

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

Responses to the Questionnaire on Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)

For preparation of regional review and appraisals in the context of the 15th anniversary of the adoption of the Beijing Declaration and Platform for Action in 2010

Part One: Overview of achievements and challenges in promoting gender equality and women's empowerment

Introduction

On 20 December 1999, China resumed the exercise of sovereignty over Macao, the Macao Special Administrative Region of the People's Republic of China (MSAR) was established and its Basic Law (BL) entered into force. The BL, which has constitutional value, is based on the principle "One Country, Two Systems". All systems and policies, including the system for safeguarding fundamental rights and freedoms, are based on the BL, and no law can contravene the BL.

Gender equality and the empowerment of women

The rights to equality and non-discrimination, including gender non-discrimination, are expressly enshrined in Article 25 of the BL, which stipulates 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) of the BL also expressly provides for special protection of the legitimate rights and interests of women.

As in other civil law systems, the above-mentioned 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.

In regard to monitoring mechanisms, one of the major achievements was the creation of a high-level body, the Consultative Commission for Women's Affairs (CCWA), covering all spectrums of women's issues. The aims of the CCWA are: i) to promote women's rights and interests and the improvement of their life conditions; ii) to promote the effective sharing of responsibility at the family, professional, social, cultural, economical and political levels; iii) to effectively contribute to women's opportunities, rights and dignity; and iv) to encourage the full participation of women in the development of the MSAR.

The implementation of policies and strategies are possible at the CCWA level as it is headed by the Chief Executive and comprises representatives of 5 government members and of 25 NGOs. The participation of NGOs in the CCWA enhances the policy process on the promotion and protection of gender equality, ensures transparency on allocation of resources and quality of services.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The MSAR Government is fully committed to the implementation of the CEDAW, and it is making particular efforts in the promotion and dissemination of women's rights as well as reinforcing their protection.

On 10 August 2006, the Committee on Elimination of Discrimination against Women (Committee) considered the last periodic reports of China (CEDAW/C/CHN/5-6 and Add.1 and 2). Addendum 2 covered the implementation of the CEDAW in the MSAR. The Committee's concluding comments are contained in document CEDAW/C/CHN/CO/6.

To follow the Committee's recommendations, some steps were taken to improve existing situation, e.g., a new law on trafficking of persons was adopted, a multidisciplinary and inter-departmental body, the Commission to Follow Up the

Implementation of Dissuasive Measures against Trafficking in Persons, was set up, the fight against all forms of crime, in particular violent crimes (including those against women, such as trafficking, rape, procurement, domestic violence, etc.), was intensified, the protection of victims of such crimes was enhanced by means of the provision, in cooperation with women's NGOs, of more shelters and counselling services for victims of violence.

On the protection of victims of violent crimes, the existence of special means of redress (without prejudice to judicial redress) and of a specific body, the Commission for the Protection of Victims of Violent Crimes, should be noted.

It should also be highlighted that dissemination of the law and victims' rights was – and continues to be – undertaken by the relevant government departments and NGOs through different means, such as newspapers, leaflets and TV and radio advertisements. More programs will be carried out in cooperation with NGOs with the financial and/or technical support of the MSAR Government.

Main legislative and policy-making achievements/MDGs

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. Although the concept of gender mainstreaming has not been expressly incorporated into the legal system, it is, nevertheless, taken as implicit in reason of the constitutional provisions, namely of the above-referred Article 38(2) of the BL.

The MSAR public budget is not gender-specific. Allocation of funds is objective and follows strict rules of law. Hence, it is non-discriminatory and equally accessible to both genders, depending solely upon the nature of the measures, for instance, there are some measures that benefit in specific women, 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.

As to the Millennium Development Goals (MDGs), as the MSAR level of development

is advanced, some of its targets have already been achieved and advancement in relation to the others is being made.

Regarding MDG1, targets 1 and 2, without prejudice to some isolated individual cases, have both been achieved, as in the MSAR extreme hunger and poverty were eradicated long ago.

Likewise, MDG2, target 3, has been accomplished as universal primary education is ensured to all children, boys and girls alike, free of charge (in 2006/2007, the net enrolment ratio in primary education was of 87.4% and the average completion rate in primary education was of 91.4%; in 2006, the literacy rate of 15-24 year-olds was of 99.6 %).

MDG3, target 4, has been partially attained. However, it will take some time for gender equality and women empowerment to be a reality in factual terms.

In fact, technical agreed indicators, i.e., the share of women in wage employment and the proportion of seats held by women in the parliament, show, nevertheless, a steady favourable progression of women's role in society. Disparity at all levels of education was eliminated. The right of everyone to education, which comprises equal opportunities in school access and school achievement, is guaranteed. Compulsory education extends to 10 years (covering children from 5 to 15 years of age), although extension until the end of secondary school is being considered. In 2007, the MSAR female population accounted for 46.4% of the total labour force. In accordance with the definition of ISCO-88, skilled job ratio between male and female was 1.41 to 1. It should be stressed that in the private sector the proportion of men and women in top positions is more symmetrical than in unskilled jobs. In June 2007, women represented 37% of the total labour force in the Public Administration. Women represent 62% of the professional groups, which also include senior officers, officers and teachers. Women have the same civil and political rights as men, namely, the rights to vote and to be elected, to hold any public office and to perform any function at all levels. As of December 2008, there were 249,885 registered electors, 127,707 being women, which corresponded to 51.1% of all voters. Some women hold high-rank positions in the legislative, executive and judicial bodies. The Legislative Assembly currently comprises 29 members, 6 of which are female, including its President.

In what concerns MDG4, target 5, and MGD5, target 6, the indicators demonstrate that both child mortality and maternal mortality ratio were reduced far below the two-thirds and three-quarters, respectively (in 2007, the infant mortality rate was of 2.4‰; the neonatal mortality rate was of 1.5‰; and the proportion of 1 year-old children immunized against measles was of 89.9%; the maternal mortality ratio was of 0‰; and the proportion of births attended by skilled personnel was of 100%).

As for MDG6, targets 7 and 8 (combat HIV/AIDS and malaria and other major diseases, respectively), though the situation has been improved, mainly in regard to the latter as the incidence of malaria (0‰) and most of the other major diseases is decreasing (with the exception of cancer and hepatitis), it is not possible to affirm the same in relation to halt/reverse the spread of HIV/AIDS, which is still a major health problem.

In respect to MGD7, target 9, the main international environmental treaties are applicable in the MSAR, and efforts to reverse the loss of environmental resources are ongoing. Though there is always room for improvement, targets 10 and 11 are of no major concern in the MSAR, where almost everyone has access to safe drinking water and basic sanitation and the number of slum dwellers is small.

Finally, as the MSAR is just a part of China, the issue of MGD8, targets 12-18, can only be perceived in terms of small contributions to China's policy on developing a global partnership for development.

Part Two: Progress in implementation of the critical areas of concern of the Beijing Platform for Action and the further initiatives and actions identified in the twenty-third special session of the General Assembly

Several steps have been taken to widen the scope of women's protection in order to guarantee better quality of life and women empowerment in the MSAR as well as to promote gender equality (overcoming de facto inequalities) taking into account the applicable Human Rights (HR) treaties, particularly the CEDAW and the Convention on the Rights of the Child.

Effective measures to promote and protect gender equality are carried out, mainly

through education, law in action, training of officials and public awareness campaigns.

There is no gender discrimination in practice, as regards the access to education and training. School drop-outs constitute a major obstacle in recent years. To revert the drop-out trend and the extension of compulsory education are relevant challenges.

The MSAR health system offers specific health services to women, such as family planning programs and primary health care services free of charge, as well as medication and devices used in family planning (e.g., pre-marital and genetic issues counselling, birth control methods, breastfeeding, treatment of infertility and prevention of genetic and sexually transmitted diseases).

Furthermore, health education is promoted in schools, making part of the school curricula and it is also promoted within community associations where specialized counselling is provided, in particular as regards sexual education and family planning.

Campaigns, workshops and seminars specifically for women are systematically organized by the MSAR Health Bureau, some of which are addressed particularly to pregnant women or women that belong to risk groups, such as sex workers, HIV patients and drug addicts. Hotlines, psychological support and other assistance are available.

As mentioned in paragraph 8, violence against women, especially domestic violence and sexual exploitation, is a social concern. All acts of violence are liable to criminal charges under the MSAR law. Notwithstanding, the MSAR Government in partnership with the Community, in particular NGOs that operate in the field, has endeavoured to spare no efforts in combating it.

Apart from legal protection, a range of preventive and supportive specialized services are set in place. A special division within the MSAR Social Welfare Bureau (SWB), the Division for Family Action (DAF), is exclusively directed to deal with domestic problems or families which are at risk or need help. DAF has a specialized team of social workers, psychologists, nursery teachers and legal advisers.

The SWB/DAF provides several support services, such as economic assistance,

marriage counselling, family education and free meals. Furthermore, the SWB family counselling hotline continues to be fully operative, registering an average of 107.5 calls per month in 2007 and, in the first half of 2008, an average of 85.1 calls per month.

The reinforcement of preventive and suppressive measures to combat the traffic in persons and illicit exploitation, especially of women and children, and other forms of violence against women is also being undertaken.

In regard to illicit forms of exploitation and trafficking in persons, under the new criminal law against trafficking in persons, a comprehensive set of measures for preventing and suppressing the crime of trafficking and ensuring victim's rights and assistance was established.

Several actions have been undertaken - and still are - with different government departments and NGOs under the coordination of the Commission to Follow-Up the Implementation of Dissuasive Measures against Trafficking in Persons, such as the dissemination of the law and victims' rights (through different means, which include newspapers, leaflets, TV and radio advertisements, display of posters in arrival halls at immigration control points and hospitals), the introduction of two new dedicated 24-hour hotlines, the provision to victims of shelters, free medical assistance (including psychological and psychiatric assistance), financial assistance, occupational training, legal assistance, as well as police protection.

Campaigns are held continuously and more programs will be carried out in cooperation with NGOs with the financial and/or technical support of the Government.

More training and capacity-building in relation to the combat of all forms of violence against persons, in particular women and child girls, and to increase supportive services, including long term shelters' capacities for victims of violence, remain a challenge.

Current educational data shows that educational levels attained by women have surpassed men's. In spite of the legal equality and the prohibition of discrimination, inequality in economic structures still persists mainly due to women's cultural

stereotypes that led to, in practice, limited access to education.

As a result of the educational policy of the last two decades, women are achieving better means of education thus leading, in recent years, to an ever larger number of women in top positions in the private sector.

In the public sector, women are treated equally and there is no gender discrimination. The number of positions, though, is not yet identical. Nevertheless, progress is steady, some of the top high-level positions are held by women, e.g., besides the President of the Legislative Assembly, the second most important member of the MSAR Government - the Secretary for Administration and Justice - is a female official, the Commissioner of Audit and one of the Deputies to the Commissioner against Corruption are women. In the Judiciary, there are currently 29 judges, 11 of whom are women, constituting 38% of the total number of judges. In addition, there are 133 judicial clerks in the courts, 59 of whom are women, representing 44% of the total number of judicial clerks.

Dissemination and promotion of women's rights are priority policies. Efforts to enhance public awareness and HR education are carried out at all levels of government. Vocational and professional training on women's issues are also a government policy.

Part Three: Institutional development

As regards the mechanisms to promote gender equality and empowerment of women, at the institutional level, as mentioned, the CCWA is the consultative body for women's affairs. Its powers are: i) to pronounce on policies and initiatives related to women in the different fields of action; ii) to propose the priority areas of intervention to encourage women in the social, economic, cultural and political fields; iii) to strengthen the dialogue between the Government and women through public consultations; and iv) to promote and develop relations with other counterparts.

The CCWA is divided in three sub-committees, which are for: i) women's policy – aiming at the study of policies and measures of the government departments related to women and to make relevant suggestions; ii) women's rights and legal affairs – handling issues related to protection of women's rights, collecting opinions and giving

suggestions; and iii) women's education and promotional affairs – handling cooperation with and suggestions of related institutions on the law promotion for women's issues, and proposing training and educational programs with reference to the information and data collected.

In addition, within the public administration, there are several mechanisms to promote, protect and monitor gender equality. Individuals may submit applications, petitions and complaints to any administrative authority. The safeguarding of HR is also ensured through quasi-judicial and non-judicial remedies. A growing body of norms exists for the protection of fundamental HR like lodging complaints to the Legislative Assembly and the right to petition.

The right to resort to law and to have access to the courts, to lawyer's help for protection of lawful rights and interests, and to judicial remedies is guaranteed under the BL (Article 36). A corollary of such access is that justice is not denied to any person for the lack of financial resources or based on other discriminatory reasons.

The Commission against Corruption also has the role of the "Ombudsman", promoting the protection of rights and freedoms, safeguarding the legally protected interests of individuals and ensuring that the exercise of public powers abides by the criteria of justice, legality and efficiency.

Part Four: Remaining challenges and actions to address them

Although MSAR women's rights have been enhanced in recent years, several challenges remain and further actions are to be undertaken. The main gender equality challenges and key areas where the MSAR Government is continuing to focus its efforts include: i) general public awareness and sensitivity regarding gender equality that needs to be increased, in everyday practice – the MSAR Government is committed to continue to promote a culture of equality and non-discrimination; it is important to continue to raise general public awareness and sensitivity regarding the matter, which is not always perceived as a real problem or priority in society; ii) family/domestic violence against women, in particular by strengthening support services for victims of gender based violence.

Priority areas for the next five years include: i) women's participation in policy decision-making processes – in spite of great strides in recent years, women in the MSAR are under-represented in governance and decision-making positions – the MSAR Government shall endeavour to improve the under-representation of women in high-level decision-making, particularly in the political system; ii) the combat of trafficking of persons – the MSAR Government is committed to fully protect personal freedom and human dignity, inter alia, by reinforcing preventive measures and suppressing all forms of illicit exploitation and trafficking of persons and protecting victims' rights.

These actions shall continue to be undertaken in partnership with the civil society, mainly with women's NGOs. Regular dialogue with the civil society, including the participation of local associations in many consultative mechanisms, in particular for setting up governmental policies in gender issues, is an important feature of MSAR governance.