

# **MACAU 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Macau is a Special Administrative Region of the People's Republic of China. In September 2021, residents elected 14 representatives from an approved candidate pool to its 33-seat Legislative Assembly. Limited franchise functional constituencies elected 12 representatives, and the chief executive nominated the remaining seven representatives. In 2019 a 400-member election committee selected Ho Iat-seng to serve a five-year term as chief executive.

The Secretariat for Security oversees the Public Security Police, which has responsibility for general law enforcement, and the Judiciary Police, which has responsibility for criminal investigations. Civilian authorities maintained effective control over the security forces. There were reports members of the security forces committed isolated abuses.

Significant human rights issues included credible reports of: serious restrictions on journalists' freedom to conduct newsgathering; substantial interference with the right of peaceful assembly; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation, including the disqualification of prodemocracy candidates in elections; and trafficking in persons.

The government took steps to prosecute and punish officials who committed human rights abuses or engaged in corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The law prohibits such practices, and there were no credible reports government officials employed them.

## **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Administration:** The law allows prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged deficiencies. Judges and prosecutors in previous years visited prisons at least once a month to hear prisoner complaints.

**Independent Monitoring:** The government permits monitoring by independent nongovernmental observers. According to the government, no independent human rights observers requested or made any visit to the prison in the Special Administrative Region (SAR).

## **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

## **Arrest Procedures and Treatment of Detainees**

Authorities detained persons with warrants issued by a duly authorized official based on sufficient evidence. Detainees had access to a lawyer of their choice or, if indigent, to one provided by the government. Although the law provides detainees prompt access to family members, due to various lockdowns on COVID-19 prevention grounds throughout the year, this access was at times restricted.

Police must present persons in custody to an examining judge within 48 hours of detention. Authorities informed detainees promptly of charges against them. The examining judge, who conducts a pretrial inquiry in criminal cases, has wide powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. Investigations by the prosecuting attorney should end with charges or dismissal within eight months, or six months when the defendant remains in detention. The pretrial inquiry stage must conclude within four months, or two months if the defendant is in detention. By law the maximum limits for pretrial detention range from six months to three and a half years, depending on the charges and progress of the judicial process; there were no reported cases of prolonged or arbitrary pretrial detentions.

There is a functioning bail system. Complaints of police mistreatment may be made to the Macau Security Forces and Services Disciplinary Supervisory Committee, the Commission against Corruption, or the Office of the Secretary for Security. The Macau Security Forces and Services Disciplinary Supervisory Committee reports directly to the chief executive. The government also maintained a hotline and website for receiving named or anonymous complaints regarding irregular police activity or behavior.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Observers said that administrative actions by the court in some cases affected the fairness of the proceedings. For example, in a September lawsuit against casino owner Alvin Chau and 20 affiliates regarding money laundering and illegal gambling operations, defense lawyers filed a complaint noting their legal assistants were not allowed to attend the hearing because the court limited the number of seats on COVID-19 prevention grounds. Some Portuguese defense attorneys argued such arrangements harmed the interests of their clients since their legal assistants, denied access to the courtroom, were unable to provide the immediate translation assistance required due to the large volume of Chinese documents in the case.

## **Trial Procedures**

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. A case may be presided over by one judge or a group of judges, depending on the type of crime and the maximum penalty involved.

The SAR's civil-code judicial system derives from the Portuguese legal system. The courts may rule on matters that are the responsibility of the government of the People's Republic of China (PRC) or concern the relationship between central authorities and the SAR but before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of the relevant provisions from the National People's Congress Standing Committee. The Basic Law requires that courts follow the standing committee's interpretations when cases intersect with central government jurisdiction, although judgments previously rendered are not affected, and when the standing committee makes an interpretation of the provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." As the final interpreter of the Basic Law, the standing committee also has the power to initiate interpretations of the Basic Law.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary for civil matters, and citizens have access to a court to bring lawsuits seeking damages for a human rights violation.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions. The SAR's public surveillance system includes facial recognition capabilities; legal experts and opposition leaders feared the system may be used to target individuals and breach privacy laws.

In July the Legislative Assembly passed a wiretapping law permitting authorities to

use “eavesdropping devices” to intercept or record a telephone conversation or other telecommunication means without the consent of the parties involved if they have prior authorization from a judge. The new law also allows police to request communication records from social media operators, even if they are not located or headquartered in the SAR. Some activists expressed concerns that the provisions of the wiretapping bill were an overly broad expansion of surveillance authority.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of expression, including for members of the press and other media, but the government encroached upon this right.

**Freedom of Expression:** The government significantly restricted any public statements that it contended would undermine “social harmony” or that “endangered” national or public interest.

In August a man surnamed Tong was convicted of fabricating and posting to social media rumors later proven false that there were five positive COVID-19 cases in the SAR; he was sentenced to six months’ imprisonment but was allowed to pay a fine in lieu of prison. He was accused in August 2021 and was the first person tried under a 2020 anti-rumor-mongering law.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** There were reports of increased censorship, especially on topics related to the SAR’s authorities, China, and the 1989 Tiananmen Square massacre. Senior government officials stated they expected the press to adhere to a “love of the motherland and love of Macau.” In October 2021 the prodemocracy website *Macau Concealer*, which regularly published satirical news, suspended operations, citing a worsened political landscape and budgetary constraints.

The SAR imposed restrictions on press freedom and urged media to be patriotic. In July the Macau Journalists Association issued a statement accusing government officials of “guiding” reporters on the direction of questions in advance of a regular

pandemic press conference, repeatedly interrupting reporters, and snatching the microphone away from reporters. The association published several critiques in recent years on the seriousness of censorship of media. The association listed these specific circumstances: reporters were not allowed to ask surprise questions to certain high-ranking officials; news regarding prodemocracy activists and organizations may only be reported briefly, and their names should not be mentioned in the report; and media reports that did not comply with government directives were removed from publications or altered to cater to progovernment ideology by their publishers and editors for no stated reason.

**Libel/Slander Laws:** The law criminalizes libel, slander, and defamation. If such offenses are committed through media or online, conviction carries sentences of up to two years' imprisonment. Unlike in previous years, there were no reports the law was used.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content. Law enforcement entities may intercept communications under judicial supervision; there were no credible reports the government monitored private online communications without appropriate legal authority.

### **Restrictions on Academic Freedom and Cultural Events**

In January 2021 the PRC's Communist Youth League and the All-China Youth Federation issued policies on how to improve the patriotic education of students visiting from Macau and Hong Kong. The chief executive's "loving the country, loving Macau" principle extended to higher education when in March 2021, the secretary of social affairs and culture stated it needed to be used when planning tertiary education for the purpose of developing patriotic youths.

SAR authorities operate a strategy to inculcate PRC patriotic values among persons ages 13 to 35 through compulsory patriotic education and cultural activities. Since 2007 the SAR has cooperated with China's People's Education Press to remove "anti-China" ideology from school textbooks on morality and citizenship, history, and geography. In 2021 more than 95 percent of elementary and high schools in the SAR used these textbooks.

## **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, but the government restricted the freedom of peaceful assembly.

### **Freedom of Peaceful Assembly**

The law requires prior notification to the Public Security Police but not approval, of demonstrations involving public roads, public places, or places open to the public. Police may redirect demonstration marching routes, but organizers have the right to challenge such decisions in court. Civil rights advocates criticized the apparently arbitrary rules for restricting peaceful assembly.

In May the Tiananmen Square massacre commemoration organizer in the SAR, the Union for Democratic Development, represented by former lawmakers Sunny Au and Antonio Ng, decided not to hold a June 4 vigil, making this the first year without a public or virtual Tiananmen candlelight vigil in the SAR since 1990. The organizers reportedly said the group cancelled the event due to fear of prosecution.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The law grants police authority to deport or deny entry to nonresidents whom they regard under the law as unwelcome, a threat to internal security and stability, or possibly implicated in transnational crimes.

## **e. Protection of Refugees**

The government communicated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations regarding the few applicants for

refugee or asylum status.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Persons granted refugee status would ultimately enjoy the same rights as other SAR residents.

Pending final decisions on their asylum claims, the government registered asylum seekers and provided protection against their expulsion or return to their countries of origin. There were few applicants for refugee or asylum status and no successful applicants. During a July hearing in Geneva, the UN Human Rights Committee expressed concern regarding the decade-long delay of some refugee applications, calling such practice deliberately deviant from the standard procedures of the law.

Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and education for children, but they were not allowed to work until their refugee status was granted.

### **Section 3. Freedom to Participate in the Political Process**

The law limits voters' ability to change their government through free and fair periodic elections because there was no universal suffrage in elections for most elected positions. Only a small fraction of citizens played a role in the selection of the chief executive, who was chosen in 2019 by a 400-member election committee consisting partially of 344 members elected from four broad societal sectors: the industrial, commercial, and financial sectors; the cultural, educational, and professional sectors; the sports sector; and labor, social services, religious, and other sectors. The remaining 56 members were chosen from and by the SAR's legislators and representatives to the National People's Congress and the Chinese People's Political Consultative Conference.

### **Elections and Political Participation**

**Recent Elections:** In September 2021 the SAR held general elections for the 14 directly elected seats in the 33-member Legislative Assembly. All voters were able to vote for candidate lists and seats that were then allocated based on a



proportional representation system. The elections were not generally free and fair, as the government disqualified all prodemocracy politicians from running. Only one moderate sitting legislator was allowed to run. By law limited-franchise functional constituencies, which represent individual industries and social sectors, elected 12 Legislative Assembly representatives, and the chief executive appointed the remaining seven. In 2019 the 400-member election committee selected Ho Iat-seng to be chief executive. Ho was unopposed.

**Political Parties and Political Participation:** The SAR has no laws on political parties. Politically active groups registered as societies or limited liability companies were active in promoting their political agendas. Those seeking elected office must swear their allegiance to Macau and to uphold the Basic Law. Those critical of the government faced restrictions and were disqualified from running in the most recent election. All 21 prodemocracy candidates, including two sitting legislators, were banned from participating in the September 2021 Legislative Assembly elections. Some disqualified contenders expressed fear of further political reprisals.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women and members of historically marginalized or minority groups in the political process, and they did participate. Five of the 33 Legislative Assembly members were women.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. There were no reports of government corruption during the year.

**Corruption:** The government's Commission against Corruption investigated the public and private sectors and had the power to arrest and detain suspects. The Ombudsman Bureau within the commission reviewed complaints of mismanagement or abuse by the commission. An independent monitoring committee outside the commission accepted and reviewed complaints concerning commission personnel.

In June, two former directors of Land, Public Works, and Transport Services – Li Can-feng and Jaime Carion – were charged with accepting several large bribes from local property developers during their terms in exchange for their approval for multiple construction projects. On November 4, their trial began but was immediately postponed due to the absence of some codefendants.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic and international groups monitoring human rights generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of women and men, including spousal rape, and domestic violence, but the domestic violence law does not cover same-sex couples. The government did not effectively enforce the law.

The Social Welfare Bureau attributed the large increase in reports of domestic violence in 2021 from 2020 to the pandemic and increased awareness of reporting domestic violence cases to authorities. The domestic violence law stipulates a judge may order urgent coercive measures imposed upon the defendant individually or cumulatively, and the application of these measures does not preclude the possibility of prosecuting the perpetrators for criminal responsibilities as stipulated in the criminal code. Lawmakers and social welfare nongovernmental organizations stated the domestic violence law was insufficient, as there was a high number of reports but insufficient investigation and prosecution of reported cases.

The government made referrals for survivors to receive medical treatment, and social workers counseled survivors and informed them of social welfare services. The government funded nongovernmental organizations to provide survivor

support services, including medical services, family counseling, and housing, until their complaints were resolved.

**Sexual Harassment:** The law criminalizes physical sexual harassment, but verbal and noncontact harassment were not covered by the law. The government effectively enforced the law. Persons convicted of sexual harassment may be imprisoned for up to one year.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provides access to sexual and reproductive health services for sexual violence survivors, including emergency contraception.

**Discrimination:** Women enjoy the same legal rights as men, including civil liberties, employment, commercial activity, and education. Equal opportunity legislation mandates women receive equal pay for equal work. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. Penalties exist for employers who violate these guidelines, and the government generally enforced the law effectively. Media reports, however, indicated discrimination persisted and gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law did not fully protect members of racial or ethnic minority groups against violence and discrimination. There were reports of societal and governmental discrimination against members of ethnic minority groups. On July 22, SAR health authorities ordered all Filipino nationals to take a daily COVID-19 test on top of multiple rounds of citywide testing adopted previously, stating Filipinos accounted for 9.5 percent of the city's total COVID-19 cases and suggesting they might be hidden sources of infection. The government withdrew the testing mandate after three days, following public criticism by the Filipino community in the SAR, a SAR legislator, and a Macau-based Portuguese lawyer that the order was “blatant racism” and a violation of the Basic Law.

In October 2021 the government similarly ordered Nepali and Vietnamese citizens

working in the SAR to undergo several rounds of COVID-19 testing after some Nepali security guards and Vietnamese construction workers tested positive for the coronavirus.

## **Children**

**Birth Registration:** According to the Basic Law, children of PRC national residents of the SAR who were born inside or outside the SAR, and children born to non-PRC national permanent residents inside the SAR, are regarded as permanent residents. There is no differentiation between these two categories in terms of access to registration of birth. Most births were registered immediately.

**Child Abuse:** The law prohibits any form of mistreatment or cruel treatment of children. The law includes corporal punishment of children among the forms of violence prosecutable and punishable if committed with the intention of harming a child.

In August the Office of the Secretary for Security stated there were 17 cases of child sex abuse reported in the first half of the year compared to 19 cases for the whole of 2021.

**Child, Early, and Forced Marriage:** The minimum legal age of marriage is 16; however, children ages 16 to 18 who wish to marry must obtain approval from their parents or guardians.

**Sexual Exploitation of Children:** The law specifically provides for criminal punishment for conviction of sexual abuse of children and students, statutory rape, and procurement involving children. The criminal code sets 14 years as the age of sexual consent. The law forbids using a person younger than age 18 for commercial sexual exploitation, including child sex trafficking. The law also prohibits child pornography. The government generally enforced these laws effectively, but there were concerns regarding the exploitation of children in commercial sex.

## **Antisemitism**

The Jewish population was extremely small. There were no reports of antisemitic

acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The law does not criminalize consensual same-sex sexual conduct between individuals.

**Violence against LGBTQI+ Persons:** Reports of violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals were rare, and civil society organizations generally assessed police response as adequate.

**Discrimination:** The law prohibits discrimination in employment on the grounds of sexual orientation and was enforced; however, the law does not prohibit discrimination based on sexual orientation in other areas, such as housing. The SAR does not recognize same-sex marriage.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** Rainbow of Macau, an LGBTQI+ organization, did not report any cases of conversion therapy, nor did the SAR government or medical associations condemn conversion therapy.

**Restrictions on Freedom of Expression, Association, or Peaceful Assembly:** There were no reports of such restrictions for LGBTQI+ individuals or groups.

## **Persons with Disabilities**

Persons with disabilities can access education, health services, public buildings, and transportation on an equal basis with others. The law mandates access to

buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively. The SAR operated an education system for students with special educational needs or disabilities.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The Basic Law provides for the right of workers to form and join unions, but the Legislative Assembly has not passed legislation to regulate this right. Workers have the right to join labor associations of their choice, but employers and the government wielded considerable influence over some associations. The law does not provide for workers to bargain collectively, and while workers have the right to conduct legal strikes, there is no specific protection in the law from retribution if workers exercise this right, and no strikes occurred. The law prohibits antiunion discrimination, stating employees or job seekers shall not be prejudiced, deprived of any rights, or exempted from any duties based on their membership in an association. There were no reports the government threatened or was violent towards labor leaders. The law does not stipulate the financial penalties for antiunion discrimination. The law does not require reinstatement of workers dismissed for union activity.

The law forbids workers in certain professions, such as the security forces, to form unions, to take part in protests, or to strike. Such groups had organizations that provided welfare and other services to members and could speak to the government on behalf of members. Vulnerable groups of workers, including domestic workers and migrant workers, could freely associate and form associations, as could public servants.

Workers who believed they were dismissed unlawfully could bring a case to court or lodge a complaint with the Labor Affairs Bureau (LAB) or the Commission against Corruption, which also has an Ombudsman Bureau to handle complaints regarding administrative violations. The bureau makes recommendations to the relevant government departments after its investigation.

Government and employers did not respect collective bargaining and freedom of

association. Government influenced the selection of association officials and interfered in the functioning of workers' organizations. Penalties for violations of the law were not commensurate with those for other similar violations and were rarely applied.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Penalties for conviction range from three to 12 years' imprisonment, with the minimum and maximum sentences increased by one-third if the victim is younger than age 14. The government did not effectively enforce the law. The government investigated trafficking cases, typically one or two annually, but there were no reports of investigations or convictions during the year.

Children and migrants were vulnerable to labor trafficking. Migrant construction and domestic workers were vulnerable to exploitative conditions such as recruitment fees, withholding of passports, and debt-based coercion. Victims were compelled to work in the commercial sex industry, entertainment establishments, and private homes where their freedom of movement was restricted, they were threatened with violence, and were forced to work long hours.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all the worst forms of child labor. A law prohibits children younger than age 16 from working, although children ages 14 and 15 may work in "exceptional circumstances" if they get a health certificate to prove they have the "necessary robust physique to engage in a professional activity." The law defines "exceptional circumstances" as: the child (younger than age 16) has completed compulsory education and has the authorization of the LAB after hearing the Education and Youth Affairs Bureau's opinions; children between ages 14 and 16 may work for public or private entities during school summer holidays; and children of any age may be employed for cultural, artistic, or advertising activities upon authorization of the LAB after hearing the Education and Youth Affairs

Bureau's opinions and when such employment does not adversely affect their school attendance. The law governing the number of working hours was equally applicable to adults and legally working children, but the law prohibits minors from working overtime hours. According to the civil code, at age 16 individuals may acquire full legal capacity if they marry.

The law prohibits children younger than age 16 from certain types of work, including but not limited to domestic work, employment between 9 p.m. and 7 a.m., and employment at places where admission of children is forbidden, such as casinos. The government requires employers to assess the nature, extent, and duration of risk exposure at work before recruiting or employing a child. These regulations served to protect children from physically hazardous work, including exposure to dangerous chemicals, and jobs deemed inappropriate due to the child's age.

The LAB was responsible for enforcing the law through periodic and targeted inspections and prosecutions but did so inconsistently. LAB operations were adequately resourced, but there were no prosecutions for labor trafficking and the Public Prosecutions Office was unable to convict any traffickers during the year.

Penalties for noncompliance with minimum wage law and child labor provisions fall under the labor ordinance and are financial; they are not comparable to those for other analogous serious crimes, such as kidnapping. If a child is a victim of forced labor, however, the penalties are commensurate with those for kidnapping. Penalties were regularly applied against violators.

#### **d. Discrimination with Respect to Employment and Occupation**

The law provides that all residents shall be equal before the law and shall be free from discrimination, irrespective of national or social origin, descent, race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership in associations, education, or economic background. It does not address HIV and AIDS or refugee status. Equal opportunity legislation states women should receive equal pay for equal work. According to official statistics, the median monthly income for women in 2021 was on average 95 percent of that of men. The labor law does not contain any



legal restrictions against women in employment, to include limiting working hours, occupations, or tasks.

The government excludes persons with disabilities and domestic workers from the minimum wage law. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. The government generally enforced the law effectively in response to complaints via hotlines and online platforms. Penalties were commensurate with those for other laws involving denials of civil rights, such as election interference. Penalties were regularly applied against violators.

Some discrimination occurred. In February 2021 Secretary for Security Wong Sio-chak stated nonresident workers do not have the same absolute rights as provided for under the Basic Law when explaining why a Burmese nonresident's request to organize a protest against the military coup in Burma was rejected.

In September the SAR lifted the two-year blanket ban on the entry of foreigners, an anti-COVID-19 measure adopted to adhere to the PRC zero-COVID policy. With rare exceptions for some Filipino nonresident workers with prior authorization, no foreign nonresident workers had entered the SAR since March 2020 until the government lifted the ban. Nonresident workers from the PRC, Hong Kong, and Taiwan were not covered by the ban.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. The SAR does not calculate an official poverty line, but the minimum wage was well above the World Bank's poverty line of \$1.90 per day. The law provides for a 48-hour workweek, an eight-hour workday, paid overtime, annual leave, health care, and maternity care. The law provides for a 24-hour rest period each week. All workers, whether under a term contract or an indefinite contract, are entitled to such benefits as specified working hours, weekly leave, statutory holidays, annual leave, and sick leave. The law prohibits excessive overtime but permits legal overtime (a maximum of eight hours per day and irrespective of workers' consent) in force majeure cases or in response to external shocks, at the discretion of the employer.

Overtime and wage laws are part of the labor ordinance, which is civil, and involve a financial penalty that was not commensurate with those for crimes, such as fraud, which violate the criminal ordinance and subject perpetrators to incarceration.

All workers, including migrants, have access to the courts in cases in which an employee is unlawfully dismissed, an employer fails to pay compensation, or a worker believes his or her legitimate interests were violated. If an employer dismisses staff “without just cause,” the employer must provide economic compensation indexed to an employee’s length of service.

The LAB provides assistance and legal advice to workers upon request, and cases of labor-related malpractice are referred to the LAB.

**Occupational Safety and Health:** The law requires that employers provide a safe working environment. The LAB set industry-appropriate occupational safety and health (OSH) standards and enforced occupational safety and health regulations. Failure to correct infractions could lead to prosecution. Inspectors, and not the worker, were responsible for identifying dangerous working conditions.

The law allows workers to remove themselves from hazardous conditions without jeopardy to their employment. The most hazardous sector of the SAR’s economy was the construction industry; work-related accidents in 2021 (mostly on construction sites) caused 15 deaths and inflicted permanent disabilities on 18 workers. The fatal work injury rate was 12.9 fatalities per 1,000 full-time equivalent workers in 2021. Among the cases of occupational accidents investigated by the LAB throughout 2021, fines were imposed on nine employers with a total amount of 58,500 pataca (\$7,300), as it was verified the occupational accidents occurred due to discrepancies and irregularities in the work environment. The LAB also fined 35 employers a total of 150,000 pataca (\$18,800) for failing to comply with workers' compensation requirements.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced minimum wage, overtime, and OSH laws. Penalties for violations were not specified in the labor ordinance, other than holding the employer liable and were, therefore, not commensurate with those for similar crimes, such as fraud and negligence. Penalties were regularly applied against violators. The number of

labor inspectors was adequate to enforce compliance. Inspectors were authorized to conduct unannounced visits and levy sanctions, especially targeting construction sites where industrial accidents often occurred. Civil rights advocates criticized the minimum wage regime because it does not apply to nonresident domestic helpers and persons with disabilities.