4

No. (10³)

Sectors of economic activity	G	2005	2006	2007	2008	2009
Households with employed persons	MF	4.3	6.9	9.6	13.3	15.7
	M	0.2	0.3	0.5	0.3	0.5
Others and Unknown	MF	0.3	0.2	0.1	0	0
	M	0.2	0	0	0	0

Source: Statistics and Census Bureau, *Employment Surveys and Yearbook of Statistics*

c. Gross domestic product, annual growth rates and per capita income

36. The MSAR economy is a high-income economy. Tourism and gaming industries are the main economic activities. The liberalization of the gaming industry in 2001 generated significant investment inflows, leading to high average annual growth rates of the gross domestic product (GDP) of 6.9% in 2005, 16.5% in 2006, 26% in 2007 and 12.9% in 2008. Nevertheless, the MSAR economy was affected by the global financial crisis, for the whole year of 2009, the GDP rose by 1.3% in real terms to MOP 169.34 billion, with per-capita GDP amounting to MOP 311,131 (US\$ 38,968). The MSAR GDP indicators for the last 5 years are as follows:

GDP Indicators					
Item	2005	2006	2007	2008	2009
GDP (billion MOP)	92.19	113.71	150.21	173.55	169.34
GDP growth in real terms (%)	6.9	16.5	26.0	12.9	1.3
Per-capita GDP (MOP)	193,619	227,721	285,695	316,143	311,131
Per-capita GDP growth in real terms (%)	2.6	11.1	19.7	8.2	2.2

Source: Statistics and Census Bureau, *Estimates of GDP 2009*; Note: USD 1 = MOP 7.9335

d. Public revenue

37. The MSAR's public revenue was MOP 28.201 billion in 2005, MOP 37.189 billion in 2006, MOP 53.710 billion in 2007, MOP 62.259 billion in 2008 and MOP 57.641 billion in 2009 (provisional value, it does not include autonomous entities' income) (*Financial Services Bureau*).

e. Consumer Price Index (CPI)

38. The consumer price index was 83.19 in 2005, 87.48 in 2006, 92.35 in 2007, 100.30 in 2008 and 101.48 in 2009.

f. Social expenditures

39. Regarding the social expenditures as proportion of the total public expenditure and the social expenditures as proportion of the GDP, the former was 49.8 % in 2005, 51.5 % in 2006, 55.3 % in 2007 and 57.3 % in 2008. The latter was 8.5 %, 7.9 %, 6.9 % and 8.7 %, respectively.

g. External and internal debt

40. The MSAR has not incurred any external or domestic public debt.

B. THE POLITICAL AND LEGAL FRAMEWORK OF THE MSAR

41. With respect to the MSAR political and legal framework, the information contained in Part III of China's Core Document remains accurate, except for the dissolution of the two municipalities (mentioned in its paragraphs 170 to 176) and the update given in the following paragraphs.

1. The Chief Executive of the MSAR

42. As mentioned in the said Part III of China's Core Document, the Basic Law stipulates that the Chief Executive shall be selected by election

or through consultations held locally and appointed by the Central People's Government. The term of office of the Chief Executive shall be 5 years and he/she cannot serve for more than 2 consecutive terms. The method for the selection is specified in Annex I to the Basic Law, which stipulates that the Chief Executive shall be elected by a broadly representative Election Committee in accordance with the Basic Law. In conformity with the referred method, "*the delimitation of the various sectors, the organizations in each sector eligible to return Election Committee members and the number of such members returned by each of these organizations shall be prescribed by an electoral law enacted by the MSAR in accordance with the principles of democracy and openness*". Consequently, Law 3/2004, of 5 April, on the election of the Chief Executive, was adopted. Later on, it was amended by Law 12/2008, of 6 October, which further detailed some matters of the election as well as provided for specific electoral crimes.

43. In 2004, the first Chief Executive was re-elected to serve a second and final term as the head of the MSAR Government and a new Chief Executive (the third office term) was elected and appointed by the Central People's Government to assume office on 20 December 2009.

44. In this connection, it is also worth mentioning the amendments introduced to Law 12/2000, of 18 December, Law on Electoral Registration, by Law 9/2008, of 25 August, with the aim of optimizing the electoral registration process, ameliorating the framework to recognize legal persons in each sector as well as the requisites for their eligibility to participate in indirect elections, unifying deadlines for display of voter registration records and for electoral registration operations' cancellation, and reinforcing the combat to corruption in elections.

45. In the same token, Law 22/2009, of 17 December, on limitations imposed to former chief executives and principal officials, was adopted. This law restricts such high officials from performing private professional activities for a period of 2 years. Only in exceptional circumstances may such restrictions be waived.

2. The Legislative Assembly of the MSAR

46. As to the Legislative Assembly, which formation method is stipulated in Annex II to the Basic Law (also described in Part III of China's Core Document), it is currently in its fourth term. In its second term (2001/2005), it accounted for 27 members (10 directly returned, 10 indirectly returned by functional constituencies and 7 appointed by the Chief Executive); in its third term (2005/2009) and subsequent terms, it accounted for 29 deputies (12 directly returned, 10 indirectly returned and 7 appointed members).

47. The method for electing its members is presently governed by the above-mentioned Law on Electoral Registration and by Law 3/2001, of 5 March, as amended by Law 11/2008, of 6 October, Electoral Law for the Legislative Assembly, wherein the rules concerning the right to vote and to be elected on a non-discriminatory basis to ensure free, fair and periodic elections are established. The strengthening of the powers of the Legislative Assembly Electoral Affairs Commission and the extension of its term of office, the amelioration of electoral activities and of the voting process, stricter rules regarding the supervision of electoral campaigns' financing and the reinforcement of the combat to corruption in elections were some of the amendments towards a more open and transparent electoral environment.

48. The said electoral method comprises different frameworks according to the double system of direct and indirect elections. Direct elections are conducted by means of universal, direct, secret and periodic suffrage in a single voting session from ballot lists in accordance with a system of proportional representation. Each voter is entitled to a single vote. Article 26 of the Basic Law enshrines the right to vote and to stand for election to all MSAR permanent residents. To be able to vote in direct elections, it is necessary to have attained legal majority (18 years of age) and to have registered in the electoral rolls in accordance with the Law on Electoral Registration. Electoral capacity is legally presumed upon registration in the electoral rolls. In indirect elections, members that

represent organized social interests are elected through indirect, secret and periodic suffrage by means of the following electoral colleges: industrial, commercial and financial sectors (4 mandates), professional sector (2 mandates), social, cultural, educational and sports sectors (2 mandates) and labour sector (2 mandates). Electoral colleges are formed by associations or organizations, the objectives of which fall under one of the above social sectors.

49. Within this context, it should be clarified that, although there are no political parties in the MSAR, the political system is an association-based one since associations may stand and vote for elections. Legal persons are entitled to vote for indirect elections, and the requirements for such are: to be registered in the Identification Bureau, to be recognized as representatives of one of the above-mentioned social sectors for at least 4 years and to have legal personality for at least 7 years. The recognition that a legal person belongs to a sector of social interests is valid for 5 years provided that an annual activity report is submitted to the competent authority. Such recognition must be renewed from 150 to 90 days prior to its expiry date.

3. Main indicators on the political system

a. Proportions of population eligible to vote and registered to vote

50. On 31 December 2009, there were 250,268 registered electors, of which 51.2% were women. The number of electors and candidates is increasing. Comparing the third term of the Legislative Assembly with its fourth term, the number of electors rose from 220,653 to 248,708, while the number of legal persons for indirect elections rose from 905 to 973. The number of electoral lists or groups participating in direct election has decreased from 18 to 16.

b. Complaints on the conduct of elections

51. The registered number of complaints on the conduct of the 2005 and 2009 elections was 423 and 255, respectively. The majority of them

were about irregular propaganda approaches such as posting campaign posters on forbidden places, others were about unfair coverage by local newspapers and only a few were about bribing voters (mainly, in the forms of buying dinners, giving away gift coupons or travelling abroad). From those complaints, only a very small number led to opening of investigation for eventual prosecution, more precisely 13 in 2005 and 6 in 2009, and even fewer were transferred to the Procuratorate Office for purposes of criminal action, i.e., 7 relating to the 2005 election and 1 to the 2009 election, from which 5 cases have been tried relating to the 2005 election, and 1 relating to the 2009 election, the remaining are pending.

c. Media access by the population

52. There are 14 daily newspapers, 36 periodicals (the circulation of daily newspapers per day was 232,880 and of periodical per year was 7,563,300 in 2009), 3 radio stations and 6 television stations in the MSAR.

d. Recognition of non-governmental organizations

53. Freedom of association, including the right and freedom to form and join trade unions, is guaranteed by Article 27 of the Basic Law. Law 2/99/M, of 9 August, and Article 154 *et seq.* of the Civil Code further regulate the right of association.

54. Everyone has the right to form an association freely and without prior authorization, provided that the association is not intended to promote violence and that its objectives are not contrary to the criminal law. Armed, quasi-military, militarized or paramilitary associations and racist organizations are not permitted. No one can be put under a duty to join an association or compelled to remain in it. Associations pursue their aims and objectives freely, and without any interference from public authorities and they may not be dissolved or their activities suspended, unless in the cases provided by law and by means of a court decision.

55. Non-governmental organizations are subject to the provisions of general law on private legal persons. Registration at the Identification Bureau is required. Any NGO that pursues activities of public interest may be recognized as such on a case-by-case basis. Those NGOs may enjoy certain benefits (e.g. tax exemption and granting of subsidies) but must fulfil certain conditions (e.g. summary report of activities and balance sheets).

56. As of 31 December 2009, there were 4,407 associations: 292 professional associations, 290 employer associations, 172 educational associations, 967 charity associations, 834 cultural associations and 1,009 sports associations registered at the Identification Bureau.

e. Percentage of women in the Legislative Assembly

57. The percentage of women members in the Legislative Assembly was 20.7 between 2005 and 2008 and 13.8 in 2009.

f. Average turnout

58. The average voter turnout in the Legislative Assembly election was 58.39% in the third election (2005/2009) and 59.91% in the fourth election (2009/2013), corresponding to 128,830 and 149,006, respectively.

4. Judicial, administrative and other bodies with jurisdiction over human rights

a. The judicial

59. The MSAR judiciary structure remains basically unchanged, although Law 9/1999, of 20 December, which approved the basis of the judiciary organization, has been complemented and amended by Law 9/2004, of 16 August, and Law 9/2009, of 25 May.

b. The Commission against Corruption (Ombudsman)

60. The Commission against Corruption promotes the protection of rights, freedoms and legitimate interests of the individuals, ensuring that the exercise of public powers abide by criteria of justice, legality and efficiency but it also has independent powers of criminal investigation within the scope of its activity. Its powers have been enlarged by Law 19/2009, of 17 August, on the prevention and repression of corruption in the private sector. The “*Ombudsman*” functions were retained and powers and competences on autonomous criminal investigation within its scope of activity and to counter corruption and fraud, in both public and private sectors, were added.

c. Unitary Police Services

61. Law 1/2001, of 29 January, established the Unitary Police Service, which is the body responsible for the MSAR’s public security, constituting the operational command and direction of police units, including the Public Security Police and Judiciary Police. Its Commissioner General is one of the principal officials of the MSAR Government and is appointed by the Central People’s Government.

5. Main indicators on crime and on the administration of justice

a. Incidence of violent death as life threatening crimes

62. The incidence of violent death as life threatening crimes reported to the police was, per 100,000 persons, 159.2 in 2005, 142.6 in 2006, 142 in 2007, 155.4 in 2008 and 120.3 in 2009. The number of cases of sexually motivated violence was 80 in 2005, 67 in 2006, 75 in 2007, 96 in 2008 and 95 in 2009 (provisional figure).

b. Number of persons arrested or brought before the court for violent or other serious crimes

63. The number of persons arrested or brought before the court for violent or other serious crimes was 3,417 in 2005, 3,735 in 2006, 3,944

in 2007, 4,428 in 2008 and 4,366 in 2009 (provisional figure) (*Security Forces Coordination Office*).

c. Maximum and average time of pre-trial detention

64. During the same period, the maximum time of pre-trial detention and the average time needed by the Court of First Instance for adjudication of criminal cases was of 8.2 months and 10.1 months, respectively (*Courts' information*).

d. Prison population

65. The prison population was 704 in 2005, 665 in 2006, 604 in 2007, 592 in 2008 and 623 in 2009, being the majority of the inmates of Asian origin. The following tables illustrate the number and type of offences committed by the prison population as well as the length of respective sentences.

Offences committed by the prison population										
Types of offences/ Age groups	2005		2006		2007		2008		2009	
	M	F	M	F	M	F	M	F	M	F
Drug Trafficking										
Age 16-20	14	0	11	1	17	1	42	4	35	3
Age 21-30	97	11	92	10	83	12	99	14	94	12
Age 31-50	156	30	146	25	138	22	134	22	117	18
Age >50	21	0	22	1	14	2	17	3	13	3
Subtotal/gender	288	41	271	37	252	37	292	43	259	36
Subtotal/offence	329		308		289		335		295	
Burglary										
Age 16-20	15	0	6	0	6	0	8	0	5	0
Age 21-30	71	7	69	6	56	3	43	2	33	2
Age 31-50	118	4	121	4	90	3	87	3	76	1

Offences committed by the prison population										
Types of offences/ Age groups	2005		2006		2007		2008		2009	
	M	F	M	F	M	F	M	F	M	F
Age >50	1	0	3	0	4	0	4	0	3	0
Subtotal/gender	205	11	199	10	156	6	142	5	117	3
Subtotal/offence	216		209		162		147		120	
Larceny										
Age 16-20	4	0	4	0	3	0	1	0	0	0
Age 21-30	47	5	45	3	49	2	49	4	39	5
Age 31-50	96	6	105	8	101	8	113	7	92	6
Age >50	7	0	11	0	9	0	9	0	6	0
Subtotal/gender	154	11	165	11	162	10	172	11	137	11
Subtotal/offence	165		176		172		183		148	
Fraud										
Age 16-20	0	0	1	1	1	1	1	0	1	0
Age 21-30	11	4	11	5	9	4	6	3	4	0
Age 31-50	35	8	35	6	33	12	47	16	41	15
Age >50	9	0	13	1	15	1	16	3	11	3
Subtotal/gender	55	12	60	13	58	18	70	22	57	18
Subtotal/offence	67		73		76		92		75	
Homicide										
Age 16-20	0	0	0	0	0	0	0	0	0	0
Age 21-30	21	0	16	0	12	0	14	0	13	0
Age 31-50	31	3	36	4	35	5	36	5	29	5
Age >50	6	0	5	0	6	0	12	0	11	0
Subtotal/gender	58	3	57	4	53	5	62	5	53	5
Subtotal/offence	61		61		58		67		58	

Offences committed by the prison population										
Types of offences/ Age groups	2005		2006		2007		2008		2009	
	M	F	M	F	M	F	M	F	M	F
Others										
Age 16-20	33	0	20	8	16	4	13	0	24	0
Age 21-30	107	5	110	4	104	9	67	13	71	11
Age 31-50	173	9	184	14	167	22	136	23	131	26
Age >50	13	0	18	0	15	0	22	2	20	2
Subtotal/gender	326	14	332	26	302	35	238	38	246	39
Subtotal/offence	340		358		337		276		285	
Total	1178		1185		1094		1100		981	

Source: Macao Prison Establishment

Length of Sentence	(No.)				
	2005	2006	2007	2008	2009
1 year or below	79	108	139	261	278
1 to 5 years	429	294	264	463	519
6 to 10 years	359	273	312	281	261
11 to 15 years	103	87	96	94	81
16 to 20 years	27	25	25	28	23
21 years or above	9	16	8	12	12
Total	1006	803	844	1193	1174

Source: Macao Prison Establishment

e. Incidence of death in custody and death penalty

66. There is no record of death in custody at the Macao Prison Establishment.

67. There is no death penalty, neither life imprisonment in the MSAR.

f. Average backlog of cases per judge

68. The average backlog of cases per judge at different levels of the judicial system was 396 in 2005, 390 in 2006, 411 in 2007 and 438 in 2008.

g. Number of police/security personnel

69. The number of police/security personnel per 100,000 persons was 1,164 in 2005, 1,116 in 2006, 1,093 in 2007, 1,106 in 2008 and 1,141 in 2009.

h. Number of prosecutors and judges

70. The number of prosecutors and judges per 100,000 persons decreased from 2005 to 2008, being 12 in 2005, 11.3 in 2006, 10.78 in 2007 and 10.56 in 2008.

i. Share of public expenditure on police/security and judiciary

71. The share of public expenditure on police/security and judiciary was 15.4% in 2005, 15.7% in 2006, 16.6% in 2007 and 14% in 2008.

II. GENERAL FRAMEWORK FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

72. As regards information on the general framework for the protection and promotion of human rights at the internal level, reference is made to paragraphs 177-246 of Part III of China's Core Document to the extent that no changes have occurred in the MSAR Basic Law since its submission. The remaining aspects are still accurate if no particular observations are made to the contrary herein.

C. ACCEPTANCE OF INTERNATIONAL HUMAN RIGHTS NORMS

73. At present, the following human rights and related treaties are applicable in the MSAR:

a. Main international human rights conventions and protocols

Convention/ Protocol	Entry into force/ continuance in force	Reservations content
<p>International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966</p>	<p>27/4/1993;</p> <p>China's notifications with respect to the MSAR:</p> <p>1. dated 2/12/1999; registered with the UN Secretary-General on 3/12/1999 (UNTS, vol. 2095, No. A-14531, p. 158-161);</p> <p>2. dated 28/2/2001, registered with the UN Secretary-General on 27/3/2001 (UNTS, vol. 2142, No. A-14531, p. 185-161).</p>	<p>In 1999, China has declared that</p> <p><i>"(...) 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.</i></p> <p><i>2. The provisions of the Covenant which are applicable to the Macao Special Administrative Region shall be implemented in 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 for by law. In case of restrictions, they shall not contravene the provisions of the Covenant that are applicable to the MSAR (...)"</i></p> <p>In 2001, China further stated with respect to the MSAR that <i>"(...) 2. in accordance with the official notes addressed to Secretary-General of the United Nations (...) on 20 June 1997 and 2 December 1999, respectively, the International Covenant on Economic, Social and Cultural Rights shall be applicable to (...) the Macao Special Administrative Region of the People's Republic of China and shall, pursuant to the provisions of the Basic Law of (...) the Macao Special Administrative Region of the People's Republic of China, be implemented through the respective laws (...).</i></p>

Convention/ Protocol	Entry into force/ continuance in force	Reservations content
International Covenant on Civil and Political Rights (ICCPR), 1966	27/4/1993; China's notification with respect to the MSAR: – dated 2/12/1999; registered with the UN Secretary-General on 3/12/1999 (UNTS, vol. 2095, No. A-14668, p. 169-173).	<p>In 1999, China has declared that “(...)</p> <ol style="list-style-type: none"> 1. <i>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.</i> 2. <i>Paragraph 4 of Article 12 and Article 13 of the Covenant shall not apply to the Macao Special Administrative Region with respect to the entry and exit of individuals and the expulsion of aliens from the territory, these matters shall continue to be regulated by the provisions of the Joint Declaration and the Basic Law and other relevant laws of the Macao Special Administrative Region.</i> 3. <i>Paragraph b of Article 25 of the Covenant shall not apply to the Macao Special Administrative Region with respect to the composition of elected bodies and the method of choosing and electing their officials as defined in Joint Declaration and the Basic Law.</i> 4. <i>The provisions of the Covenant which are applicable to the Macao Special Administrative Region shall be implemented in 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 for by law. In case of restrictions, they shall not contravene the provisions of the Covenant that are applicable to the MSAR (...)</i>”.

Convention/ Protocol	Entry into force/ continuance in force	Reservations content
International Convention on the Elimination of All Forms of Racial Discrimination, (ICERD), 1966	27/4/1999; China's notification with respect to the MSAR: – dated 19/10/1999; registered with the UN Secretary-General on 19/10/1999 (UNTS, vol. 2086, No. A-9464, p. 24-26).	China's reservation to Article 22 of the Convention also applies to the MSAR.
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	27/4/1999; China's notification with respect to the MSAR: – dated 19/10/1999; registered with the UN Secretary-General on 19/10/1999 (UNTS, vol. 2086, No. A-20378, p. 116-118).	China's reservation to Article 29(1) of the Convention also applies to the MSAR.
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	15/6/1999; China's notification with respect to the MSAR: – dated 19/10/1999; registered with the UN Secretary-General on 19/10/1999 (UNTS, vol. 2086, No. A-24841, p. 124-127).	China's reservation to Article 20 and Article 30(1) of the Convention also apply to the MSAR.
Convention on the Rights of the Child (CRC), 1989	27/4/1999; China's notification with respect to the MSAR: – dated 19/10/1999; registered with the UN Secretary-General on 19/10/1999 (UNTS, vol. 2086, No. A-27531, p. 139-142).	

Convention/ Protocol	Entry into force/ continuance in force	Reservations content
Optional Protocol to the CRC on the involvement of children in armed conflict, 2000	Same as China, i.e., 20/3/2008; China's communication with respect to the MSAR: Depositary C.N.165.2008. TREATIES - 4, of 11/3/2008.	
Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography, 2000	Same as China, i.e., 3/1/2003 China's communication with respect to the MSAR: Depositary C.N.1328. 2002. TREATIES-50, of 19/12/2002).	

b. Other United Nations human rights and related conventions

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	16/9/1999; China's notification with respect to the MSAR: – dated 16/12/1999; registered with the UN Secretary-General on 17/12/1999 (UNTS, vol. 2095, No. A-1021, p. 51-53).	China's reservation to Article 9 of the Convention also applies to the MSAR.
Slavery Convention, 1926	4/10/1927 (declaration of extension repeated on 20/10/1999);	China made a reservation to Article 8 of the Convention in relation to its application to the MSAR.

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
	<p>China's notification with respect to the MSAR:</p> <p>– dated 19/10/1999; registered with the UN Secretary-General on 19/10/1999 (UNTS, vol. 2086, No. C-1414, p. 267-270).</p>	
<p>Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1950</p>	<p>29/12/1992 (declaration of extension repeated on 7/7/1999 with designation of competent entity of Macao for the purpose of Article 14 of the Convention);</p> <p>China's notification with respect to the MSAR:</p> <p>– dated 2/12/1999; registered with the UN Secretary-General on 3/12/1999 (UNTS, vol. 2095, No. A-1342, p. 55-57).</p>	
<p>Convention relating to the Status of Refugees, 1951, and its 1967 Protocol</p>	<p>13/7/1996 (declaration of extension repeated on 27/4/1999);</p> <p>China's notification with respect to the MSAR:</p> <p>– dated 2/12/1999; registered with the UN Secretary-General on 3/12/1999 (UNTS, vol. 2095, No. A-2545, p. 64-66 and vol. 2095, No. A-8791, p. 133-134).</p>	<p>The reservation made by China to Article 4 of the Protocol also applies to the MSAR.</p>

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956	10/8/1959 (declaration of extension repeated on 27/4/1999); China's notification with respect to the MSAR: – dated 2/12/1999; registered with the UN Secretary-General on 3/12/1999 (UNTS, vol. 2095, No. A-3822, p. 73-75).	
United Nations Convention against Transnational Organized Crime, 2000	Same as China, i.e., 23/10/2003; China's communication with respect to the MSAR: – dated 23/9/2003; registered with the UN Secretary-General on 23/9/2003 (UNTS, vol. 2226, No. A-39574, p. 482-483).	Same as China, i.e., reservation to Article 35(2) of the Convention. China's communication with respect to the MSAR also refers to the specific modalities of application of Articles 5(3), 16(5), 18(13) (14) and 31(6) of the Convention in the MSAR.
Protocol to the United Nations Convention against Transnational Organized Crime to prevent, suppress and punish trafficking in persons, especially women and children, 2000	Same as China, i.e., 10/3/2010; China's notification with respect to the MSAR: – dated 4/2/2010; registered with the UN Secretary-General on 8/2/2010 (Depositary C . N . 4 6 . 2 0 1 0 . T R E A T I E S - 2 , o f 8/2/2010).	Same as China, i.e., reservation to Article 15(2) of the Protocol.

c. Conventions of the International Labour Organization

74. At present, the following Conventions of the International Labour Organization are applicable in the MSAR:

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
Weekly Rest (Industry) Convention, 1921 (No. 14)	11/11/1964 (declaration of extension repeated on 20/10/1999); China's notification with respect to the MSAR: – dated 20/10/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-597, p. 342).	
Forced or Compulsory Labour Convention, 1930 (No. 29)	26/6/1957; China's notification with respect to the MSAR: – dated 20/10/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-612, p. 351).	
Labour Inspection Convention, 1947 (No. 81)	12/2/1963 (declaration of extension repeated on 29/11/1999); China's notification with respect to the MSAR: – dated 14/12/1999; registered with the Director-General of ILO on 20/12/1999 and with	

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
	the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-792, p. 355)	
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	14/10/1978 (declaration of extension repeated on 6/9/1999); China's notification with respect to the MSAR: – dated 3/12/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-881, p. 358).	
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	1/7/1965 (declaration of extension repeated on 1999); China's notification with respect to the MSAR: – dated 20/10/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-1341, p. 362).	
Equal Remuneration Convention 1951 (No. 100)	20/2/1968 (declaration of extension repeated on 1999); China's notification with respect to the MSAR: – dated 20/10/1999; registered with the Director-General of ILO	

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
	on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-2181, p. 367).	
Abolition of Forced Labour Convention, 1957 (No. 105)	23/11/1960 (declaration of extension repeated on 4/10/1999); China's notification with respect to the MSAR: – dated 20/10/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-4648, p. 374).	
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	24/10/1961 (declaration of extension repeated on 1999); China's notification with respect to the MSAR: – dated 20/10/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-4704, p. 375); and – reaffirmed on 6/1/2006.	
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	19/11/1960 (declaration of extension repeated on 1999);	

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
	<p>China's notification with respect to the MSAR:</p> <p>– dated 20/10/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-5181, p. 383).</p>	
<p>Employment Policy Convention, 1964 (No. 122)</p>	<p>9/1/1983 (declaration of extension repeated on 9/8/1999);</p> <p>China's notification with respect to the MSAR:</p> <p>– dated 3/12/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-8279, p. 387).</p>	
<p>Minimum Age Convention, 1973 (No. 138)</p>	<p>20/5/1959 (declaration of extension repeated on 29/11/1999 – not valid); 10/10/2001;</p> <p>China's notification with respect to the MSAR:</p> <p>– dated 5/10/2000; registered with the Director-General of ILO on 6/10/2000 and with the UN Secretary-General on 20/2/2001 (UNTS, vol. 2138, No. A-14862, p. 213).</p>	<p>China's notification in respect to the MSAR also refers to the specific modalities of application of the Convention in the MSAR:</p> <p><i>"(...) 1. The minimum age for admission to employment or work in the Public Service is 18 years old;</i></p> <p><i>2. The minimum age for admission to employment or work in the Private Sector is 16 years old; 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</i></p>

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
		<p><i>the exercise of the work is previously attested;</i></p> <p><i>3. Schooling is compulsory for all the persons from 5 to 15 years of age. (...)</i></p>
<p>Occupational Safety and Health Convention, 1981 (No. 155)</p>	<p>28/5/1985 (declaration of extension repeated on 6/8/1999 – not valid); 20/12/1999;</p> <p>China’s notification with respect to the MSAR:</p> <p>– dated 3/12/1999; registered with the Director-General of ILO on 20/12/1999 and with the UN Secretary-General on 23/3/2000 (UNTS, vol. 2102, No. A-22345, p.431) – reaffirmed by China on 25/1/2007.</p>	
<p>Worst Forms of Child Labour Convention, 1999 (No. 182)</p>	<p>Same as China, i.e., 9/8/2003;</p> <p>China’s communication with respect to the MSAR:</p> <p>– dated 7/8/2002; registered with the Director-General of ILO on 8/8/2002 and with the UN Secretary-General on 6/3/2003 (UNTS, vol. 2210, No. A-37245, p. 265).</p>	

d. Conventions of the United Nations Educational, Scientific and Cultural Organization

75. At present, the following UNESCO Convention is applicable in the MSAR:

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
Convention against Discrimination in Education, 1960	8/4/1981 (declaration of extension repeated on 31/4/1999); China's notification with respect to the MSAR: – dated 17/10/1999; registered with the Director-General of UNESCO on 21/10/1999 and with UN Secretary-General on 13/4/2000 (UNTS, vol. 2105, No. A-6193, p. 591)	

e. Conventions of the Hague Conference on Private International Law

76. At present, the following Hague Conventions are applicable in the MSAR:

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
Convention on the law applicable to maintenance obligations towards children, 1956	23/4/1968 (declaration of extension repeated in 1999); China's notification with respect to the MSAR: – dated 30/9/1999; received by the MFA of the Netherlands on 30/9/1999, and registered	

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
	with the UN Secretary-General on 27/12/1999 (UNTS, vol. 2095, No. A-7412, p. 118-120).	
Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, 1958	24/2/1974 (declaration of extension repeated in 1999); China's notification with respect to the MSAR: – dated 10/12/1999; received by the MFA of the Netherlands on 30/9/1999.	China's notification in respect to the MSAR also refers to the specific modalities of application of the Convention in the MSAR (designation of MSAR' entities, as other China's entities, for the purpose of the application of the Convention in the MSAR).
Convention concerning the powers of authorities and the law applicable in respect of the protection of children, 1961	4/2/1969 (declaration of extension repeated in 1999); China's notification with respect to the MSAR: – dated 30/9/1999; received by the MFA of the Netherlands on 30/9/1999; and registered with the UN Secretary-General on 28/12/1999 (UNTS, vol. 2095, No. A-9431, p. 139-141).	
Convention on the Civil Aspects of International Child Abduction, 1980	1/3/1999; China's notification with respect to the MSAR: – dated 10/12/1999; received by the MFA of the Netherlands on 10/12/1999 and registered with the UN Secretary-General on 23/2/2000 (UNTS, vol. 2100, No. A-22514, p. 160).	

Convention/ Protocol	Entry into force/ continuance in force	Reservations/declarations content
Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, 1993	Same as China, i.e., 1/1/2006; China's communication with respect to the MSAR: – dated 7/9/2005; received by the MFA of the Netherlands on 10/12/1999 and registered with the UN Secretary-General on 23/2/2000 (UNTS, vol. 2100, No. A-22514, p. 160).	China's notification in respect to the MSAR also refers to the specific modalities of application of the Convention in the MSAR (designation of MSAR's entities, as other China's entities, for the purpose of the application of the Convention in the MSAR).

f. Geneva Conventions and other treaties on international humanitarian law

77. In relation to these conventions and protocols, which must apply to the entire territory of a state as they concern foreign affairs or defence, please refer to the information provided by China.

D. LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS AT THE INTERNAL LEVEL

a. Structure of protection of human rights within the MSAR legal system

78. As detailed in Part III of China's Core Document, fundamental rights and freedoms are enshrined in the Basic Law, mainly in its chapter III (Articles 24 to 44), without prejudice to other rights and freedoms being recognized in other chapters of the Basic Law and in ordinary law.

79. In fact, the majority of the human rights provided for in main international treaties have exact or analogous correspondence both at constitutional and ordinary law levels. As in other civil law systems,

fundamental rights are held to signify much more than individual rights. Indeed, they are held as general principles of law embodying the legal system in its overall and can be directly invoked. The legislature, the executive and the judiciary are bound by them.

80. Furthermore, it is worth recalling that applicable international law is directly integrated and prevails over ordinary law.

b. Further legislative developments

81. A short non-exhaustive summary of some of the most significant legislative developments that have occurred in the field of protection of human rights during the last years is provided below:

- i) Law 1/2004, of 23 February, which, for the purpose of application in the MSAR of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, sets up the procedures for the recognition and loss of refugee status, establishes a Commission for Refugees and reinforces refugee's rights and the cooperation with UNHCR;
- ii) Law 8/2005, of 22 August, on the legal framework for the protection of personal data, which strengthens the fundamental right of intimacy of private life;
- iii) Law 9/2006, of 26 December, on the legal framework of non-tertiary education system, which reaffirms and expands everyone's right to education without discrimination;
- iv) Law 2/2007, of 16 April, on the juvenile justice system, which reforms the system on the basis of restorative justice principles;
- v) Law 6/2008, of 23 June, on the fight against trafficking in persons, which reformulates the crime of trafficking in persons in accordance with the 2000 UN Protocol to prevent, suppress and punish trafficking in persons, especially

women and children, grants specific protection for victims of trafficking, provides for legal person's criminal liability and amends the criminal provisions on extraterritorial jurisdiction;

- vi) Law 7/2008, of 18 August, on labour relations in the private sector, which is based on the principles of non-discrimination, equality of opportunities and of access to employment;
- vii) Law 16/2008, of 31 December, which amends and republishes the previous law on the right of assembly and of demonstration, clarifying civil procedural matters connected with the right of appeal from decisions that deny or restrict the exercise of the right of assembly or of demonstration;
- viii) Law 1/2009, of 29 January, which complements the law on the access to the Law and courts by enlarging its personal and material scope as to cover everyone in the MSAR, regardless of his/her status on legal proceedings as well as the stage of such proceedings, broadening to that same extent the right to legal aid and judicial compensation.

c. New measures of a restrictive nature

82. Article 40(2) of the Basic Law stipulates that the rights and freedoms enjoyed by MSAR residents shall not be restricted unless as prescribed by law, and that such restrictions shall not contravene, *inter alia*, the applicable provisions of both International Covenants. Thus, any measure that may restrict or derogate fundamental rights and freedoms are subject to those limits. In this respect, only the adoption of Law 9/2002, of 9 December, and of Law 2/2004, of 8 March, has to be reported. Nevertheless, it is important to highlight that the restrictive measures therein contained are of an exceptional and temporary nature and are subordinate to the criteria of need, proportionality and end.

83. The said Law 9/2002, on internal security, allows for the possibility of restrictions to fundamental rights in case of emergency arising from

a serious threat to the MSAR's internal security. For the temporal limit of such restrictions to exceed 48 hours, previous consultation of the Executive Council and immediate communication to the President of the Legislative Assembly are required. As to Law 2/2004, on the prevention, control and treatment of transmissible diseases, which aim is to avoid risks of propagation of listed transmissible diseases, it allows for restrictions to fundamental rights in some situations where public health is at high risk. Under this law, infected persons, persons suspected of having contracted a transmissible disease or with a high risk of contracting it may be subject to medical exams or restrictions to the exercise of certain activities or to compulsory isolation. However, the decision of compulsory isolation is subject to confirmation by the Court of First Instance within 72 hours of isolation. The decision of this Court may be appealed against.

d. New bodies for the protection of human rights

84. A large number of consultative bodies have been created for the advancement of fundamental rights, such as the mentioned Commission for Refugees (2004), the Consultative Council for the Urban Renovation of Old Districts (2005), the Consultative Commission for Women's Affairs (2005), the Commission for Disciplinary Control of the MSAR's Security Forces and Services (2005), the Commission on the Fight against HIV/AIDS (2005), the Mental Health Commission (2005), the Data Protection Office (2007), the Commission to Follow Up the Implementation of Dissuasive Measures against Trafficking in Persons (2007), the Commission for Senior Citizens Affairs (2007), the Commission on the Fight against Drugs (2008) and the Commission for Rehabilitation Affairs (2008).

85. Most of these bodies, which play a key role in the promotion and protection of fundamental rights, are composed of representatives of MSAR government entities and of NGOs, as well as prominent members of the civil society.

E. FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROMOTED AT THE INTERNAL LEVEL

a. Interconnection between promotion of human rights and their full exercise

86. In the MSAR, protection and promotion of fundamental rights are seen not only as key factors for their full enjoyment by individuals, but also a major policy ground for the sustainable harmonized social development of the Region. To that end, particular efforts have been and continue to be made.

b. The general principle of law of publicity

87. Authentic texts of applicable treaties are published in the MSAR Official Gazette accompanied by their translation into both official languages. The Official Gazette is made available electronically free of charge (<http://www.io.gov.mo>). The MSAR Printing Bureau, whenever possible, also makes available their full texts in English. Texts of laws and treaties are also available on the websites of other government entities and departments.

c. Other types of promotion of law and human rights

88. Most of the main international human rights treaties have been published in brochures and widely disseminated to the population. Special shelves were designed and placed in easily accessible places for free distribution of brochures and leaflets. For example, brochures relating to each of the International Covenants, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women were disseminated all over the MSAR, together with other explanative brochures such as the “ABC of Fundamental Rights”, the “Easy to know the Basic Law”, “Workers’ Rights”, “Family Rights”, “Rights to Legal Aid” and “Adoption”. In this connection, it is worth referring to the special editions of the *Macao Law Journal* in which the implementation of

the core international human rights instruments applicable to the MSAR were covered in 2006, 2007 and 2008, respectively.

89. The dissemination of laws is the responsibility of the Legal Affairs Bureau, which has a specific division for that purpose. Notwithstanding, many other MSAR entities and departments collaborate with it or develop dissemination actions on their own. The promotion of interactive programmes, awareness campaigns, contests and inquiries through the media, fun fairs, and schools activities, *etc*, are considered important means to raise human rights awareness and enlarge public access to information on fundamental rights.

90. Since 2001, the Legislative Assembly has compiled and published the most important laws regarding fundamental human rights, such as freedom of religion, freedom of association, freedom of press, right of petition, right of abode, refugee and family rights. These publications are available online. In the same token, full texts of courts' decisions and the opinions and recommendations of the Commission against Corruption (*Ombudsman*) are also available online.

91. Specialized training courses targeted at officials, the judiciary and at different community sectors have also been carried out. In this regard, the work of the Legal and Judicial Training Centre, another government department, should be highlighted. The Centre has organized several seminars and workshops focused on the protection of fundamental rights, as for example the seminars on *Refugee Law, Human Rights, United Nations Covenants and Fundamental Rights: Glorified Esperanto? Realizing Human Rights, Human Rights Conventions and Their Implementation, Human Rights and International Law: Some Global Challenges* and workshops on the *Human Rights Reporting Procedure*.

92. According to their area of intervention, each of the above-mentioned consultative Commissions plays an important role not only in safeguarding fundamental rights and freedoms but also in promoting them and raising community awareness.

93. Moreover, Macao has a valuable historical and cultural heritage, as a result of 500 years of cross-cultural characteristics of eastern and western cultures. Landmark recognition of such heritage is the inscription of “The Historic Centre of Macao” on UNESCO’s World Heritage List in 2005. It should be stressed that the MSAR Government is deeply engaged in promoting Macao’s cultural heritage and raising community awareness to its preservation, including through education, campaigns and training.

d. Budget allocations and trends

94. As to budget allocations and trends, fundamental rights issues are reflected in all areas of public administration, thus funding for fundamental rights is not specifically allocated in the MSAR’s public budget. Allocation of funds is objective and follows strict rules of law. Hence, it is equally accessible to all and non-discriminatory, depending solely upon the nature of the measures, for instance, there are some measures that benefit women in specific, as it is the case of maternity care-related benefits, while there are other measures that benefit other specific groups of people, such as children and old age persons.

e. Reporting process

95. China is responsible for the submission of reports in respect of the MSAR under the various human rights treaties. However, the parts of China’s reports related to the MSAR are prepared by the MSAR Government and submitted to the Central People’s Government.

96. Within the MSAR Government, the drafting of reports to be submitted to the Central People’s Government are prepared by the MSAR International Law Office, under the supervision of the Secretary for Administration and Justice. All government entities and departments as well as relevant Commissions and NGOs are invited to submit their contributions and suggestions.

97. In accordance with the Human Rights Committees' Guidelines for reports, the reporting process has been further ameliorated. After the submission of the reports to the Central People's Government, but before finalizing them, their full texts are made available on the MSAR Government webpage for consultation and comments. Relevant contributions are then inserted.

98. The same methodology is followed in relation to the Human Rights Committees' lists of issues and concluding observations. In the last years, the concluding observations have also been sent to the Legislative Assembly.

III. INFORMATION ON NON-DISCRIMINATION AND EQUALITY AND EFFECTIVE REMEDIES

99. The rights to equality and non-discrimination are guaranteed by the Basic Law. Article 25 of the Basic Law expressly provides that "*all persons shall be equal before the law, and shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, religion, political persuasion or ideological belief, educational level, economic status or social conditions.*" Furthermore, recognizing that *de facto* inequalities still exist, Article 38 (2) and (3) of the Basic Law also explicitly provides for special protection of the legitimate rights and interests of women and of minors, aged people and people with disabilities.

100. Article 223 of the Criminal Code provides for the crime of racial discrimination. Its paragraph 1 makes it an offence to establish organizations or engage in organized propaganda activities which incite or encourage discrimination, hate, or racial violence, including the participation in such organizations or activities and their financing. Paragraph 2 of the same Article punishes whoever in a public meeting, in writing intended for dissemination, or by any other means of social communication, provokes acts of violence against an individual or group

of individuals on grounds of their race, colour, and ethnic origin with the intention of inciting to or encouraging racial discrimination. Paragraph 2 also punishes anyone who in a public meeting, in writing intended for dissemination, or by any other means of social communication, defames or insults an individual or group of individuals on grounds of their race, colour or ethnic origin. Penalties range from 6 months to 8 years of imprisonment.

101. Most of the ‘policy-basis’ ordinary laws and several other legislative acts expressly reiterate the general principles of law, in special equality and non-discrimination. However, though legally there is equality as regards all aspects of life (political, civil and economic and social), as in any other developed society, *de facto* inequalities still exist. To overcome them, several steps have been taken and still are in course.

102. Without prejudice to judicial remedies, within the public administration, there are several mechanisms to promote, protect and monitor equality and non-discrimination. Individuals may submit applications, petitions and complaints to any administrative authority. The safeguarding of fundamental rights is also ensured through *quasi-judicial* and non-judicial remedies. A growing body of norms exists for the protection of fundamental rights like lodging complaints to the Commission against Corruption and to the Legislative Assembly and the right to petition.

103. In relation to monitoring mechanisms, the creation of the above-mentioned consultative Commission for Women’s Affairs and of the Commission for Rehabilitation Affairs, covering all spectrums of women’s and disability issues were major achievements. The participation of NGOs in both Commissions enhances the policy process on the promotion and protection of equality and non-discrimination, ensures transparency on allocation of resources and quality of services.

104. In the MSAR, a multiracial and multicultural society, promoting equality and non-discrimination has always been a key priority.

Governmental policies are based on a stakeholder approach and, when being formulated, reaching a social consensus is of major importance. Effective measures to promote and protect equality and non-discrimination are carried out, mainly through education, law in action, training of officials and public awareness campaigns. These actions shall continue to be undertaken in partnership with the civil society, mainly with relevant NGOs. Regular dialogue with the civil society, including the participation of local associations in many consultative mechanisms, in particular for setting up governmental policies, is an important feature of MSAR's governance.

**IMPLEMENTATION OF THE CONVENTION ON THE
RIGHTS OF PERSONS WITH DISABILITIES**

**INITIAL REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 35 OF THE CONVENTION**

Macao, China * **

I. INTRODUCTION

1. This third part of the present initial report of the People's Republic of China, submitted under Article 35(1) of the Convention on the Rights of Persons with Disabilities (Convention), contains the information on the implementation of the Convention in its Macao Special Administrative Region (MSAR).

2. On 1 August 2008, at the time of the deposit of its instrument of ratification, China communicated to the Depository that the Convention would apply to the MSAR without making any reservation or declaration with respect to the MSAR. Therefore, in accordance with its Article 45(2), the Convention entered into force for China, including its MSAR, on 31 August 2008. Hence, this Part of the report covers the period from the entry into force of the Convention to May 2010; however, whenever possible, statistical data shall be provided for the last 4-year period.

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

**For the initial report by the Government of China, see document CRPD/C/CHN/1.

3. The present Part of the report was prepared in accordance with the guidelines adopted by the Committee on the Rights of Persons with Disabilities (CRPD/C/2/3, 18 November 2009) and the harmonized guidelines on the form and content of reports (HRI/GEN/2/Rev.6, 3 June 2009), on the basis of the information provided by the MSAR government departments as well as other relevant MSAR entities, such as commissions on specific human rights, in particular the Commission for Rehabilitation Affairs, and non-governmental organizations (NGOs), involved in the implementation of the Convention.

4. Whenever appropriate, reference is made to pertinent aspects of the relevant Parts in respect to the MSAR of China's latest reports on human rights treaties and to Part III of China's Core Document (HRI/CORE/1/Add.21/Rev.3), as recently updated, the contents of which remain unchanged if no observations are made to the contrary herein.

5. In regard to the legal status of the Convention in the MSAR, it should be recalled that the MSAR legal system is a civil law system. Applicable international law and internal law are part of the same general legal order operating simultaneously. Once an international treaty is published in the MSAR *Official Gazette*, it automatically becomes part of the MSAR legal system. In the event of conflict, applicable international law prevails over ordinary law. It may be invoked before any judicial and administrative authorities in exactly the same manner as all the other laws. The available remedies, judicial, quasi-judicial, or non-judicial, are the same.

6. The Convention was published in the MSAR *Official Gazette*, Series II, No. 9, 6 March 2009, in its authentic Chinese text, accompanied by the respective Portuguese translation, i.e., in both of the official languages of the Region.

II. IMPLEMENTATION OF THE GENERAL PROVISIONS OF THE CONVENTION (ARTS. 1–4)

A. Special constitutional protection

7. Fundamental rights and freedoms are safeguarded at the highest level by the Basic Law of the MSAR, which has constitutional value and cannot be contravened by any other MSAR law. The Basic Law also explicitly recognizes the need of special protection for persons with disabilities, allowing positive discrimination in relation to them. Indeed, the inviolability of human dignity is enshrined in the first sentence of its Article 30, and alongside with Article 25 that guarantees the rights to equality and non-discrimination, its Article 38, paragraph 3, explicitly determines that “(...) *the disabled shall be taken care of and protected by the MSAR*”.

B. Protection under ordinary law

1. System of protection

8. Fundamental rights are also held as general principles of law that underpin the entire MSAR legal system.

9. Moreover, fundamental rights intrinsically related to the aspects of personhood are shaped as well as ‘personal’ rights in terms of the civil law. Recognized to all natural persons without discrimination, being as a general rule non-renounceable (voluntary restrictions to non-disposable rights are null and void) and some of them even inalienable, they are the object of specific supplementary protection, which beyond their effective breach also covers the threat of breach. They bind all powers and it is possible to invoke them directly (Articles 63 to 82 of the Macao Civil Code).

10. At the ordinary law level, the protection of persons with disabilities is concretized by, general or special, laws. There is no separate

remedy system applying to persons with disabilities as such when their rights are violated. Any person who considers that his/her rights have been violated may raise the issue before the Legislative Assembly or the *Ombudsman*, by means of a petition or complaint, or before an administrative authority or a court, by means of, or in connection with, administrative, civil or criminal proceedings.

2. General policy and definitions

11. In the context of protection, Decree-Law 33/99/M, of 19 July, is of special importance as it sets up the basis of the policy on the prevention of disability, treatment, rehabilitation and social participation and inclusion of persons with disabilities (rehabilitation policy). The objectives of this policy are to ensure the full and effective exercise of rights and freedoms by persons with disabilities in terms of non-discrimination and equality with others, to grant them all possible autonomy and to promote their social acceptance in the respect of human dignity.

12. For that purpose, on the assumption that correcting or minimizing disability, re-establishing, developing or potentiating the aptitude and capacities of persons with disabilities and addressing social barriers that in practice exclude them are undertakings that involve all spheres of life, Decree-Law 33/99/M establishes a set of general principles, objectives, rights, responsibilities and support measures directed to persons with disabilities, as well as to relevant governmental entities and NGOs that work in the field of disability, covering all areas of activity.

13. Article 2(1) of the said Decree-Law delineates the concept of person with a disability as a person who, by reasons of, congenital or acquired, loss or anomalism of psychological, intellectual, physical or anatomical structure or function susceptible of causing capability restrictions, may be in a disadvantaged situation that hinders his/her participation in normal activities, taking into account age, gender and main social indicators. On the other hand, its Article 2(2) states that the identification of a situation of disability shall be done on the basis

of an early diagnosis of a multidisciplinary nature, meaning that both the concept of person with a disability and the way of determining the situation of disability itself are to be constructed in an evolving manner.

14. In the same token, its Article 3 contains a dynamic concept of rehabilitation as the global and continuous process of correcting or minimizing disability and re-establishing, developing or potentiating the aptitude and capacities of persons with disabilities in order to improve their autonomy and their full inclusion and participation in the community.

15. Some of the Convention's definitions have no exact correspondence in this Decree-Law. However, once the Convention became applicable, such definitions also became subsumed into the MSAR legal system, dictating the operational criteria functionalizing the practical execution of all laws in the field of disability. Notwithstanding, with the purpose of better implementing the Convention, a comprehensive study of the internal legislation was undertaken and is still in course.

C. Competent MSAR entities and their coordination with society

16. The responsibility for conducting the rehabilitation policy falls primarily upon the MSAR Government in partnership with families and relevant NGOs. Such partnership, determined by law, encompasses NGO intervention both at the level of policy making and of its implementation (Articles 5(g) and 17 of the mentioned Decree-Law 33/99/M and Article 11 of Law 6/94/M, of 1 August, on the legal framework on family policy).

17. Within the MSAR Government, the Chief Executive and the Secretary for Social Affairs and Culture are the main entities empowered to act on matters governed by the Convention. Under this Secretary, the Division for Rehabilitation of the Social Welfare Bureau is the permanent structure responsible for the coordination and articulation of the rehabilitation policy. The Labour Affairs Bureau (LB), under the Secretary for Economy and Finance, is accountable for measures related to employment. The Secretary for Transport and Public Works is responsible

for the aspects of suppression of physical barriers and reasonable accommodation in respect of transportation. Finally, the drafting of legislation and dissemination of law are within the competence of the Secretary for Administration and Justice.

18. The rehabilitation policy is also followed up by a government consultative body, the *Council for Social Welfare*, which is chaired by the Secretary for Social Affairs and Culture and comprises the Procurator, the Directors of several government departments as well as up to 5 individuals of recognized merit and 10 representatives of NGOs in the field of social welfare. Recently, a more specialized autonomous consultative body, the *Commission for Rehabilitation Affairs*, was also created with a multidisciplinary nature and a similar composition but its NGO representation was increased (up to 15). Its mandate is to assist the Government in the formulation, implementation, coordination and supervision of policies related to the prevention of disability, the rehabilitation and social integration of persons with disabilities, assuring them equal rights, affirming their value and dignity, eliminating obstacles as well as preventing discrimination (Order of the Chief Executive 239/2008, of 1 September).

D. Difficulties in connection with the factual situation in the MSAR

19. At present, there is a lack of comprehensive and updated statistics on disability. In fact, data on disability were collected only for the 2001 Census and the 2006 By-census. The new census will take place next year. Statistical information on disability will be collected on several bases, in particular the *Principles and Recommendations for Population and Housing Censuses Revision 1 of UNSD and the WHO International Classification of Functioning, Disability and Health (ICF)*. For more details on the available data on disability, please refer to paragraphs 12–16 of the update of Part III of China's Core Document.

III. IMPLEMENTATION OF SPECIFIC RIGHTS

Article 5

(Equality and non-discrimination)

20. As referred, equality and non-discrimination are at the very heart of the overall of the MSAR legal system. Without prejudice to situations in regard to which positive discrimination is allowed, discriminatory actions of any type are forbidden and illicit and may, even, constitute criminal offences (please also refer to paragraphs 77 and 99 *et seq.* of the update of Part III of China's Core Document).

21. Ordinary laws expressly reinforce equality either in a positive way or by means of repressing discriminatory conducts or actions. An example of the first case is that of the mentioned Decree-Law 33/99/M, of which Article 4 explicitly stipulates that a person with disability enjoys the same rights and has the same duties as all other persons under conditions of full equality, with the exception of the exercise or observance of those he/she is incapacitated for. Likewise, its Article 5(d), on the policy's general principles, determines that discrimination must be eliminated and that the physical environment, social and health services, education, work, cultural and social life should progressively become fully accessible to all.

22. Several other laws expressly reaffirm the rights to equality and non-discrimination. In more modern laws, a reference to positive discrimination has been added to the provision(s) on the right to equality or specific provisions to facilitate the exercise of rights by those who are impaired have been inserted.

23. Although in the MSAR, persons with disabilities are fully equal before and under the law, in practice *de facto* inequality still exists. The MSAR authorities are studying and considering further ways of progressing faster into the path to equality for all.

Articles 6 and 7
(Women and children with disabilities)

24. In what relates to women and children with disabilities, it should be noted that the quoted Article 38 of the Basic Law also provides for special protection for women's legitimate rights and interests (paragraph 2), acknowledging that differentiation of treatment is needed to achieve true equality, as well as for the care and special protection for children (paragraph 3). Likewise, with respect to children with disabilities, it is worth mentioning that Article 8(4) of the referred Law 6/94/M stipulates that special assistance should be provided to them so that they can obtain adequate conditions in support of their development.

25. Legally, there are neither gender-based restrictions, whatsoever, nor discriminatory restrictions related to children, as such. Children have diminished legal capacity and are subject to parental responsibility. However, the principle of the best interests of the child, which underlies all legislation on minors, must always be taken into consideration. The law recognizes to children the right to be heard on important matters relating to their life. Their views are given due weight according to their age and maturity.

Article 8
(Awareness-raising)

26. A booklet with the text of the Convention was published by the Social Welfare Bureau (SWB) and distributed to the public for free. Some articles have also been published, presenting the rights of persons with disabilities, as well as explaining correlative crimes. Awareness campaigns will continue.

27. Between 2006 and 2009, the SWB subsidized or financed 19 promotional activities, life camps and competitions organized by various NGOs to help persons with disabilities integrate into the community and

to increase awareness regarding persons with disabilities, their dignity, rights and needs. Moreover, a series of activities for the celebration of International Rehabilitation Day is annually hold, so as to offer opportunities for the public to get in touch with and learn more about people with disabilities and thereby suppress stereotypes/prejudices against them and facilitate the establishment of an integrated and harmonious society.

28. The SWB is also, in conjunction with the Legal Affairs Bureau, carrying out civil education in primary and secondary schools. Through dynamic lessons, games and programs, students are gradually introduced the notions of human rights, anti-bias concepts, as well as other issues on fundamental rights. The topic of civil education is included in the curriculum. As common practice, schools organize social concern groups for students as one of the extra-curriculum activities, in favour of their obtainment of better knowledge and insight on human rights issues to resist social unfairness or discrimination.

Article 9 (Accessibility) and Article 20 (Personal mobility)

29. Article 13 of the referred Decree-Law 33/99/M states that accessibility and mobility comprise measures and techniques that aim at conferring on persons with disabilities greater autonomy and full participation in educational, professional and social life, covering any situation arising from functional mobility, means of transportation as well as any barriers of physical environment.

30. In order to improve the participation of persons with disabilities in all aspects of life, in particular in what concerns mobility, Law 9/83/M, of 3 October, on the suppression of architectural barriers, establishes a series of technical rules and requirements applicable to all buildings to be constructed by or for public entities, including public enterprises and concessionaries of public services, buildings and facilities that

are public or open to the public, such as museums, libraries, theatres, cinemas, congress facilities, churches, hospitals, schools, courts, telecommunications and post offices, banks, hotels, restaurants and similar establishments, shops, swimming pools, public toilets, parking lots and sidewalks and so on. This law was complemented by Order 27/83/ECT, of 5 November, on its implementation guidelines. Furthermore, barrier-free requirements are mandatory in public tenders for all public works or services. Besides, Government subsidies can be granted for the elimination of architectural barriers in order to facilitate the social and professional integration of unemployed persons with disabilities (Article 5 of Order of the Chief Executive 199/2000, of 16 October).

31. It should be stressed that major venues open to the public are equipped with barrier-free toilets, elevators, gently sloped aisles, wheelchair access and wider passageways designed for persons with disabilities. Plus, elevators with special designs tailored to their needs have been introduced in most footbridges. Such designs include Braille push-buttons to indicate floor numbers and instructions, keyboards positioned for wheelchair users and acoustic signals. For persons with visual disabilities, tactile guide paths for blind guidance have been installed on the pavements in the densely populated areas, providing safe and reliable pathways. Moreover, after having sought the views of relevant NGOs, electronic audible traffic signals have been phased in since 2009. Such equipments do not only emit sounds but also are equipped with a vibrating component that can indicate the correct direction to cross the road.

32. As to transportation, the SWB subsidizes rehabilitation buses and ambulances to provide transport and escort services for persons with specific needs, including those with disabilities. Professional training is offered to frontline staff to advance the quality of services. At present, there are 6 of such buses and 2 ambulances.

33. Also, to ease the mobility of people with disabilities, in bus services, designated seats close to the doors are mandatorily reserved for certain categories of persons, including those with disabilities. As

regards taxi services, it is compulsory for taxi to carry guide dogs of blind passengers free of charge. Taxi drivers are also bound to help passengers who need special care getting on and off the vehicles and to assist passengers in placing luggage, including wheelchairs, in taxi boots. Violations of the said provisions are subject to fines.

34. On the other hand, it is mandatory that public car parks reserve a number of parking spaces for persons with disabilities. It is also required that free parking spaces are to be reserved around their workplaces and residences to the fullest extent possible. At the moment, the reserved spaces for persons with disabilities are beyond the actual demand.

Article 10 **(Right to life)**

35. All persons have the inherent right to life, which is inalienable and cannot be renounced (Article 70 of the Civil Code). In the MSAR legal system, there is neither death penalty nor life imprisonment.

36. Crimes against life and intra-uterine life are provided for and punished under the Macao Criminal Code. Even though suicide is not a crime (but merely a civil illicit), incitement, aid or propaganda to suicide is a crime against life. Euthanasia, foreseen as homicide, and abortion, even if voluntary, are also criminal offences. Nevertheless, the law qualifies certain types of homicide, for example homicide motivated by compassion, desperation or other relevant social or moral ground and homicide at the request of the victim, in a specific manner (Articles 130, 132 and 133 of the Criminal Code). Similarly, abortion with consent under certain circumstances expressly enumerated in the law is not punishable (Article 3 of Decree-Law 59/95/M, of 27 November, as amended by Law 10/2004, of 22 November, on the rules for voluntary interruption of pregnancy).

37. It should be noted that within the crimes against life, the crime of exposure or abandonment specifically refers, *inter alia*, to persons with

disabilities. Penalties range from 1 to 15 years of imprisonment (Article 135 of the Criminal Code).

Article 11

(Situations of risk and humanitarian emergencies)

38. The Basic Law, in its Article 14, determines that the Central People's Government (CPG) shall be responsible for the defence of the MSAR and that the Government of the MSAR shall be responsible for the maintenance of public order in the Region. It also establishes, in Article 18, that 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 MSAR which endangers national unity or security and is beyond the control of the government of the Region, decides that the Region is in a state of emergency, the CPG may issue an order applying the relevant national laws in the Region.

39. On the other hand, the main international humanitarian and human rights treaties are in force in the MSAR (for more details, please refer to paragraphs 72 to 78 of the update of Part III of China's Core Document). Despite the system of reception, their execution often requires the adoption of internal legislation. Such is the case of Law 1/2004, of 23 February, on the procedures for the recognition and loss of refugee status. Under this law, in exceptional cases whereby the maintenance of public order in the MSAR may be affected, such as mass influx of refugees, the Chief Executive, when necessary, with the assistance and authorization of the CPG, after consulting the Commission for Refugees, the MSAR Security Council and the representative of the UNHRC, shall determine the measures to be applied. Under this law, special protection is ensured for persons who request the status of refugee and who are legally incapable by reasons of mental impairment or, by any other reason, considered as especially vulnerable. Besides, in a more general manner, it also provides that all persons who request the status of refugee or have been granted

such status and who are in a precarious economical or social situation, as well as their family, shall be granted special care and support, including financial aid, by the SWB.

40. It should be said that the laws on civil protection and on the MSAR's internal security, Decree-Law 72/92/M, of 28 September, and Law 9/2002, of 9 December, respectively, contain several rules on the observance of fundamental rights, and freedoms, which, in cases of natural catastrophes or other emergency due to serious risk of turmoil endangering the MSAR's internal security, can be temporarily restricted. Such restrictions, being subject to strict limits determined by Article 40 of the Basic Law and in those laws, cannot be discriminatory.

Article 12

(Equal recognition before the law)

41. All natural persons, due to the simple fact of being persons, have legal personality and enjoy legal capacity. Legal personality is acquired at full birth, with life and only ceases with death. No person is allowed to waive, in whole or in part, his/her legal personality or capacity. Restrictions to capacity are expressly prescribed by law and based on objective facts. More precisely, apart from minors, only those that are incapable of managing themselves or their property affairs may be judicially declared as 'unable' or as 'interdicted'. Legally, such persons are treated similarly as minors (Articles 63 to 67, 122, 123, 135 and 137 of the Civil Code).

Article 13

(Access to justice)

42. Article 36 of the Basic Law enshrines the right to resort to law and to have access to the courts, to lawyers' help for protection of lawful rights and interests and to judicial remedies as well as the right to institute legal

proceedings in the courts against the acts of the executive authorities and their personnel. Article 6 of Law 9/1999, of 20 December, as last amended by Law 9/2009, of 25 May, on the Basis of Organization of the Judicial, reiterates these rights. Justice cannot be denied by reason of insufficiency of financial means. Access to law and to the courts comprises legal information, legal consultation, legal aid and judicial remedies, as laid down in Law 21/88/M, of 15 August, as amended by Law 1/2009, of 29 January.

43. To ensure the participation of persons with disabilities in court procedures or police proceedings, appropriate assistive devices (e.g. wheelchairs, crutches and ambulance) or expert assistance are made available, as well as adequate interpreters to assist persons with sensory disabilities, if needed. Furthermore, the court may allow for procedural acts to take place outside the court or for the use of telecommunication means instead of appearance in court (Articles 91, 482, 528, 540 and 542 of the Macao Civil Procedure Code).

Article 14

(Liberty and security of the person)

44. The inviolability of the right to freedom is guaranteed by Article 28 of the Basic Law in a very broad manner (namely, the right not to be subject to arbitrary or unlawful arrest, detention or imprisonment and, in such event, also the right to apply to the court for the issuance of a writ of habeas corpus, as well as the prohibition of unlawful search of the body or deprivation or restriction of the freedom of the person and of torture or inhuman treatment). On its turn, Article 29 of the Basic Law determines that *“Macao residents shall not be punished by law, unless their acts constitute a crime and they shall be punished for it as expressly prescribed by law at the time. When charged with criminal offences, Macao residents shall enjoy the right to an early court trial and shall be presumed innocent before convicted.”*

45. The right to liberty is fully protected equally under Article 72 of the Civil Code, which details its various general and special facets, including those related to contractual obligations (as for example prohibition of slavery, servitude, imprisonment for non-fulfilment of contractual obligations, *etc*); it also reiterates the right to compensation in case of breach. Moreover, the general principles of criminal law, such as the referred *nullum crimen sine lege, nulla poena sine lege*, and the crimes against personal freedom, sexual freedom and sexual auto-determination are provided for under the Criminal Code. Many other MSAR laws protect and reinforce the right to freedom of the person.

46. The existence of a disability *per se* cannot justify deprivation of or any other restriction to liberty. Indeed, it would constitute a criminal offence.

47. Nevertheless, compulsory hospitalization of persons with severe mental illness is possible under strict objective conditions and subject to judicial supervision. Those conditions as well as a set of rights of the patient, in particular, the right to be assisted by a lawyer and the right to appeal against the decision whereby the internment has been imposed or maintained are established by Decree-Law 31/99/M, of 12 July, on the mental health regime. Compulsory internment in a private health institution requires judicial authorization and decisions of internment in a public health institution, as well as decisions to maintain urgent compulsory internment, require judicial confirmation within 72 hours. In any case, the review of the internment is mandatory every 2 months and can be replaced by outpatient treatments.

48. As regards deprivation of liberty, Decree-Law 40/94/M, of 25 July, on the legal framework on the execution of measures depriving personal freedom, determines, *inter alia*, that persons in custody remain entitled to their fundamental rights, subject to the limitations that are inherent to the conviction. Prisoners have the right to appropriate medical care and treatment and must be provided with the accommodation, clothing, hygiene and food standards that safeguard their health and

dignity. Wheelchairs, walking sticks, crutches and other medical devices corresponding to particular needs are available. Prisoners with disabilities are preferably assigned to detention areas without stairs and equipped with appropriate toilet support seats. Labour and vocational trainings take into consideration the prisoners' physical and intellectual capacity, professional ability as well as their aspirations. Besides, pre-professional training provided to prison guard candidates includes manners in treating persons with disabilities and other human rights issues. Between 2006 and 2009, there were only 3 prisoners with physical disabilities in the Macao Prison Establishment.

Article 15

(Freedom from torture or cruel, inhuman or degrading treatment or punishment)

49. The freedom from torture or inhuman treatment is safeguarded at constitutional level by Article 28 of the Basic Law. There are no specifications in regard to persons with disabilities (for more details on this issue, please refer to the Addendum related to the MSAR of China's last supplementary report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/MAC/4), which remains updated).

Article 16

(Freedom from exploitation, violence and abuse)

50. Exploitation, violence or abuse of a person is forbidden. Different criminal provisions apply depending upon the concrete elements of each of those conducts.

51. However, it is worth mentioning that Article 146 of the Criminal Code provides for the crime of ill treatment or excessive burden on minors, spouses, incapable persons or those who are vulnerable due to age,

illness or physical or mental disability. Whoever has under his/her care, legal guard, responsibility of direction or education, at his/her service by reasons of a labour relationship, such person inflicts upon him/her physical or mental ill or cruel treatment or; employs him/her in dangerous, inhuman or prohibited activities; or overbears him/her with excessive work; or does not provide the care or assistance imposed by the duty of his/her functions, is punishable with penalties of ranging from 1 to 15 years of imprisonment.

52. In what refers to compensation, on top of the general rules on compensation, Law 6/98/M, of 17 August, establishes a special regime of financial compensation in favour of victims of violent crimes, which can be granted even if the offender is unknown or, for any reason, cannot be accused or convicted.

Article 17

(Protection of the integrity of the person)

53. In addition to particular guarantees to which reference has been made, it should be noted that Article 71 of the Civil Code, while determining everyone's right to personal physical or mental integrity, forbids, *inter alia*, any medical act or experiment without consent which may affect one's physical and psychological integrity. Voluntary restrictions to the right of integrity that may pose serious risk to the person's life or endanger his/her health are null and void. Besides, several crimes related either to violations of physical integrity, honour, intimacy of private life or to other connected legal values are provided for and punished under the Criminal Code. Other MSAR laws also protect the integrity of the person.

54. For instance, Decree-Law 111/99/M, of 13 December, on the protection of human beings' dignity and identity in biological and medical application reaffirms that any medical act can be carried out only if the person involved freely gives his/her informed consent. Whenever he/

she is incapable of giving consent in virtue of mental disorder, disease or other analogous reasons, the authorization of his/her legal representative or of the court is mandatory. In such a case, the interested person should as far as possible take part in the process of authorization. Accordingly, medical acts or treatment without the required consent are punishable with a penalty of up to 3 years of imprisonment. Forced sterilization is also a crime, punishable by a penalty of 2 to 10 years of imprisonment, or even of 5 to 15 years if it causes the victim's death (Articles 150, 138 and 139 of the Criminal Code, respectively).

Article 18

(Liberty of movement and nationality)

55. Regarding the right to nationality, in accordance with Article 18 of the Basic Law and its Annex III, the Nationality Law of the People's Republic of China is applicable in the MSAR. However, considering the specific situation of the MSAR, the Standing Committee of the National People's Congress adopted on 29 December 1998 the "*Interpretation on some questions concerning implementation of the Nationality Law of the PRC in the MSAR*". Law 7/1999, of 20 December, regulates the applications for nationality. The conditions stipulated therein do not relate to disability.

56. Pursuant to Article 24 of the Basic Law, only permanent residents have the right of abode in the MSAR and are qualified to obtain permanent identity cards. The requirements to be a permanent resident, explicitly laid down in the referred Article, are objective and non discriminatory. The liberty of movement is fully guaranteed by Article 33 of the Basic Law, which states that "*Macao residents shall have freedom of movement within the MSAR and freedom of emigration to other countries and regions. They shall have freedom to travel and to enter or leave the Region and shall have the right to obtain travel documents in accordance with law. Unless restrained by law, holders of valid travel documents shall be free to leave the Region without special authorization.*"

57. All births taking place in the MSAR are subject to civil registration. Births must be reported within 30 days at the birth registration office. Furthermore, hospitals are obliged to report all births that have occurred in the previous week. If a birth is not registered within the appointed time limits, the registrar is compelled to inform the Procuratorate, which, having collected the necessary information, shall request the judge to order a compulsory registration. Newborns whose parents are not known and who have been discovered abandoned in the MSAR must also have their births registered. In this case, the registrar shall give the child a complete name, without drawing attention to his/her status as an abandoned child (Articles 1, 76, 78, 85 and 88 of the Macao Civil Registration Code).

Article 19

(Living independently and being included in the community)

58. Legally, the right of persons with disabilities to independent living and community inclusion is not restricted and, as explained, except for cases of compulsive hospitalization, all persons have the right to choose where and with whom they want to live. In practice, however, the realization of this right is not yet achieved, though it constitutes one of the goals of the rehabilitation policy.

59. The 2006 By-census showed that, 85% of the persons with disabilities lived in domestic living quarters (of which 13.7% lived alone) and 15% lived in collective living quarters. The majority of the persons with disabilities (69.7%) had used or were using specialized services (such as health rehabilitation services, special education services, financial/in-kind assistance). The more frequent users of those services were persons suffering from intellectual or psychiatric impairment, in particular those having Autism.

60. The necessity to shift from institutionalization towards in-home, residential and other community support services is recognized. Since long, NGOs have been subsidized by the SWB in order to enable them

to offer more types of support to persons with disabilities and, thus, to create alternatives to institutionalization. Also under the SWB financial and technical support, several NGOs provide home care services targeted at people with disabilities who lack care and support from their families or the elderly in poor health conditions. The services cover catering, personal care, home cleaning, bathing, escort service for medical consultation, laundry, shopping, personal counselling, hotlines, mutual help network, community activities, visits as well as home-based care and rehabilitation services. Still, for persons with disabilities who need residential service, at present, there are 429 bed spaces available in 6 institutions subsidized by the SWB. The following tables detail the situation.

Description of service	Content of service
Aftercare services: Community support services for persons who suffered from mental illness or have intellectual disabilities who left residential rehabilitation	Counselling, small group activities, social and recreational activities, housework, referral services and crisis management
Supportive housing scheme: Community support services for persons who suffered or have suffered from mental illness, living in the social housing provided under this scheme	Counselling, small group activities, referral services and crisis management
Community support services: Assistance for persons who suffered from mental illness in respect of living independently in the community	Regular visits, outreach services, counselling and emotional support, referral services, guidance and training for families and carers and social recreational activities
Support services for carers: Support for carers with regard to care for the elderly without self-care ability or in poor health conditions	Caring knowledge education and skill training, counselling, social/recreational activities, mutual support groups, supply or shared use of information and reference materials, demonstration and loan of rehabilitation-aid equipment and regular contacts among the carers

Source: Social Welfare Bureau

Persons using home care and support services by age (No.)

Age group (years)	2006	2007	2008	2009
Below 65	26	48	65	82
65 or above	499	476	458	543
Total	525	524	523	625

Source: Social Welfare Bureau

Current status concerning residential service provided for persons with disabilities (No.)

NGO facilities	Target (sex, age and nature of disability)	C	No. of users			
			2006	2007	2008	2009
Home São Luís Gonzaga	M/16 or above (intellectual or long-term mental disability)	200	189	189	188	190
Centre Santa Margarita	F/16 or above (intellectual or long-term mental disability)	115	57	57	53	50
Centre Santa Lúcia	F/16 or above (intellectual or long-term mental disability)	50	47	48	47	48
Home Nossa Senhora da Penha	MF/0–15 (intellectual or physical disability)	28	25	25	25	24
Mong Ha Residential Home	MF/18–60 (ex-mental illness)	12	9	6	7	10
Integrated Service Centre Hong Lokâ (residential service)	MF/16 or above (intellectual disability – moderate/mild)	24	11	11	20	17

Source: Social Welfare Bureau

Note: C = capacity

61. As to social protection, a subvention regime was set up to provide a monthly subsidy to individuals and families in financial hardship due to social and health factors or other difficulties so as to support their daily lives. In order to extend its coverage, the terms of application for this

subsidy were softened (Administrative Regulation 6/2007, of 2 April, and Orders of the Chief Executive 322/2007, of 26 November, and 277/2008, of 13 October).

Monthly subsidy recipients and respective amount

Type of recipients and amount of subsidy	2006	2007	2008	2009
Families	96	96	135	288
Individuals	96	97	139	296
Total subsidy amount (MOP)	1 351 610	1 863 450	3 279 715	7 408 499

Source: Social Welfare Bureau

Note: 1 USD = 7.9335 MOP

62. Additionally, special subsidies, covering education, nursing and disability, are available for vulnerable families, including families whose members have disabilities or suffer from chronic illness (Order of the Secretary for Social and Cultural Affairs 18/2003, of 10 March). Furthermore, twice a year, an extra living subsidy is granted to such families. Plus, senior citizens aged 65 or above are entitled to an annual old-age allowance (Administrative Regulation 12/2005, of 1 August, as amended). The relevant details are presented in the tables below.

Disability subsidy recipients and respective amount

Nature of the disability and amount of subsidy	2006		2007		2008		2009	
	F	P	F	P	F	P	F	P
Intellectual disability	187	192	185	193	180	190	198	203
Blindness/visual impairment	69	71	68	71	66	70	73	75
Hearing impairment	44	46	44	46	43	45	47	48
Physical disability	94	96	92	96	90	94	99	101
Paralysis	49	51	49	51	47	50	52	53
Being bedridden due to disability	15	15	15	15	14	15	16	16

Nature of the disability and amount of subsidy	2006		2007		2008		2009	
	F	P	F	P	F	P	F	P
Others	35	35	33	36	33	35	36	37
Total	493	506	486	508	473	499	521	533
Total subsidy amount (MOP)	1 655 600²		1 625 200		1 665 490		1 805 670	

Source: Social Welfare Bureau

Notes: ¹ F = Family, P = Person. ² The subsidy total amount includes the amount of "Fresh Water Subsidy" distributed to current subsidy recipients during the time of salt water in 2006. ³ 1 USD = 7.9335 MOP.

Extra living subsidy recipients and respective amount

Type of recipients and amount of subsidy	2006	2007	2008	2009
Families	591	567	631	715
Individuals	591	567	631	715
Total subsidy amount (MOP)	2 074 700	2 292 000	3 103 500	3 823 800

Source: Social Welfare Bureau

Note: 1 USD = 7.9335 MOP

Data regarding old-age allowance

No. of recipients and amount of subsidy	2006	2007	2008	2009
Beneficiaries	34 725	35 874	38 603	41 653
Amount per individual (MOP)	1 500	1 800	3 600	5 000
Total subsidy amount (MOP)	52 087 500	64 573 200	138 970 800	208 265 000

Source: Social Welfare Bureau

Note: 1 USD = 7.9335 MOP

63. A disability pension is available to those who have completely lost their capacity to work on a long-term basis, given that he/she is a resident

aged 18 or above, living in Macao for at least 7 years and has contributed to the Social Security Fund for at least 36 months. The amount of such pension has been increased from time to time in the past years, at present being MOP 1,700 per person (Decree-Law 58/93/M, of 18 October, on the regime of social security, as amended).

64. Still, to ease the living burden of people with disabilities, subsidies in respect of medical equipment, health care expense, housing reparation, basic housing equipment, transport expense and so on are also available (Article 8 (1) of the mentioned Administrative Regulation 6/2007).

Medical equipment subsidy recipients and respective amount

Type of recipients and amount of subsidy	2006	2007	2008	2009
Families	42	49	45	36
Individuals	42	49	45	36
Total subsidy amount (MOP)	349 850	474 177	622 015	479 262

Source: Social Welfare Bureau

Note: 1 USD = 7.9335 MOP

65. On top of this, tele-assistance emergency service has been newly set up for those who are in need of special care and the elderly (Order of the Chief Executive 279/2009, of 3 August). This service includes calling ambulance, contacting families or main persons and hotline as to provide regular care reminders or social contacts. The number of users in 2009 accounted for 650 and the respective funding was MOP 1,818,990.

Article 21

(Freedom of expression and opinion, and access to information)

66. The Basic Law guarantees freedom of speech, of the press and of publication, of association, of assembly, of procession and of demonstration (Article 27, first part), of communication and privacy of

communication (Article 32, first paragraph) and of conscience and of religious belief and to preach and to conduct and participate in religious activities in public (Article 34).

67. Everyone is entitled to access to public information on condition that such information is not of a confidential nature or is not related to personal privacy (Article 9 (1) (a) of the Administrative Procedure Code). More specifically, in regard to access to information by persons with disabilities, Article 5 (f) of Decree-Law 33/99/M, while referring to the right to information, makes it mandatory that persons with disabilities (and their families) be informed, in a permanent manner, of their rights and of the existent structures destined to assist them. Accordingly, the relevant government departments deliver messages on such matters, including the application of subsidies and relevant services provided to persons with disabilities, through a variety of channels, such as promotional leaflets, web pages, TV and radio advertisements, telephone hotlines and telephone inquiries, in both official languages.

Article 22

(Respect for privacy)

68. The right to personal reputation and the privacy of private and family life is enshrined in paragraph 2 of Article 30 of the Basic Law, which further imposes, in its Article 31, that the homes and other premises of Macao residents shall be inviolable and that arbitrary or unlawful search of, or intrusion into, a resident's home or other premises shall be prohibited.

69. The Civil Code establishes the right to intimacy of private life, of confidential communications, of family memories and other private scripts, the use of non-confidential communications, the right to personal history, the right to know about one's personal data contained in database or record as well as the use thereof and to request for rectification or update of such information, unless otherwise provided for in the provisions

as to judicial secrecy as well as the protection of personal data, the right to one's image and words, and forbids the disclosure of private life of others. To strengthen the protection of privacy, Law 8/2005, of 22 August, on the treatment and protection of personal data, was adopted. Information regarding a person's characteristics in the aspects of physical, physiology, psychology, economic status, culture or social conditions that can directly or indirectly identify him/her is considered personal data, subject to full protection and strict handling. Personal data concerning private life and health are forbidden from handling except in specific cases determined by law. Moreover, certain acts that infringe the right to privacy, namely the disclosure of information relating to private life, the violation of privacy by means of information technology, the breach of secrecy and the improper use of secrecy constitute crimes (Articles 186, 187, 189 and 190 of the Criminal Code, respectively).

Article 23

(Respect for home and the family)

70. The first part of the mentioned Article 38 of the Basic Law determines that the freedom of marriage and the right to form and raise a family freely shall be protected by law. Similarly, the quoted Law 6/94/M states that everyone enjoys the freedom of marriage and the right to form a family. It also guarantees the equality regarding the protection of motherhood and fatherhood and promotes favourable conditions for the foundation and development of families as fundamental human and social values that the Government must respect and protect.

71. The minimum legal age for marriage for both sexes is 16 years old. Yet, one of the impediments to marriage is to suffer from notorious dementia or to be judicially declared unable or interdicted by reasons of mental illness (Article 1479 of the Civil Code).

72. As a general principle, children cannot be separated from their parents. However, for the sake of the child's best interests, this principle

may be overridden in cases expressly prescribed by law. Some inhibitions to the exercise of parental responsibility have an *ope legis* nature (e.g., having been convicted for a criminal offence punishable by such a penalty or judicially declared unable or interdicted by reasons of mental illness) but most require a judicial decision. The separation of children from inhibited parents is not automatic, rather it depends on the best interests of the child, assessed by the court on a case-by-case basis (Article 1767 (1) (b) of the Civil Code).

73. To promote family harmony and strengthen child-rearing capacity, the SWB provides parents with disabilities with emotional counselling, information and instructional tools, training courses, parent-child campaigns, parent sharing/gatherings and so forth.

Parent-child education/activities and parent meetings/gatherings

No. of	2006	2007	2008	2009
Parent-child education/activities	20	13	20	56
Total participants	738	638	922	2 746
Parent meetings/gatherings	40	40	55	64
Total participants	1 185	1 285	1 056	1 305

Source: Social Welfare Bureau

74. Still under the SWB supervision and financial support, there are also 26 nurseries and 9 residential homes (including one boarding school) for children (under 4 years old) and adolescents (aged up to 24 years old). Residential homes are accessible to those who cannot enjoy proper family care for whatever reasons and nurseries to children whose parents need to work in daytime or are unable to take care of them. Between 2006 and 2009, a total of 16 children and adolescents with disabilities used such residential homes. Plus, in that same period, 5 children with disabilities were abandoned in the MSAR (which, as said, is a crime). The SWB

arranged such children to enrol in nurseries or schools according to age and cooperated with judicial authorities in the investigation and on matters of guardianship.

Article 24
(Education)

75. Article 37 of the Basic Law guarantees the freedom to engage in education, academic research, literary and artistic creation and other cultural activities.

76. Law 9/2006, of 26 December, on the legal framework on non-tertiary educational system, asserts the right to education for all children and the MSAR's obligation to develop appropriate mechanisms to promote effective equality of opportunities in education. To this end, a free education school network is maintained. The scale of free education has been progressively expanded, lasting at present for 15 years. Education is compulsory for children aged between 5 and 15 from the last year of pre-primary education to junior secondary education. More specifically, the said Law states that persons with disabilities are entitled to special education, which aims at enabling them to access to education opportunity appropriate for the development of their body and mind and assisting them in social integration, potential development, compensation for deficiencies and participation in employment. Accordingly, Decree-Law 33/96/M, of 1 July, on the special educational regime, determines that special education is preferentially carried out in the form of inclusive education, accompanied with individualized education program in conformity with personal educational needs.

77. The Centre of Psycho-pedagogical Support and Special Education, under the Education and Youth Affairs Bureau (EYAB), provides consultation and assessment services to students aged between 3 and 21 who may be in need of special education so as to understand their learning capability and thus propose suitable educational arrangements

(inclusive class, special education small class and special education class) and, if necessary, to help them seek for an educational establishment. Adequate school curriculums are tailor-made for students with visual disabilities while sign language courses are offered to students with hearing disabilities by special education schools. Besides, counselling, occupational, physical and speech therapies as well as referral services in respect of medical treatment or social integration are provided by the aforesaid centre to persons with disabilities who are assessed as so require.

Cases handled by the special education centre

Event	2006/07	2007/08	2008/09	2009/10 ¹	Total
Professional consultation (No. of appointment)	190	250	195	105	740
Home visits/visits by phones (No. of times)	698	734	491	243	2 166
Integrated assessment (No. of cases)	185	176	161	97	619
Cognitive assessment (No. of cases)	66	139	116	62	383
Professional assessment (No. of cases)	43	27	25	8	103
Counselling follow up (No. of times)	11	12	24	12	104
Professional follow up (times)					
Speech therapy	116	52	65	284	376
Occupational therapy	52	21	13	98	137
Physical therapy	17	9	34	86	100
Regular visit to support inclusive students (times)	76	119	154	108	457

Source: Education and Youth Affairs Bureau

Note: ¹Until February 2010

78. Special education is entirely free even in private schools. Students with disabilities can also take part in the school extra-curricular activities,

as well as recreational and sports activities taking place during annual summer vacation. The EYAB also subsidizes NGOs to encourage those students to participate in international exchange activities. It has published a brochure to facilitate comprehension of the situation of special education and related available services.

Number of students with special educational needs

Academic year	Non-inclusive students			Inclusive students		
	Male	Female	Total	Male	Female	Total
2006/07	313	177	490	187	90	277
2007/08	310	165	475	169	95	264
2008/09	306	165	471	223	110	333
2009/10	328	174	502	247	125	372

Source: Education and Youth Affairs Bureau

79. Decree-Law 33/96/M imposes that schools should eliminate obstacles and barriers in school facilities and offer reasonable accommodation and support required by such students. Schools providing special education may apply for subsidies and assistance offered by special education teams which stay on site or visit regularly.

80. In terms of tertiary education, Article 28 of Decree-Law 11/91/M, of 4 February, states that the conditions that guarantee equal opportunity of entering tertiary education should be created. Consequently, “study grants”, comprising student loans, scholarships, accommodation subsidies and travelling subsidies, *etc.* were established to encourage and support students to pursue tertiary education. In academic year 2009/2010, there are 5 students with disabilities, 3 males and 2 females, enrolled in 3 tertiary educational institutions.

81. To better ensure students with disabilities an equal access to higher education, proper study environment and necessary facilities, measures

were adopted by all tertiary educational institutions, mainly embracing the following: devise an “*Admission Policy for Student with Disabilities*” to provide special admission arrangements to those students; establish a “*Body for Student Disability Policy and Service*” to regularly review the relevant facilities and policies and attempt to arouse the public’s concerns and care for persons with disabilities; construct a website for disability service to promote admission policy and services to students with disabilities; provide laptops with the installation of special software to visually-impaired students so that they can read soft copies via listening; form a team of student ambassadors to offer different kinds of assistance to students with disabilities; and establish facilities convenient for them, including non-barrier passageway, washroom, lift, Braille sign, *etc.*

Article 25

(Health)

82. To realize the objective of primary health care as a strategy to reach the Millennium goals and “*Health for All*” goal advocated by the WHO, all residents are entitled, by law, to free primary health services offered at health centres under the Health Bureau (HB). Furthermore, the access of persons with disabilities to all aspects of health care, including health promotion and monitoring, illness and disability prevention, examination and diagnosis, premature stimulation and medical rehabilitation is also ensured by the HB. Besides, free specialist care service is available at the public hospital to persons with mental disabilities, while persons with other kind of disabilities can apply, if needed, to be exempt from payment. As mentioned, health treatments are provided to persons with disabilities on the basis of their free and informed consent, except under the circumstance previously described.

83. Health centres, in cooperation with NGOs, provide home-based medical and nursing care for persons with severe or advanced diseases or those with mobility disabilities. Medical personnel give advice on how to

improve home environment and family relationship and other necessary assistance during home visits.

Article 26
(Habilitation and rehabilitation)

84. Links between individuals, families and social forces and resources were, via a variety of community-based measures with the nature of encouragement, established to enable persons with disabilities to maximize their potential to maintain the autonomy of life and actively improve their inclusion and participation in society. A Centre for Rehabilitation was set up in 2005 under the SWB to provide a comprehensive multi-disciplinary assessment for persons with disabilities, to evaluate the nature and levels of their disabilities and thus to tailor-make appropriate support service configuration proposals.

85. To assist persons with disabilities in developing their capacity and strengthening their self-confidence and independence, the SWB provides technical and financial assistance in support of the establishment of various NGO habilitation trainings, rehabilitation schemes, services and facilities for persons with disabilities, according to their own preference. The related details are listed as follows.

Rehabilitation services/facilities subsidized by the SWB

Type of facility/service	2006		2007		2008		2009	
	U	C	U	C	U	C	U	C
Residential rehabilitation	5	362	5	362	5	362	5	405
Day care centre	8	392	8	409	9	409	9	409
Sheltered workshop/ Vocational training centre/Employment support centre	6	223	6	223	6	223	6	223

Type of facility/service	2006		2007		2008		2009	
	U	C	U	C	U	C	U	C
Education centre/ Pre-school centre	3	121	3	201	2	201	2	201
Rehabilitation bus service/Escort service	2	N/A	2	N/A	2	N/A	2	N/A
Comprehensive rehabilitation service centre	1		1		1		1	
Residential service		24		24		24		24
Employment support service		14		14		17		17
Family resource service		N/A		N/A		N/A		N/A
Total	25	1 136	25	1 233	25	1 236	25	1 279

Source: Social Welfare Bureau

Note: U = Unit and C = Capacity

Number of service/facility users by nature of disability

Nature of disability	2006	2007	2008	2009
Physical disability	689	1 039	1 229	1 116
Intellectual disability	351	434	354	327
Mental disability	442	443	500	567
Hearing disability	297	279	293	308
Visual disability	48	50	56	57
Autism	94	103	114	121
Multiple disabilities	343	340	429	384
Others	70	94	82	490
Total	2 334	2 782	3 057	3 370

Source: Social Welfare Bureau

86. The SWB sponsors NGOs in buying assistive devices required for habilitation and rehabilitation training as well as recruiting related professionals. It annually organizes different kinds of training programs, courses and workshops for professionals and staff working in the area of rehabilitation. In 2009, an occupational development plan for social workers was established, subsidizing NGOs to provide them with continuing education activities.

87. The overall contribution of the Government to NGOs in rehabilitation services is as follows.

Total expenditure of Government contribution in rehabilitation services

Year	2006	2007	2008	2009
No. of units	25	25	25	25
Constant subsidy	37 781 498.00	45 372 132.60	57 318 434.40	62 926 882.00
Occasional subsidy	4 016 458.60	5 591 064.60	5 039 387.20	3 267 234.20 ¹

Source: Social Welfare Bureau

Note: ¹Since the implementation of the occupational development plan for social workers, subsidies related to training for professionals were no longer included in the category of occasional subsidy, so the subsidy amount decreased comparatively.

Article 27

(Work and employment)

88. The freedom of choice of occupation and work is guaranteed by Article 35 of the Basic Law. Law 7/2008, of 18 August, on labour relations, reaffirms it in terms of equality and non discrimination (to employment and remuneration for work of equal value), adding, however, that it is without prejudice to favourable treatment to those who by law require special protection. In addition, Law 4/98/M, of 27 July, on the

employment policy and labour rights, provides for a special protection for workers with disabilities. On its turn, Article 21 of Decree-Law 33/99/M determines that the employment policy must include technical and financial incentives that promote the professional integration of people with disabilities and the creation of alternative work opportunities, *i.e.*, self employment, pre-service training, re-adaptation to work and sheltered workshop.

89. According to the 2006 By-census, employees with disabilities accounted for 0.3% of the total employed population. On the other hand, between 2006 and 2009, there were respectively 73, 76, 78 and 83 persons with disabilities working in the public sector (some of them in top official positions).

90. A special task force for ‘Capacity Development’ was set up under the LB to provide persons with disabilities with free support in respect of finding jobs, including, job-seeking registration, interview, job referral, and a 3-month follow-up on their work progress and other assistance required. The task force visits regularly relevant NGOs in order to better assess the situation and needs of different kinds of persons with disabilities. Plus, it offers career guidance seminars for students at special education schools and rehabilitation NGO members to give them a better understanding of employment-related information and interview tips. From 2006 to 2009, there were 8 of such seminars.

Information on first-time registered job-seekers with disabilities

	2006	2007	2008	2009
First-time registered job-seekers with disabilities	182	150	161	129
Successful referrals	102	47	37	62

Source: Labour Affairs Bureau

91. In collaboration with the *Association for Families of Persons with Intellectual Disabilities* and *Association for Persons with Intellectual*

Disabilities, the LB has been offering training programs to persons with intellectual disabilities to enhance their employment opportunities and confidence in work and thus facilitate their social integration. Participants who take part in such programs can get a monthly training allowance of up to MOP 1,800.

Training programs for persons with disabilities

Year	Program	Participants	Cases of immediate employment ¹
2006	Gardening team training (Advanced)	12	3
	Training on the operations of hand loom (Advanced)	12	0
	Book binding training	10	0
2008	Training program on the making and sale of sandwiches (Elementary)	10	1
2009	Training program on the making and sale of sandwiches (Intermediate)	10	N/A ²

Source: Labour Affairs Bureau

Notes: ¹“Immediate employment” refers to successful employment within 1 month after the trainee has finished the training. ² Still ongoing.

92. To encourage enterprises and NGOs to work together to provide more job opportunities for persons with disabilities, they, when organizing activities in favour of persons with disabilities, such as vocational training, sheltered workshops, job matching as well as the creation of a barrier-free environment, can get an grant of up to MOP 500,000 (Order of the Secretary for Economy and Finance 6/2004, of 19 January).

93. The LB, in conjunction with the SWB, has set up the “Award for Employer of Persons with Disabilities” and the “Award for Outstanding Employee with Disabilities” programs to encourage the employment of persons with disabilities and improve the recognition and support for their employability in the society. These programs have been very successful and they are due to continue.

94. Offences against an employee's physical integrity, freedom, honour or dignity are considered as a just cause for the employee to rescind the contract, with the right to receive compensation. In this regard, it should be emphasized that no complaint of unfair dismissal concerning persons with disabilities has been reported to the LB between 2006 and 2009.

95. On the issue of disabilities resulting from a workplace injury, pursuant to Decree-Law 40/95/M, of 14 August, on the legal framework on the compensation for accidents at work and occupational diseases, employees who are injured due to occupational accidents and thus become permanently incapable are entitled to a compensation corresponding to the degree of diminution of capacity to work.

Article 29

(Participation in political and public life)

96. Article 26 of the Basic Law guarantees all permanent residents of the MSAR the right to vote and the right to stand for election in accordance with law. Accordingly, all permanent residents, who are 18 years old or above, are entitled to register to vote. Specifically, to fully ensure the exercise of the right to vote of persons with disabilities, the law stipulates that they may, at their will, be assisted by a person of their choice when voting. An entrusted person who votes unfaithfully or discloses the vote casted is punishable with a penalty of up to 3 years of imprisonment (Articles 109, 111 and 172 of Law 3/2001, of 5 March, on the Electoral Law for the Legislative Assembly, as amended, and Articles 75, 76 and 138 of Law 3/2004, of 5 April, on the Election of the Chief Executive, as amended).

Article 30

(Participation in cultural life, recreation, leisure and sport)

97. Sports, culture and recreation are seen as a constituent part of the rehabilitation process of persons with disabilities, while being privileged

mediums for the recovery of their psychic balance and the development of their capacity for social interaction. In the area of sports, anti-discrimination sports campaigns are considered as a keynote of the sports policy.

98. To encourage persons with disabilities to participate in physical exercise, the Macao Sport Development Board (MSDB) annually holds sports day for people with disabilities, being 370, 2,120, 2,199 and 2,320 participants severally in 2006–2009. The sport-for-all fitness and recreational classes also cater for persons with disabilities, with special classes designed according to their specific needs. As mentioned, all recently-built venues are equipped with barrier-free facilities, including barrier-free toilets, ramps, elevators and spectator area for wheelchairs while most of the older venues were upgraded so as to become accessible for persons with disabilities.

99. At present, the MSDB subsidizes all existing sport associations for persons with disabilities (the *Macao Special Olympics*, the *Macao-China Paralympics Committee & Macao-China Recreation and Sports Association for Persons with Disabilities*, and the *Macao Sport Association of the Deaf*). The MSDB, together with these associations, is responsible for plans on the development in the area of sports for persons with disabilities. Each of such NGOs has a representative in the Sport Commission, so as to enhance communication between the Government and people with disabilities and promote the development of sports for them. Besides, the MSAR Government awards prizes ranging from MOP 2,000 to 10,000 to athletes who achieve remarkable results in major sports competitions for persons with disabilities (Order of the Secretary for Social Affairs and Culture 37/2000, of 19 June, as amended by 81/2007, of 10 September).

100. In terms of recreational activities, cultural events organized by the MSAR Government are always non-profit oriented. Nevertheless,

ticket discounts or even free admission as well as special help (advanced booking, free round-trip transportation and guided tour service) are offered to persons with disabilities. In every grand event and activity, a specific area is reserved for the elderly and persons with disabilities. On the other hand, during the past years, the SWB has been via a funding plan encouraging NGOs to organize training programs for people with disabilities to cultivate their personal interests and develop their artistic and intellectual potential. In 2008, a total amount of MOP 240,000 was granted to NGOs to carry out a variety of activities. Such kind of activities is still ongoing.

101. In relation to the promotion of deaf culture, the SWB plays an active role in developing sign language, e.g. providing on-site sign language interpretation services, organizing legal courses in sign language translation, promoting TV news sign language simultaneous translation services and subsidizing rehabilitation institutions to provide 24-hour sign language interpretation services, so as to satisfy the needs of persons with hearing disabilities in the hope of achieving information accessibility.

Article 31

(Statistics and data collection)

102. In addition to what has been said (in paragraph 19) on the collection of information for the 2011 Census, it is important to refer that MSAR laws and regulations on the statistical system fully ensure the compliance with fundamental rights and data protection. It is also worth mentioning that the SWB is now closely pushing for the adoption in the MSAR of a classification system of disabilities (based on the ICF) to be used to assess the disability status of persons with disabilities and as a reference for the formulation, supervision and evaluation of the rehabilitation policy. The system is anticipated to be in place this year.

**Article 32 (International cooperation) and
Article 33 (Implementation and monitoring)**

103. The MSAR is willing to increase the levels of the already existing international cooperation within its possibilities and limits. Indeed, Article 136 of the Basic Law establishes that the MSAR may, on its own, using the name “Macao, China”, maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organizations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural, science and technology, and sports fields.

104. In March 2010, after a preliminary assessment of the MSAR’s situation in what respects the implementation of the Convention, the MSAR Government formally requested the CPG to communicate to the Depositary the designation of SWB as the focal point within the MSAR for matters relating to the implementation of the Convention.

105. As to monitoring, besides what was previously described (in paragraphs 16 to 18), it should be noted that the MSAR courts exercise judicial power independently, subordinated to nothing but law, and are not subject to any interference. In this respect, it is also important to clarify that in the MSAR legal system, procurators are also magistrates, independent and free from any interference. Their functions are, *inter alia*, the upholding of legality, representation of minors and other persons with diminished legal capacity in all actions necessary for the exercise of their rights and interests. Another relevant independent entity is the *Commission against Corruption*, which has *Ombudsman* functions. One of its main aims is to promote the protection of rights and freedoms and to safeguard the legitimate interests of the individuals, ensuring that the exercise of public powers abides by criteria of justice, legality and efficiency. The opinion of the *Ombudsman* is not legally binding, but in practice it is frequently followed.

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

**List of issues to be taken up in connection with the consideration of
the initial report of China (CRPD/C/CHN/1), Hong Kong, China
(CRPD/C/CHN-HKG/1) and Macao, China (CRPD/C/CHN-MAC/1)
concerning articles 1 to 33 of the Convention**

(...)

Macao, China

A. Purpose and general obligations (arts. 1–4)

46. In the light of the 2011 census, please provide updated statistical data regarding persons with disabilities, as disaggregated as possible, including by sex and age (CRPD/C/CHN-MAC/1, para. 19).

47. Please provide details on the involvement of non-governmental organizations (NGOs), in particular disabled persons' organizations, in preparing the initial report (*ibid.*, para. 16).

B. Specific rights

Equality and non-discrimination (art. 5)

48. Please explain whether “denial of reasonable accommodation” and “indirect discrimination” are considered as forms of discrimination under domestic law (*ibid.*, para. 22).

Awareness-raising (art. 8)

49. Please provide additional information on the distribution of the booklet on the Convention mentioned in paragraph 26 of the State party's report (CRPD/C/CHN-MAC/1), including the number of copies distributed, the targeted public, and the places where it was distributed. What campaigns are being designed and led, together with organizations of persons with disabilities, to raise awareness about persons with disabilities as equal citizens and contributors to society?

Accessibility (art. 9)

50. Please provide information, including detailed data, on the percentage/level of compliance with Law 9/83/M. What are the sanctions for constructions that do not comply with those requirements? Is there similar legislation for the private sector (*ibid.*, para. 30)?

51. What steps have been taken to improve access to information for persons with disabilities through the promotion of the use of Braille, sign language, easy-to-read formats and other accessible modes of communication, including information available through the Internet?

Right to life (art. 10)

52. Please provide additional information on articles 130, 132 and 133 of the Criminal Code on homicides motivated by compassion, desperation or other relevant social and moral grounds and homicide at the request of the victim (*ibid.*, para. 36).

Equal recognition before the law (art. 12)

53. In paragraph 41 of its report (CRPD/C/CHN-MAC/1), the State party states that "restrictions to capacity are expressly prescribed by law and based on objective facts". Please provide details on the legal criteria serving as a basis to place a person under guardianship and on the procedure for challenging such a decision. Please provide data on

the percentage of persons with disabilities placed under guardianship, disaggregated by sex.

Protection of the integrity of the person (art. 17)

54. Please explain the “strict objective conditions” for placing a person with “severe mental illness” in compulsory hospitalization, in particular the persons involved in the assessment of these conditions and the types of mental illnesses covered. Please provide information on the periodic review of the internment, in particular whether it is a judicial or administrative review (*ibid.*, para. 47).

Living independently and being included in the community (art. 19)

55. Please provide information as to whether there are any plans to provide NGOs with subsidies to provide personal assistance service for persons with disabilities (*ibid.*, para. 60).

Freedom of expression and opinion, and access to information (art. 21)

56. Please provide information on existing or planned measures for accessibility of information (captions, audio-description, etc.), including measures taken to promote and recognize the use of sign language (*ibid.*, para. 67).

Education (art. 24)

57. Please provide information on how it is determined that a child with disabilities will attend a mainstream or a specialized school. Please provide information on the percentage of persons with disabilities in mainstream education as compared to the percentage of those in special education facilities, disaggregated by sex. Do mainstreamed students with disabilities have access to all the services and education as enshrined in article 24 of the Convention (*ibid.*, paras. 75-81)?

58. Please indicate if there is a difference in income and social benefits between staff employed in specialized schools and those employed in mainstream education.

Work and employment (art. 27)

59. Please explain whether protection against discrimination on the basis of disability in terms of recruitment and/or work conditions is provided for in the State party's legislative framework and the corresponding sanctions for such cases of discrimination. Are workers with disabilities provided with reasonable accommodation at their work places (*ibid.*, paras. 88-95)?

National implementation and monitoring (art. 33)

60. Please elaborate on how the different entities (the government of Macao, China; NGOs; the government consultative bodies; the judiciary; the Ombudsman) involved in the monitoring of the Convention will interact and which entity will play which role? How are persons with disabilities and their representative organizations ensured a role in participating in the independent monitoring mechanism (*ibid.*, paras. 16-18 and 105)?

C. Women and children with disabilities (arts. 6 and 7)

61. Please provide additional information on article 38 of the Basic Law, which provides protection for "women's legitimate rights and interests"; please indicate whether the State party includes a gender perspective in its public policies relating to persons with disabilities to address the specific needs of women and girls with disabilities, and whether any positive action measures have been taken to advance their more vulnerable situation (*ibid.*, paras. 24–25).

62. Please explain whether the use of corporal punishment to discipline children at home, centres and institutions is permitted by law or not sanctioned.

**REPLY TO THE LIST OF ISSUES FOR THE CONSIDERATION
OF THE INITIAL REPORT SUBMITTED BY THE MACAO
SPECIAL ADMINISTRATIVE REGION REGARDING ITS
IMPLEMENTATION OF THE CONVENTION ON THE
RIGHTS OF PERSONS WITH DISABILITIES
(CRPD/C/CHN-MAC/1)**

A. Purpose and General Obligations (arts. 1 - 4)

46. In light of the recent 2011 census please provide updated statistical data regarding persons with disabilities, as disaggregated as possible, including sex and age, (para 19 of the State Party's report).

Reply: Updated data on persons with disabilities is shown as follows:

Population with disability by gender and age group*			
Age group and gender		Total	Proportion to population by respective age group (%)
Total	FM	11,141	2.0
	Male	4,611	1.7
	Female	6,530	2.3
0-4	FM	54	0.2
	Male	24	0.2
	Female	30	0.3
5-9	FM	83	0.5
	Male	65	0.7
	Female	18	0.2

Population with disability by gender and age group*			
Age group and gender		Total	Proportion to population by respective age group (%)
10-14	FM	119	0.5
	Male	50	0.4
	Female	69	0.6
15-19	FM	189	0.5
	Male	114	0.6
	Female	75	0.4
20-24	FM	270	0.5
	Male	137	0.5
	Female	133	0.5
25-29	FM	268	0.5
	Male	163	0.6
	Female	105	0.4
30-34	FM	187	0.4
	Male	108	0.5
	Female	79	0.4
35-39	FM	287	0.6
	Male	174	0.9
	Female	113	0.5
40-44	FM	273	0.6
	Male	134	0.7
	Female	139	0.5
45-49	FM	635	1.2
	Male	198	0.9
	Female	437	1.5

Population with disability by gender and age group*			
Age group and gender		Total	Proportion to population by respective age group (%)
50-54	FM	992	2.1
	Male	370	1.6
	Female	622	2.6
55-59	FM	1,284	3.3
	Male	579	3.0
	Female	705	3.8
60-64	FM	1,089	4.2
	Male	485	3.5
	Female	604	4.9
≥65	FM	5,411	13.5
	Male	2,010	11.2
	Female	3,401	15.4

Source: Statistics and Census Bureau, 2011 Population Census

Note: * For the purpose of 2011 Population Census, disability means that for congenital or acquired reasons, the physical, intellectual, mental or psychiatric conditions of an individual are affected; even with auxiliary equipment, the individual still has difficulty in carrying out daily activities and assistance is needed; the difficulty has lasted or is expected to last for six months and more. The census reference moment when the data collected should take reference to, was 3 a.m. on 12 August 2011, for the land-based population.

47. Please provide details on the involvement of non-governmental organizations, in particular Disabled Person's Organizations in preparing this report (para 16 of the State Party's report).

Reply: The Commission for the Rehabilitation of Persons with Disabilities has been established by the MSAR Government, under which there is a specially-assigned team responsible for the promotion of "The Convention on the Rights of Persons with Disabilities" (hereafter referred

to as “the Convention”). Members of the team include officials from government departments as well as members from NGOs. These members, in partnership, drafted for the report on related issues, in which, for example, data on the services used is provided by members of the relevant NGOs.

B. SPECIFIC RIGHTS

Equality and non-discrimination (Article 5)

48. Please explain whether “denial of reasonable accommodation” and “indirect discrimination” are considered as forms of discrimination under domestic law (para 22 of the State Party’s report).

Reply: In the MSAR, discrimination, on any basis, is forbidden. Equality and non-discrimination rights are explicitly enshrined in Article 25 of the MSAR *Basic Law*.

In addition, the principles of equality and non-discrimination are the general principles of law that underpin the entire MSAR legal system and that can be directly invoked before the courts or any administrative authority.

Although the concepts of ‘denial of reasonable accommodation’ and ‘indirect discrimination’ are not expressly enshrined in the MSAR’s domestic law, the MSAR Government has been taking steps to ensure the practical realization and full enjoyment of the right to equality, in particular in what concerns hidden forms of discrimination.

As referred above, equality and non-discrimination are general principles of law, thus, a case involving any form of discrimination can be considered by the courts, or by any administrative authority, on a case-by-case basis.

Awareness raising (Article 8)

49. Please provide additional information on the distribution of the booklet on the Convention motioned in para 26 of the State Party's report, including the number of copies distributed, the targeted public and the places where it was distributed. What campaigns are being designed and led together with organizations of persons with disabilities to raise awareness about persons with disabilities as equal citizens and contributors to society?

Reply: To promote the UN Convention on the Rights of Persons with Disabilities, in accordance with Article 11 of the *Chief Executive Order* No. 239/2008, a publicity group has been established in 2010 for the Convention on the Rights of Persons with Disabilities. The Social Welfare Bureau (hereinafter as SWB) is the convener of the group and the Legal Affairs Bureau is one of the members. Rest of the group members are the Education and Youth Affairs Bureau (hereinafter as EYAB), Civic and Municipal Affairs Bureau, Macau Association of Support for the Disabled, Macau Fu Hong Society, Macau Deaf Association, Macau Association of Parents of Mentally Handicapped, and a number of distinguished persons and one disabled person appointed by the Secretary for Social Affairs and Culture. Under the leadership of the convener, every public entity and every member from the rehabilitation services and related fields, provide recommendations and assisted in the promotion strategies and overall plan.

Since 2010, the publicity group has engaged in a series of promotional activities for the Convention, in a total of 20, ranging from booklets, leaflets, posters, advertising headline on newspapers, bus advertising, television advertising, and producing a video named "Exclusive Interview with People Living with Disabilities", to organizing activities for the International Day of Persons with Disabilities, establishing the Convention Promotion Subsidy Scheme, etc.

The SWB has published a booklet for the Convention, whereby 11,000 copies were printed in Chinese and 1,500 copies in Portuguese. The

booklet can be picked up, for free, from government departments that are open to public or social service facilities. Beside from distribution of booklets, to publicize the implementation of Convention in the MSAR, including its core values and content, to enhance social acceptability of the rights of disabled persons and to promote positive perceptions and understanding of disabled persons, until April 2012, the SWB has launched a series of promotion campaigns and the details are as follows:

1. Promotional projects

Item	Quantity	Target(s)	Location of distribution	Remarks
Booklet on the Convention on the Rights of Persons with Disabilities	Chinese version (11,000 copies) Portuguese version (1,500 copies)	General public	Government offices that are open to public, social service facilities in Macao	
Promotion leaflets	35,000 copies	General public	Government offices that are open to public, social service facilities in Macao	
Posters	3,000 copies	General public	Government offices that are open to public, social service facilities in Macao	
TV programme <i>Advisory and Information</i>	8 times	General public	--	
<i>One-minute Story on Disabled Persons</i>	--	General public	--	Has broadcasted for 5 months

Item	Quantity	Target(s)	Location of distribution	Remarks
Radio commercials	360 times	General public	--	Duration: 6 months
TV commercials	--	General public	--	Has broadcasted for 13 months
Interviews with disabled persons	2 times	General public	--	Shown on 26/12/2010 and 2/1/2011
Digital commercials shown outdoor and on public entities	--	General public	--	Since July 2010
Educational TV <i>Education and Youth Dynamics</i>	--	General public and young persons	--	Broadcasted in May 2010
Bus advertising	--	General public	Various districts in Macao	Duration: 4 months
Advertising posters inside buses	--	General public	Various districts in Macao	Duration: 1 year
Advertising headline on newspapers	60 times	General public	Various districts in Macao	Duration: 12 weeks
Souvenirs for promoting the Convention on the Rights of Persons with Disabilities	1000 torches, 1000 warmers, 1500 four-sided clocks, 1500 pen holders	General public	Various districts in Macao	

2. Promotional activities

Item	Quantity	Target(s)	Location	Remarks
Advertisement boards for the Convention on the Rights of Persons with Disabilities	Once	Participants of International Day of Persons with Disabilities namely, students from secondary schools and higher education institutes in Macao	Secondary and higher education institutes	
Cross-word puzzles for the Convention on the Rights of Persons with Disabilities	Once	General public	Various districts in Macao	5,918 participants
Activities for the International Day of Persons with Disabilities 2010	Once	General public	Recreation area of Ed. Lok Yeong Fa Un	
Logo design competition on the Convention on the Rights of Persons with Disabilities	Once	General public	--	163 entries
Subsidy Scheme for promotion projects on the Convention on the Rights of Persons with Disabilities	Once	Rehabilitation organizations in Macao	--	8 organizations submitted applications for 11 activities

Accessibility (Article 9)

50. Please provide information, including concrete data, on the percentage/level of compliance with Law No. 9/83/M. What are the sanctions for constructions that do not comply with those requirements? Is there similar legislation for the private sector? (para 30 of the State Party's report)

Reply: Currently, there is not any available data regarding the ratio of barrier-free access in buildings and the level of compliance to Law No. 9/83/M.

In fact, in addition to the mandatory compliance of Law No. 9/83/M in implementation of any public works, also the Government, when reviewing construction projects submitted by the private entities/organizations, ensures their implementation of legal requirements as noted in said law. This is especially applied to the size of foyer, slope gradient, and the height of the sidewalk leading to foyer, and so forth. To building height, it also requires to ensure disabled persons have barrier-free access to lift lobby. If a construction plan submitted by a private entity or institution does not comply with the aforesaid requirements, it will not be approved due to the failure in meeting the required conditions.

51. What steps have been taken to improve the access to information for persons with disabilities through the promotion of the use of Braille, sign language, "easy to read" formats and other accessible modes of communication, including information available through Internet?

Reply: To cope with the needs of persons with disabilities' access to information, the SWB has been, progressively, improving and updating its systems and homepage design, such as installing Screen Reading Software for visually impaired people, with functions to change the background colour and font size to suit different visually impaired persons. At the same time, the SWB offers subsidies to NGOs for purchasing equipments that assist visually impaired persons to use the internet.

The SWB also offers subsidies to NGOs for purchasing auxiliary equipments that supports the usage of Braille. In addition, it sponsors and promotes sign language interpretation in TV news.

On the other hand, with a view to providing a better educational environment, the EYAB publishes the *School Operation Guideline* yearly, aiming at providing guidance and recommendations on school founding and operation processes. This *Guideline* gives specific recommendations to schools for adjusting school environment and teaching measures according to different students' needs for special education. For example, to visually impaired students schools it should provide computers for blind people, Braille books, audio computer, and should allow answering questions through Braille, operations, or computers. On the other hand, to meeting the needs of hearing impaired students, schools are suggested using wireless tuner, warning lights, electronic screen, visually teaching materials, and assisting students to understand through gestures and facial expressions. In addition, the *Guideline* also regulates that a school should take into account the school-building access by the physically disabled, visually impaired, hearing impaired or mentally retarded persons.

To encourage barrier-free campus, and to assist students with different special education needs, the EYAB published in 2007, a booklet named *How to Create a Barrier-free Campus Environment*, which provides guidance to build a barrier-free campus for the physically disabled, visually impaired and hearing impaired students. It recommended that for visually impaired students, a school should set up touchable signs by the school entrance, touchable location signs and audio devices, in addition to labelling every exit with Braille signs. Furthermore, to enhance students' learning outcomes, this booklet also recommends schools, in accordance with students' needs, use computers for blind people, screen amplifier, screen readers, Braille machines, magnifying glasses, screen-expansion devices, enlarging photocopiers, tape recorders, books and pictures in Braille. For any hearing impaired students, it recommends using FM radio aid systems, hearing aid devices, short-wave amplifiers and others, in bid of enhancing students' understandings of teaching content. To

support any schools to provide the aforesaid devices and to create a barrier-free environment, the EYAB, through the Education Development Fund, provides financial assistance to schools. Moreover, the EYAB also provides purchasing subsidies for acquiring these devices for home use, through the Student Welfare Fund, to any students that are economically disadvantaged.

The Centre for Psycho-pedagogical Support and Special Education under the EYAB, is installed with a resource room, containing different devices to assist disability persons' mobility, communication, self-care, and many others. Such devices include, for example, canes and guiding bricks for the visually impaired; and phones, communication board with micro-computers and so forth for the hearing impaired, which parents, teachers, related professionals and those in need may borrow. In addition, this Centre is installed with a Braille printer for teachers to prepare Braille teaching materials for visually impaired students.

To deepen teachers' and parents' understanding of students with special educational needs, and to enhance their teaching and parenting skills, the EYAB, besides from subsidizing NGOs or schools to organize related courses and seminars, organizes for parents or teachers different seminars or trainings on the theme of students with special educational needs, such as, for students with visual disabilities, the Workshop on Cantonese Braille, Training Courses for Teachers of Basic Mobility Actions for Blind Children, Training Courses for Teachers of Braille, and for students with hearing disabilities, the Overlapping Sound ---- Lecture Series for the Training Manual of Hearing-impaired Children's Speech and Understanding of Grammar through Story Reading, etc. These all aim to enhance deeper understandings of students' needs so teachers and parents can provide necessary teaching assistance.

Right to life (Article 10)

52. Please provide additional information on Articles 130, 132 and 133 of the *Criminal Code* on homicides motivated by compassion, desperation

or other relevant social and moral grounds and homicide at the request of the victim. (para 36 of the State Party's report)

Reply: Among the crimes against life in the *Criminal Code*, criminal offences provided in Articles 130, 132 and 133 are punished with imprisonment penalties lower than those provided for simple homicide.

Under Article 130 (privileged homicide), whoever kills another person motivated by an understandable violent emotion, compassion, desperation or other relevant social or moral ground, with which his/her guilt could be substantially reduced, is punished with imprisonment ranging from 2 to 8 years.

Under Article 132 of the *Criminal Code* (homicide at the request of the victim) punishes the criminal offences of homicide at the request of the victim, stipulating that whoever kills another person upon a serious, resolute and express request made by the victim is punished with imprisonment up to 5 years.

Under Article 133 of the *Criminal Code* (incitement, aid or propaganda to suicide), whoever incites another person to commit suicide, or assist him/her for this purpose, is punished with imprisonment up to 5 years if the suicide is attempted or committed. If the person who is incited or to whom assistance was provided is under 16 years or, for any reason his/her capacity of evaluation or determination is significantly low, the perpetrator is punished with imprisonment ranging from 2 to 8 years.

Furthermore, propagandising "suicide" is also punishable under Article 133 of *Criminal Code*, which stipulates that whoever, by any means, makes propaganda or advertises a product, object or method advocated as a mean to produce death, in an appropriate manner to provoke suicide, is punished with imprisonment up to 2 years or a with fine of up to 240 days.

Equal recognition before the law (Article 12)

53. Para 41 of the State Party's report states that "*restrictions to capacity are expressly prescribed by law and based on objective facts*".

Please provide details on the legal criteria serving as a basis to place a person under guardianship and on the procedure for challenging such a decision. Please provide data on the percentage of persons with disabilities placed under guardianship, disaggregated by sex.

Reply: As mentioned in the report, the *Civil Code* expressly prescribes the restrictions to a person's legal capacity (which means a person's capacity to personally and freely exercise the rights and fulfil the obligations that he/she holds without the mandatory intervention/intermediation of others). In respect to the restrictions to a person's legal capacity, apart from minors, the law prescribes that a person that is incapable of managing him/herself or him/her property affairs may be judicially declared as 'interdicted' or as 'unable'.

A person may be declared as 'interdicted' by a court judgement, if due to mental disorder, deafness, dumbness, or blindness he/she is obviously shown as incapable of managing him/herself or his/her property affairs (Article 122 of the *Civil Code*).

It should be noted that the 'interdiction' is always determined by a serious impairment that limits the person at physical or psychic level. In other words, it is not the simple occurrence of any of such impairment that determines that a person suffering from it should be declared as 'interdicted'. Solely a mental disorder, deafness, dumbness, or blindness that is current, permanent and disabling, i.e., so serious that makes the person incapable to govern him/herself and his/her property, then it may conduct to that decision. For instance, if a person who is blind or deaf-mute has received appropriate treatment or instruction and, therefore, is able to make up for him/her physical limitations, he/she will not be susceptible to 'interdiction' due to his/her impairment.

The *Civil Code* provides that a person may be declared as 'unable' if the mental disorder, deafness, dumbness, or blindness, although permanent, is not so serious as to justify his/her 'interdiction', or if his/her usual prodigality or abuse of alcohol or drugs makes him/her unable to properly manage his/her property affairs (Article 135).

In case of cessation of the reason that has led to declaration of a person as ‘interdiction’ or as ‘unable’, the restriction to capacity can be lifted at the request of the person who has been declared as ‘interdicted’ or ‘unable’ and by persons who are entitled to request the declaration of ‘interdiction’ and ‘unable’ (that is, the spouse, the *de facto* companion, the tutor, the curator, a family heir who is entitled to heritage or the public prosecutor) (Articles 134 and 138 of the *Civil Code* and Article 860 of the *Civil Procedure Code*).

The decision to declare a person as ‘interdicted’ or ‘unable’ is necessarily to be made by the court, and may be challenged through an ‘ordinary judicial appeal’, within 10 days from the notification of the decision (Articles 581, 585 and 591 of the *Civil Procedure Code*).

For the number of persons who have been declared as ‘interdicted’ or ‘unable’ between 2006 and April 2012, please refer to the table below.

Year		2006	2007	2008	2009	2010	2011	2012 (until April)	Total
No. of ‘interdicted’ persons	Female	44	7	6	2	5	7	5	158
	Male	47	10	2	9	4	5	5	
No. of ‘unable’ persons	Female	0	0	1	1	1	1	0	8
	Male	1	1	0	2	0	0	0	

Source: Legal Affairs Bureau

Protection of the integrity of the person (Article 17)

54. Please explain the “*strict objective conditions*” for placing a person with “*severe mental illness*” in compulsory hospitalization, in particular the person involved in the assessment of these conditions and the types of “*mental illnesses*” covered. Please provide information on the periodic review of the internment, in particular whether it is a judicial or administrative review (para 47 of the State Party’s report).

Reply: Article 8 of the Decree-Law No. 31/99/M on the *Mental Health Regime*, establishes the requirements for placing a person with severe mental illness in compulsory hospitalization.

Accordingly, a person with severe mental illness may be placed in compulsory hospitalization if: a) due to his/her mental illness, he/she creates a dangerous situation to his/her or others' personal legal interests or property legal interests of significant value, and refuses to submit him/herself to medical treatment; or b) he/she does not have the necessary judgment to assess the meaning and scope of the consent, and the absence of treatment seriously deteriorates his/her health.

It can be seen that the measure of compulsory hospitalization is determined by whether the person concerned is found with serious mental illness that he/she may create a dangerous situation to his/her or others' legal interests, instead of determined by certain type of mental illnesses.

Applications for compulsory hospitalization are submitted to the Head of the Health Bureau. When the internment in a public health institution is requested based on a report made by a psychiatrist, the Head of the Health Bureau may provisionally approve the compulsory internment by justifying his decision. In this case, the Head of the Health Bureau's decision must be submitted to the court for confirmation within 72 hours. In case of compulsory internment in a private health institution, the Head of the Health Bureau shall forward the file to the court for hospitalization authorization within 72 hours upon receipt of the request (Article 12 of the Decree-Law No. 31/99/M).

A person with a severe mental illness may be subject to an urgent compulsory internment request, submitted to the Head of the Health Bureau, when the requirements set out in Article 8 previously mentioned are met, and there is an imminent danger to the legal interests referred therein which is particularly resulted from an acute deterioration of his/her health. If the psychiatric assessment concludes that an internment is needed, to which the patient opposes, the health institution shall inform the

court of the provisional internment decision with an evaluation report. In case the psychiatric assessment does not confirm the need for internment, the patient with mental illness is immediately released and its file will be forwarded to the public prosecutor (Article 13 of Decree-Law 31/99/M).

Decisions to maintain the urgent compulsory internment require judicial confirmation within 72 hours (Article 14).

In case a reason for termination/cessation of the hospitalization is invoked, the court shall appraise that request at any time. Nonetheless, the review of the internment is mandatory, irrespective of any request to that effect, 2 months after the commencement of the internment or after the decision that maintained the internment. The mandatory review takes place with the participation of the public prosecutor, the patient's defensor and the patient himself, whenever viable (Article 17 of Decree-Law No. 31/99/M).

It should be noted that the compulsory hospitalization shall be replaced by an outpatient treatment, whenever it is possible to maintain the treatment in liberty, and the court shall be informed of the replacement (Article 15 of Decree-Law No. 31/99/M).

In any case, the patient has the right to appeal against the decision that imposed or maintained the compulsory hospitalization (Article 10 of Decree-Law No. 31/99/M).

The compulsory internment shall cease as soon as the requirements that justify the internment cease to exist. The court shall be immediately informed of the lift of the internment (Article 16 of Decree-Law No. 31/99/M).

Living independently and being included in the Community (Article 19)

55. Please provide information whether there are any plans to provide subsidies to NGOs to provide personal assistance service to persons with disabilities (para 60 of the State Party's report).

Reply: The SWB continuously supports the operation of NGOs, aiming at the individualized services needed by disabled persons, by various means including financial assistance, technical assistance and transfer of equipments. At the same time, SWB also subsidizes NGOs to establish new services to meet the changing needs of services.

Apart from the above, the SWB also provides advices on house remodeling for any follow-up cases when needed, so as to assist the client to continue living in the same community. Should a case involve a client who is a beneficiary of the SWB's economic subsidy, additional financial assistance will be provided for the remodeling of his housing environment.

In addition, the SWB also subsidizes social service organizations to support handicapped persons living in their own community, namely, by aftercare services, supported housing programs, community support services, carer support services, etc.

No. of service users between 2007 and 2011					
Service / Year	2007	2008	2009	2010	2011
Aftercare Service	1	2	4	7	9
Supported Housing Program	7	8	8	8	8
Community support services ¹	1	44	78	92	120
Carer support services ²	129	145	306	339	326

Remark ¹: The service began in year 2007.

Remark ²: No. of counselling service users.

With respect to optimizing the education for students with special educational needs and the related assistance, the EYAB has been supporting NGOs to provide services to such students.

In the academic year 2011/2012, funding to NGOs or services purchased from NGOs by the EYAB for the education of or assistance to students with special educational needs is detailed as follows.

School / Organization	Details of the Sponsorship
<p>Private schools for special education</p> <p>(The Macau Association for the Mentally Handicapped – Child Development Centre, Caritas School and Concordia School For Special Education)</p>	<ol style="list-style-type: none"> 1. Sponsor private schools for special education to provide special education of whole-day schooling for students. The EYAB also encourages these schools to section homogeneous class by providing additional allowance. 2. Sponsor private schools for special education to set up a specialized team for special education or to purchase related professional services, in order to provide students with psychological counseling, occupational therapy, physical therapy and speech therapy services. 3. Sponsor private schools for special education to provide students who have enrolled in private ordinary schools with individual therapy services (speech therapy, physiotherapy and occupational therapy).
<p>Education Centre for Children with Hearing Problems, Macau Deaf Association</p>	<ol style="list-style-type: none"> 1. Sponsor purchase of training services of language teachers, in order to provide intensive language trainings to students who are in need, in private ordinary schools and Caritas School. 2. Sponsor supervisory trainings of language teachers who provide professional language trainings in the Centre. 3. Sponsor various trainings aimed at hearing impaired persons, including Happy Social Language Learning, EQ Full of FUN, Pleasant Communication, Child Cognitive and Language Training, Training for Child Language Communication, Study Centre, Music and Leisure Communication and Civic Education Activities.
<p>Private Schools (non-special education)</p>	<ol style="list-style-type: none"> 1. Sponsor private schools to provide inclusive education services; schools are entitled to extra allowance for having teaching support staff, in order to provide more appropriate learning support to students under inclusive education. 2. To allow students with special educational needs to learn in a barrier-free environment, schools can apply to the Education Development Fund, for

School / Organization	Details of the Sponsorship
	any improvement, adjustment or configuration of school buildings into an appropriate environment, teaching facilities, teaching materials, educational aid and activities, with a view to increasing learning efficiency.
Macau Special Olympics	<ol style="list-style-type: none"> 1. Sponsor school-bus services for students with special educational needs and the purchase of Rehabus. 2. Purchase from this organization services of physical therapy and occupational therapy, which are provided to private ordinary schools students who need such services.
Concordia School for Special Education, Macau Special Olympics	Purchase the “itinerant support service”, in bid to provide intensive on-site support to schools with inclusive education as well as teaching recommendations to teachers of inclusive education.

In addition, the EYAB, together with various public departments and NGOs, each year co-organizes a series of activities for the International Day of Persons with Disabilities. The EYAB firmly supports NGOs in providing recreational activities, extracurricular activities and overseas exchanges, etc., so students with special educational needs could develop their potential and be given equal opportunities in participating social activities as much as ordinary students do.

During the academic year 2011/2012, the EYAB’s sponsorships to NGOs for activities or overseas exchanges are detailed as follows:

School / Organization	Details of the Sponsorship
Macau Association of Parents of Mentally Handicapped	<ol style="list-style-type: none"> 1. Sponsored the musical named The Birth of a Little Angel of Music 2. Sponsored the Communion without Boundaries and Building a Harmonious Circle – a Cross-strait Seminar on Mentally Retardation Services

School / Organization	Details of the Sponsorship
	3. Sponsored the “Consciousness” - Exchange Activity in Hong Kong 4. Sponsored the Activity Series, Top-up Values for Parents 5. Sponsored the Development of Arts Seedling - Courses for Visual Arts 6. Sponsored the Color Tour Camp 7. Sponsored “The Thing” Track Camp 8. Sponsored “The Sunshine Band” Music Training Scheme
Macau Fu Hong Society	Sponsored the exhibition Displaying of Arts and Rainbow Flower Artworks
Macau Special Olympics	1. Sponsored students to participate the 2011 Special Olympics Global Youth Summit in Athens, Greece 2. Sponsored the organization of the “Practice and Vision”, Cross-strait Special Education Forum
Macau Adult Deaf Special Education Association	Sponsored the organization of “Flying Rope of Love, the China Connection” ---- Exhibition of Knot Artworks by Hearing-impaired Persons for the Handover Celebration
Macau Special Education Teachers Association	Sponsored the organization of the Good Camp Firefly Party
Education Centre for Children with Hearing Problems, Macau Deaf Association	Sponsored the organization of the Teacher Trainings ---- Visits to listening and language barrier services in Taiwan, and the Overlapping Sound ---- Workshop for the Training Manual of Understanding Hearing-impaired Children’s Speech

Freedom of expression and opinion, and access to information (Article 21)

56. Please provide information on existing or planned measures for accessibility of information (captions, audio-description etc.) including measures taken to promote and recognize the use of sign language (para 67 of the State Party’s report).

Reply: All SWB promotions through electronic media or digital discs are with captions, so that disabled persons can have easier access to information, also ensuring hearing impaired people to obtain the relevant knowledge. And to cope with the social development, the SWB will continue to strengthen its work in this area, by exploring more channels for hearing impaired persons to access public information.

SWB subsidises NGOs to develop and promote the usage of sign language, and to hire sign language interpreters. To promote the usage of sign language, the SWB subsidises NGOs to organize sign language courses and attend international conferences.

As for the promotion of sign language service, the SWB organized the legal course for sign language interpreters. The purpose is to provide the interpreters with more knowledge on legal issues so that they can explain to the deaf persons more clearly on legislative issues during interpretations, so as to safeguard their rights.

The SWB also assigned additional financial resources to support the concerned NGOs to launch sign language interpretation during TV news as well as 24-hour sign language interpretation service.

And whenever the SWB organizes any activities relating to persons with disabilities (such as the International Day of Persons with Disabilities), there will be interpreters to provide sign language interpretation services.

In respect of facilitating the study and expression of opinions of disability students, according to Item VII, Section V, Chapter III, *School Operation Guideline Year 2011/2012*, published by the EYAB, it recommends providing students with special educational needs, an individualized education program and teaching outline, on top of adjusting and providing special teaching measures based on students' problems, basis, strengths and weaknesses. Special teaching measures include, amid the evaluation of student learning progress, adoption of multi-dimensional assessments; and assessments through students' verbal language, sign

language, body language, instructions, computer answering, and so forth, which enable students to have the ability to fully demonstrate their abilities. Also listed in the *School Operation Guideline* is, to students with different barriers, schools should deploy respective teaching measures. For example, it recommends teaching visually impaired students reading and writing Braille, and also answering through Braille, operations, verbal answers or computers. And to hearing impaired students, it recommends using gestures and facial expressions in teachings to assist understanding, while reducing oral assessment and replacing such with writings and other methods. The aforesaid measures will support the needs of students with special education needs and help express themselves with their strength, as an opportunity to the full development of their abilities.

Education (Article 24)

57. Please provide information on how it is determined that a child with disabilities will attend a mainstream or a specialized school. Please provide information on the percentage of persons with disabilities in mainstream education as compared to the percentage of those in special education facilities, disaggregated by sex. Do mainstreamed students with disabilities have access to all the services and education as enshrined in Article 24 of the CRPD? (para 75-81 of the State Party's report).

Reply: For children and youths who are suspected to have special educational needs, EYAB will conduct assessment for them in aspects such as their intelligence, learning, social adaptation and emotional behaviour and will suggest suitable educational arrangements according to their performance. For students who suffer mental retardation or have relatively severe intellectual disability, and have obvious difficulties in learning and daily routine adaptation, they will be suggested to receive education in special needs classes. For those students that are of mild intellectual disability with learning difficulties, or with long-term and continued serious emotional and behavioural problems and require relatively greater accommodation or assistance, they will be suggested to enrol in small

special education classes. Those with any of the following difficulties, such as physical functional disabilities (including hearing disabilities, visual disabilities, speech disabilities and physical disabilities), borderline mental retardation in the intelligence spectrum, pervasive developmental disorder, attention deficit/hyperactivity disorder, specific learning difficulties or with long-term and continued emotional and behavioural problems that require a small amount of special assistance in learning or learning environment, in order to learn and grow with classmates, will be suggested to enrol in inclusive classes. During the academic year 2010/2011, there were 977 students with special educational needs, 426 of which were placed in inclusive classes and 551 were placed in special needs classes and small special education classes.

Concrete details are displayed as follows:

Comparison of male and female students of special education classes and of inclusive classes															
Academic year	Students of special education classes* (Male and female %)			Students of inclusive classes (Male and female %)			Students with special education needs (Male and female %)			Students of special education classes* in students with special education needs (Male and female %)		Students of inclusive classes in students with special education needs (Male and female %)			
	Total	%		Total	%		Total	%		Total	%		Total	%	
		(No. of persons)			(No. of persons)			(No. of persons)			(No. of persons)			(No. of persons)	
		M	F		M	F		M	F		M	F		M	F
08/09	471	64.97%	35.03%	333	67%	33%	804	65.8%	34.2%	804	38.06%	20.52%	804	27.74%	13.68%
		(306)	(165)		(223)	(110)		(529)	(275)		(306)	(165)		(223)	(110)
09/10	502	65.3%	34.7%	372	66.4%	33.6%	874	65.8%	34.2%	874	37.53%	19.91%	874	28.26%	14.30%
		(328)	(174)		(247)	(125)		(575)	(299)		(328)	(174)		(247)	(125)
10/11	551	64.4%	35.6%	426	70.2%	29.8%	977	66.9%	33.1%	977	36.34%	20.06%	977	30.60%	13.00%
		(355)	(196)		(299)	(127)		(654)	(323)		(355)	(196)		(299)	(127)

* Students of special education classes include those in small special education classes and special needs classes.

In accordance with Law No. 9/2006 on the *Legal Framework on Non-Tertiary Educational System* and Decree-Law No. 33/96/M on the *Special Educational Regime*, all schools that accept students with special education needs have to draw up individualized education programs and educational activity outlines according to students' abilities, learning characteristics and development needs, so as to provide students with special education needs with suitable curricula, educational assistance, assessment adaptations and targeted support. As to students with treatment needs, the EYAB will sponsor special education schools and rehabilitation institutions to provide them with periodic treatment follow up, so as to facilitate their overall development.

To ensure that students with special education needs will obtain sufficient concern and assistance in ordinary schools, in public schools, there are special education specialist teams to support students with special education needs, such as providing counseling and treatment follow up services, and stationed resource teachers to provide students with special education needs with educational assistance. In private schools, the Centre of Psycho-pedagogical Support and Special Education under the EYAB not only assigns staff to visit schools periodically to discuss with teachers, assistants and parents the individual learning needs of inclusive students and the corresponding assistance measures but also encourages private schools accepting inclusive students to engage more teaching assistants to provide assistance to inclusive students, through financial subsidies every academic year; moreover, if a school considers it necessary to repair and construct special barrier-free environments and facilities, to purchase relevant teaching materials and aids, to purchase additional teaching equipment to assist inclusive students, it may submit its application to the Education Development Fund through the School Development Plan.

In order to strengthen support to teachers in ordinary classes, the EYAB, in the academic year 2010/2011, carried out the "itinerant support service" at primary level in 7 private Chinese schools, by inviting special education schools to assign experienced special education teachers to provide intensive support services and opinions in the area of teaching to teachers of inclusive students. In the academic year 2011/2012, the

“itinerant support service” was extended to the pre-primary level of 11 private schools and primary level of 15 private schools.

To allow teaching staff to master more in depth the strategies and techniques of teaching students with special education needs, besides the above-mentioned periodic visits to schools to provide technical support, the EYAB also co-organizes intensive certificate training programs with tertiary institutions of Macao, Hong Kong SAR and other places every academic year, including the Inclusive Education Certificate Program, Resource Teacher Training Program and Special Education Certificate Program. At the same time, aiming at the special education needs of students with different kinds of disabilities, the EYAB also runs workshops of special topics for teaching staff, including workshops on teaching aid strategies by different kinds of disabilities such as autism, Asperger syndrome, special learning difficulties, visual disabilities and hearing disabilities, and supports schools to organize relevant school-based training programs, so as to allow teachers to master the teaching techniques for students with specific disabilities. Besides training programs, administrative staff and teachers of local inclusive schools were also organized to go to other places for visits and exchange in order to learn from the experience of schools in other places in implementing special education and inclusive education.

58. Please indicate if there is a difference in income and social benefits between staff employed in specialized schools and those employed in mainstream education.

Reply: Regarding teachers engaged in special education schools and ordinary schools, there is no difference in their salaries due to the difference in the nature of teaching but the number of teaching hours/sessions of teachers engaged in special education schools is reduced. In accordance with Article 24(1) to (4) of Decree-Law No. 67/99/M on the *Statute of Teaching Staff of the EYAB*, “the number of teaching hours of teaching staff of pre-school education and preparatory year for primary education is 28 to 30 per week; the number of teaching hours of teaching

staff of primary education is 24 per week; the number of teaching hours of teaching staff of secondary education is 22 per week; the number of teaching hours of the teaching staff of special education and special teaching, as long as their activities are confined to such type of teaching, is 20 per week”.

Furthermore, the *General Framework of Teaching Staff of Private Schools of Non-Tertiary Education*, promulgated in March 2012, also establishes relevant provisions in accordance with the education level and nature of private school teachers: in ordinary education, it is suggested that the number of teaching sessions of teachers of different education level is 16 to 23 (16 to 18 for secondary teachers, 18 to 20 for primary teachers and 21 to 23 for pre-primary teachers) while the number of sessions of teachers of special needs classes, disregarding education level, is 16 to 18.

Work and employment (Article 27)

59. Please explain whether discrimination on basis of disability in terms of recruitment and/or work conditions is provided for in the State party’s legislative framework and the corresponding sanctions for such cases of discrimination. Are workers with disabilities provided with reasonable accommodation at their work places? (para 88 - 95 of the State Party’s report)

Reply: With regard to the provisions laid down in the existing laws and regulations for disability discrimination during recruitment and in workplace, firstly, Article 4 of Decree-Law No. 33/99/M, on the *Scheme of Prevention, Rehabilitation and Integration of Persons with Disabilities*, stipulates that on an equal basis, a disabled person enjoys the legal rights given for other Macao residents, and also is restricted by the legal obligations for other Macao residents, except when being unfit to exercise any rights or to discharge any obligations.”

On the other hand, Article 5 of Law No. 4/98/M, *Law on Employment Policy and Labour Rights* prescribes that: (1) Regardless of age, sex,

race, nationality or place of origin, workers are entitled: a) to receive remuneration according to the quantity, nature and quality in work; b) to receive equal wages for the same work or for the same value; c) to labour hygiene and safety during work; d) to assistance for illnesses; e) to a maximum limit of daily working hours, weekly rest and paid periodic holidays, as well as receiving remuneration for public holidays; f) to join any association representing their interests. (2) Special protection is given to minors, handicapped people and women in workplace, especially during pregnancy and after childbirths.

Additionally, with respect to Article 10(1) of Law No. 7/2008, *Law on Labor Relations*, it regulates that employers are prohibited to impede employees, in any forms, to exercise their rights, and cause harm to employees for their exercising of such rights. Article 6 of the aforesaid law provides that: (1) all residents of the MSAR have equal opportunities for employment based upon nondiscrimination conditions. (2) No employee or applicant for employment shall be unduly privileged, or discriminated against or deprived of any right or exempted from any duty on ground of, inter alia, national or social origin, descent, race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership of associations, education or economic background. (3) Given the nature of the work or the relevant causes established justifiable and decisive elements for labour provision, any acts taken on the causes in the preceding paragraph does not constitute discrimination. (3) A difference of treatment which is based on one of the prohibitive grounds laid down in the preceding paragraph shall not constitute discrimination when, due to the nature of the work or the context in which it is carried out, such a characteristic constitutes a justifiable and decisive requirement to perform work. (4) The provisions in the preceding paragraphs shall not prejudice the privileged treatment of social groups in need of special protection, provided such actions are legitimate and proportional.

If an employer impedes his employees to exercise their rights, or under any unreasonable grounds discriminates against employees or

job applicants, this will constitute a misdemeanour; such employer is punishable, according to Article 85(1)(i) and (ii) of the same law, with a fine of \$20,000.00 (twenty thousand patacas) to \$50,000.00 (fifty thousand patacas).

With regard to setting up appropriate installations to accommodate persons with disabilities in their workplace, Law No. 9/83/M, *Law on Suppression of Architectural Barriers* provides that buildings and facilities under the terms of this Law have to comply with its provisions of suppressing architectural barriers while they are being constructed, with the aim of allowing persons with disabilities, on the basis of equality, to enter and exit buildings and to use facilities without barriers. Its *Annex I* establishes the installations for the accommodation of persons with disabilities which must be complied with in relevant buildings while its Article 6 specifically provides: “Plans of factories and workshops submitted for the evaluation of the competent authority after the entry into force of this Law shall comply with the construction norms described in *Annex I*.” The above-mentioned provision ensures that persons with disabilities will obtain accommodation in workplaces.

Moreover, Article 4 of the *Order of the Secretary for Economy and Finance* No. 6/2004 establishes *Regulations on Employment Incentives and Training*, which stipulates that the actions of vocational training, sheltered workshop, adaptation of posts at work and elimination of architectural barriers to support the social integration and employment of unemployed persons with physical or behavioural disabilities, promoted by enterprises or non-governmental organizations, shall be subsidized by submitting the proper application form to the Social Security Fund by the respective promoting entities. The subsidies for the referred actions may not exceed the amount of \$500,000.00 (five hundred thousand patacas), being granted after the decision of the Administrative Committee of the Social Security Fund, under the favourable opinion of the Labour Affairs Bureau, as approved by the Secretary for Economy and Finance. Through the above-mentioned measures, employers are encouraged to take actions

to eliminate architectural barriers in their workplaces, so as to provide persons with disabilities with more accommodated and barrier-free working environment.

National implementation and monitoring (Article 33)

60. Please elaborate on how the different entities (the MASR Government NGOs, a government consultative body, the judiciary, the Ombudsman) involved in the monitoring of the CRPD will interact and which entity will play which role? How are persons with disabilities and their representative organizations ensured a role in participating in the independent monitoring mechanism? (para 16-18, 105 of the State Party's report)

Reply: As previously mentioned, the Government's rehabilitation policy and programme is based on the concept of the development of social inclusion and rehabilitation services to maximise their autonomy and active social participation through an array of community-approach measures involving individuals, families and social institutions.

NGOs that work in the field of disability play a key-role in the implementation of rehabilitation policy. Through partnerships with different government departments, such as the SWB, the Health Bureau, the Labour Affairs Bureau, etc., NGOs, with the aim of facilitating the quality of life of persons with disabilities, as well as their integration in the society, deliver specialized services and organise different type of activities, while heightening community awareness and sharing of responsibilities.

At policy making level, NGOs' intervention was strengthened with its participation in the Commission for the Rehabilitation of Persons with Disabilities, which was established in 2008, aiming to assist the Government in the formulation, implementation, coordination and supervision of policies related to the prevention of disability, rehabilitation and social integration of persons with disabilities. According to *Chief*

Executive Order No. 239/2008, members of the Commission include representatives of governmental departments and at most 15 representatives from organizations involving rehabilitation affairs and other related areas as well as up to 5 individuals who are publicly recognized as distinguished in the social service and other related areas.

A publicity group for the Convention has been established, in 2010, whose members include representatives from government departments and NGOs, in addition to others from the Macau Association of Support for the Disabled, Macau Fu Hong Society, Macau Deaf Association, Association of Parents of Mentally Handicapped Macau, and one disabled person appointed by the Secretary for Social Affairs and Culture.

Through the above-mentioned participation by NGOs and disabled persons, this ensured the supervisory roles of disabled persons and the organizations they represented.

The Commission Against Corruption, being the Ombudsman of the MSAR, in accordance with the provisions of its organization law (Law No. 10/2000 as revised by Law No. 40/2012), one of its main functions is to promote the protection of rights, freedom, protection and legitimate interests. If it finds any regulatory deficits, in particular any deficits affecting people's rights, freedoms, protection or legitimate interests, for example, to any regulations causing inequality or discrimination against disabled persons, it will provide recommendations to explain, modify or repeal, or to advice or recommend for the development of new regulations (on condition that the involved matters do not fall within the competence of the Legislative Assembly).

As for the judiciary, according to the Macao SAR's judicial system, courts and prosecutors are independent. Independence of the courts ensures its exercising of jurisdiction, and they only obey the law without any intervention. The Public Prosecutors are also an independent judiciary, free from any interference, whose functions include the supervision of law enforcement, and legal supervision of public administration in its

enforcement procedures, to ensure strict implementation of the provisions of the law in the enforcement process. In addition, Public Prosecutors are the legal representatives of the incapacitated, the uncertain and the missing people in the legal proceedings, as a safeguard to their legitimate rights and interests. If the legitimate rights and interests of a person are infringed, he can resort to the court to restore justice and access to remedies.

C. Women and Children with Disabilities (art. 6 & 7)

61. Please provide additional information on Article 38 of the *Basic Law* which provides protection for “women’s legitimate rights and interests”; please indicate whether the State party includes a gender perspective in its public policies relating to persons with disabilities to address the specific needs of women and girls with disabilities and whether any positive action measures have been taken to advance on their more vulnerable situation (para 24 - 25 of the State Party’s report)

Reply: Firstly, women and girls with disabilities are equally protected by same laws as other disabled people entitled to. In addition, they possess the rights to enjoy various kinds of rehabilitation services. The SWB supports the operation of two residential facilities for disabilities through financial subsidies and technical assistance, in view of providing disabled women who are in need of residential care services notwithstanding.

The SWB provides financial subsidies and technical assistance to NGOs, for early special education and trainings to girls who have problems in intelligence development, behaviour or with hearing problems, in additions to its parenting education and other assistance for parents.

In respect of education, aiming at students with special education needs, disregarding their gender, the EYAB creates conditions for improvement of the overall education support, in order to suit the special education needs of all students; meanwhile, Article 12 (4) of Law No. 9/2006 on the *Legal Framework on Non-Tertiary Educational System* provides that “the curricula, teaching materials, teaching methods and

assessment shall be adapted to the specific characteristics of each student”; therefore, schools respect each student’s individual differences and uniqueness, to allow them to obtain suitable individualized education under the principle of fairness and equal opportunities, to allow them to develop their potential and integrate into the society.

Regarding special measures for women and girls with disabilities in respect of employment, Decree-Law No. 52/95/M guarantees equal opportunities and treatment in employment between male and female workers, including the enjoyment of employment, vocational training and career promotion without discrimination by female employees with disabilities. In addition, in order to implement Article 5(2) of Law No. 4/98/M on the *Legal Framework on Employment and Labour Rights*, which prescribes special protection for female workers, minors and persons with disabilities at work, the Labour Affairs Bureau has specially considered the needs of these persons while formulating relevant policies.

In the area of organization of vocational training programs for persons with disabilities, the Labour Affairs Bureau has always been cooperating with relevant service organizations, rehabilitation institutions and government departments, devoting its efforts in ensuring that all persons with disabilities who plan to participate in vocational training have the chance to enrol in relevant programs, thus effectively protects the right of women with disabilities to receive vocational trainings, from which they are allowed to develop their potential, to increase creativity and professional ability, to bring up self esteem and self confidence, to facilitate easier integration into society and to obtain employment opportunities. According to statistical data from 2006 to 2010, female comprises 49.4% of the participants of the vocational training programs run by the said Bureau specifically for persons with disabilities.

Furthermore, the Labour Affairs Bureau also provides persons with disabilities with measures facilitating employment, mainly by providing job applicants with disabilities with free and personalized employment service by its staff of the “Working Group on Capacity Development”,

who conduct interviews with them to understand their situations and, according to their expectation at work and physical situation, to make a suitable match.

62. Please explain whether corporal punishment is permitted by law or not sanctioned to discipline children at home, centres and institutions.

Reply: In the MSAR, corporal punishment is prohibited by law. Subjecting a person to torture or inhuman treatments is expressly forbidden by Article 28 (4) of the *Basic Law*.

Under the *Criminal Code*, conducts that involve infliction of corporal punishment are considered criminal offences. Among the criminal offences against physical integrity, it should be pointed the crime of simple offence to integrity: whoever offends the body or health of another person is punished with imprisonment up to 3 years or with a fine (Article 137); and the crime of serious offence to integrity: whoever offends the body or health of another person leading to serious physical injury of the victim is punished with imprisonment ranging from 2 to 10 years (Article 138). In case of aggravation caused by offending the body or health of another person and leading to death, imprisonment penalties range from 2 to 8 years and from 5 to 15 years in the cases of Article 137 or 138, respectively (Article 139). If the offences referred to in Articles 137, 138 and 139 are committed in special circumstances which reveal reprehensibility or perversity of the perpetrator, he/she is punished with the penalty applicable to those crimes increased by one third in its minimum and maximum (Article 140).

Moreover, it should be pointed out that conducts which constitute domestic violence are considered criminal offences under the *Criminal Code*, in particular under its Article 146, which establishes the crime of ill-treatment of minors, persons with incapacities or spouse. Infliction of physical or mental ill-treatment or cruel treatment by whoever has under his/her care, custody, responsibility for the direction or education, or under his/her supervision in work relations, a minor or an incapable or a person

with low capacity due to age, illness or physical or mental disability, is punishable with imprisonment ranging from 1 to 5 years, and 2 to 8 years or 5 to 15 years, if the said ill-treatment leads to serious physical injury or death of the victim, respectively.

In respect of disciplining children at schools and educational institutions, Order 46/SAAEJ/97 approves the *Discipline System for Students in Public Educational Institutions*, providing for the prohibition of taking disciplinary measures that are contrary to the moral and physical integrity and to the personal dignity of students.

Furthermore, Law No. 2/2007 stipulates that the educational regime and adequate measures are applicable to minors between the age of 12 and 16 who have committed criminal offences or misdemeanours, under which measures infringing the physical integrity, health or dignity are prohibited.

PART III

**CONCLUDING OBSERVATIONS OF THE
COMMITTEE ON THE RIGHTS OF PERSONS
WITH DISABILITIES**

**CONSIDERATION OF REPORTS SUBMITTED
BY STATES PARTIES UNDER ARTICLE 35
OF THE CONVENTION**

**CONCLUDING OBSERVATIONS BY THE
COMMITTEE ON THE RIGHTS OF PERSONS
WITH DISABILITIES**

CHINA

I. INTRODUCTION

The Committee considered the initial report of China (CRPD/C/CHN/1), including Hong Kong Special Administrative Region (CRPD/C/CHN-HKG/1) and Macao Special Administrative Region (CRPD/C/CHN-MAC/1) at its 77th and 78th meetings, held on 18 and 19 September 2012, and adopted the following concluding observations at its 91st meeting, held on 27 September 2012.

1. The Committee welcomes the initial report of China, including Hong Kong and Macao Special Administrative Regions, which was prepared in accordance with the Committee's reporting guidelines (CRPD/C/2/3). It also appreciates the written replies to the lists of issues raised by the Committee (CRPD/C/CHN/Q/1; CRPD/C/CHN/Q/1/Add.1).

2. The Committee expresses its appreciation for the constructive dialogue held between the state party's delegation and the members of the Committee. The Committee commends the state party for its high-ranking delegation, among which were members of government ministries and experts with disabilities.

3. The Committee regrets the state party's lack of ratifying the Optional Protocol to the CRPD and invites the state party to reconsider its decision to abstain from said protocol.

(...)

Macao Special Administrative Region, People's Republic of China

I. POSITIVE ASPECTS

85. The Committee welcomes the establishment of the Commission against Corruption, which has Ombudsman functions for the rights of persons with disabilities.

86. The Committee appreciates that persons with disabilities in MSAR are able to receive several subsidies as social protection.

87. The Committee commends article 5 (f) of Decree-Law 33/99/M, which stipulates the mandatory information of persons with disabilities of their rights and the existing structures assigned to provide them assistance.

II. PRINCIPLE AREAS OF CONCERN AND RECOMMENDATIONS

A. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

88. The Committee is concerned about the existence of de facto inequality in the MSAR.

89. The Committee recommends that the state party continue its efforts to ensure equality for persons with disabilities, so as to ensure the implementation of the spirit of the CRPD.

Freedom from exploitation, violence, and abuse (art. 16)

90. The Committee is concerned about the heightened risk of violence against women and girls with disabilities in becoming victims of domestic violence and abuse.

91. The Committee recommends that services as well as information are made accessible to these victims. It specifically encourages the state party to set up a complaint mechanism and conduct mandatory training for the police force regarding this issue.

Right to live independently and live in the community (art. 19)

92. The Committee is concerned that the right to live independently and in the community has not yet been fully achieved in the MSAR.

93. The Committee urges the MSAR to prioritize the implementation of this right and shift from institutionalization to in-home or residential living as well as provide other community support services.

Education (art. 24)

94. The Committee is concerned that the number of students with “special educational” needs in a non-inclusive environment is higher than that in an inclusive one. The Committee is also troubled by the low number of students with disabilities attending tertiary education.

95. The Committee wishes to remind the state party that the concept of inclusive education is essential to the implementation of article 24 and should be the rule rather than an exception. The Committee calls upon the state party to continue making tertiary education more accessible to students with disabilities.

Work and employment (art. 27)

96. The Committee is concerned that employees with disabilities only account for 0.3 % of the total employed population.

97. The Committee recommends the MSAR to introduce more affirmative action to enable persons with disabilities to find employment.

Follow-up and dissemination

98. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. The Committee recommends that the State party transmit them for consideration and action to members of the Government and the National People's Congress, officials in the relevant Ministries, members of relevant professional groups, such as education, medical and legal professionals, as well as local authorities and the media, using modern accessible social communication strategies.

99. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons' organizations, in the preparation of its second periodic report.

100. The Committee requests the State party to disseminate these concluding observations widely, including to non-governmental organizations and representative organisations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in accessible formats.

101. The Committee requests that the State Party to submit within 12 months information in writing on the measures adopted in order to meet the recommendations set out in paragraphs 20 and 50.

Next report

102. The Committee requests the State party to submit its second periodic report by no later than 1 September 2014, and to include therein information on the implementation of the present concluding observations.

PART IV

FOLLOW UP TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

**CONCLUDING OBSERVATIONS ON THE INITIAL REPORT
OF CHINA, ADOPTED BY THE COMMITTEE AT ITS
EIGHTH SESSION (17–28 SEPTEMBER 2012)**

Addendum

**Comments from the Government of China on the concluding
observations (CRPD/C/CHN/CO/1)**

(...)

**III. REPLY OF THE GOVERNMENT OF THE
MACAO SPECIAL ADMINISTRATIVE REGION**

**A. Freedom from exploitation, violence and abuse (paras. 90
and 91)**

“The Committee is concerned about the heightened risk of violence against women and girls with disabilities becoming victims of domestic violence and abuse. The Committee recommends that services and information be made accessible to these victims. It specifically encourages Macao, China, to set up a complaint mechanism and conduct mandatory training for the police force on this issue.”

87. The Government of the Macao Special Administrative Region, besides bolstering the communication and cooperation mechanism between police units and the government bureaux concerned, is also planning to formulate regulations to combat domestic violence and to put the subject on the legislative agenda. The aims will be to prevent, curb and correct domestic violence and to increase protection and assistance for victims.

88. The draft recommends that, when the competent authorities ascertain that there has been domestic violence, they should inform the victims that they are entitled to protection and assistance, and provide them with the other resources required for the protection of their rights and interests. It recommends that the competent authorities should, either on their own initiative or in cooperation with public or private bodies, foster publicity campaigns against domestic violence, especially by disseminating information at schools, in the community and through the media, and ensure that victims are fully apprised of their rights and interests and of the channels to request assistance. The authorities should also draw the attention of the public to the social problems caused by domestic violence and encourage collective action against it. At the same time, the draft also recommends that specialized training activities should be organized for police staff and others performing related tasks on how to respond to and deal with domestic violence issues.

89. The Health Bureau in 2011 began two years of training courses for the police force on human trafficking.

B. Right to live independently and live in the community (paras. 92 and 93)

“The Committee is concerned that the right to live independently and in the community has not yet been fully achieved in Macao, China. The Committee urges Macao, China, to prioritize the implementation of this right and shift from institutionalization to in-home or residential living, as well as provide other community support services.”

90. According to information from the 2011 Macao general population census, 87 per cent of persons with disabilities live in residential units within the community and another 12.5 per cent live in collective housing units such as institutions. For the most part, persons with disabilities in Macao are thus living in the community. Currently, the persons with

disabilities living in institutions are mainly those with disabilities of intermediate or high severity, so that they cannot care for themselves and their families cannot care for them, or patients with intellectual disabilities or chronic mental disorders.

91. The Government has always pursued the guiding principle of community-based integration and participation and will continue, by offering facilities and financial and technical assistance, and in cooperation with NGOs, to give people with disabilities and their families support and services and help them live independently and integrate into the community.

C. Education (paras. 94 and 95)

“The Committee is concerned that the number of students with special educational needs in a non-inclusive environment is higher than that in an inclusive one. The Committee is also troubled by the low number of students with disabilities attending tertiary education. The Committee wishes to remind Macao, China, that the concept of inclusive education is essential to the implementation of article 24 and should be the rule rather than an exception. The Committee calls upon Macao, China, to continue making tertiary education more accessible to students with disabilities.”

92. Article 12, paragraph 3, of Act No. 9/2006, the Non-Tertiary Education System Framework Act, establishes that “priority shall be given to making special education inclusive at ordinary schools, while special education may also be offered at special schools and by other means”. Clearly, inclusive education is the main way in which the Government of the Macao Special Administrative Region, intends to expand the provision of education services for students with special needs. While promoting inclusive education, the Government will make use of various arrangements as appropriate, according to students’ academic capabilities and needs. Some students with relatively severe impairments, apart from

those placed in special schools, are able to study in special classes at ordinary schools (including small special education classes). Schools thus can sometimes afford them and ordinary students an opportunity to indulge and interact in certain courses and activities. Students with less severe impairments will be merged into ordinary classes and study the same courses as ordinary students, taking part in any activities arranged for ordinary students.

93. According to the 2011/12 education statistics, there were 1,044 special needs students, of whom 484 were merged into ordinary classes; 204 students were studying in special classes at ordinary schools (including small special education classes) and 356 were in special schools. This means that some 65.9 per cent of students with special education needs are currently being taught in inclusive education.

94. On the other point, relating to special education students who have completed secondary school and wish to continue their studies, the Government of the Macao Special Administrative Region has in recent years actively contacted staff at schools and tertiary institutions seeking to formulate recommendations on how to adapt entrance examinations and university learning facilities for such students. The relevant government departments are also planning to establish channels of communication with the institutions concerned in order to look jointly into the feasibility of arranging supplementary assistance for special education students wishing to enrol in university. Measures might include: special arrangements for entrance examinations, taking into account the specific needs of each applicant, for example by allowing extra time for the examination, providing facilities at the examination site, allowing them to use computers and using special testing materials or equipment; similarly, for students whose admission has already been confirmed, encouraging tertiary institutions to provide appropriate facilities and equipment so as to create an environment conducive to learning by students with special needs. The University of Macau has already adopted an admissions policy for students with disabilities which allows disabled applicants to voluntarily disclose

their disability status or condition and to state whether they wish to benefit from special arrangements such as an admission examination waiver or special arrangements for taking the examination. Once enrolment is confirmed, the University sets up a small team to help provide suitable assistance.

D. Work and employment (paras. 96 and 97)

“The Committee is concerned that employees with disabilities only account for 0.3 per cent of the total employed population. The Committee recommends Macao, China, to introduce more affirmative action to enable persons with disabilities to find employment.”

95. To give employers in the various trades a better understanding of the work capabilities of people with disabilities, the Labour Affairs Bureau has set up a special web page that presents services for the employment of people with disabilities. In addition to covering aspects to which employers must pay attention when hiring persons with disabilities, it also gives people with disabilities information on interviewing skills and on how to apply for a job. There is also a special web page for job announcements and for matching candidates with placements, where persons with disabilities can search through vacancies and ask the Labour Affairs Bureau to provide references to the companies concerned, thus increasing their chances of being taken on. Through visits to companies and various other channels, the Bureau also provides employers with information on the hiring of people with disabilities, raises awareness of their work capabilities and encourages employers to join the ranks of those who hire them.

96. On another level, the Macao Social Security Fund, working together with the Labour Affairs Bureau and rehabilitation agencies, uses a combination of subsidies and training to improve the employability of unemployed persons facing particular difficulties in Macao. These include

programmes for disabled employees, such as the Vocational Training Allowance for the Unemployed, the Employment Allowance for the Unemployed, the Subsidy for Recruitment of Youths Seeking Jobs for the First Time and the Employment Allowance for Unemployed Persons with Disabilities.

97. To increase understanding among all sectors of society of the work capabilities of people with disabilities, the Labour Affairs Bureau and the Social Welfare Bureau together run numerous activities, including the Award for Employers Hiring Disabled Persons and the Award for Disabled Employee Excellence, which are conferred in alternate years. Such acknowledgements serve to increase understanding and acceptance of persons with disabilities' work capabilities among employers and the public overall, thus encouraging employers to offer more jobs to people with disabilities. By 9 January 2012, the Labour Affairs Bureau had received 7,360 vacancy announcements intended for people with disabilities, 71 per cent more than in the same period in 2011. This reflects the fact that employers are increasingly considering hiring people with disabilities.