

Economic, Social and Cultural Rights

Signed: 7 October 1976; ratified: 31 July 1978.

Portugal's third periodic report was due 30 June 1996.

Civil and Political Rights

Signed: 7 October 1976; ratified: 15 June 1978.

Portugal's fourth periodic report was due 31 July 1996.

Portugal's third periodic report (CCPR/C/70/Add.9), dealing with Macau, was considered by the Human Rights Committee at its March/April 1997 session. The report prepared contains information on the provisions and protections of the rights set out in articles 1 through 27. Commentary is included on subjects such as: states of emergency; the prohibition on slavery and forced labour; freedom and security of person; remand in custody; conditions of detention and imprisonment; freedom of movement and choice of residence; the administration of justice; the right to recognition as a person before the law; the rights to privacy, religion, conscience, worship, expression, assembly and association; freedom of the press; marriage and the family; equality and non-discrimination; children's rights; economic development; and, constitutional and legal provisions related to the electoral process.

The Committee's concluding observations and comments (CCPR/C/79/Add.77) review provisions in the Sino-Portuguese Joint Declaration and Exchange of Memoranda of 13 April 1987. They note that article 40 of the Basic Law of the Macau Special Administrative Region of the People's Republic of China, adopted by the People's Congress on 31 March 1993, states that the provisions of the Covenant will remain in force after 19 December 1999 and will be implemented through the law of the Macau Special Administrative Region. The Committee stated that, in consequence of the Memorandum of Understanding and the Basic Law, the reporting requirements under the Covenant will continue to apply to Macau after 19 December 1999.

The Committee welcomed: the abolition of the death penalty in Macau, including for military crimes; the interpretation of domestic law by the Superior Court of Justice prohibiting extradition to a country where the person concerned may be sentenced to death; the safeguards in place with regard to a declaration of a state of siege or state of emergency; provisions holding state agencies and public bodies liable for actions or omissions that result in human rights violations; and, the establishment of new institutions and offices — e.g., the Public Information and Assistance Centre and the High Commission against Corruption and Administrative Illegality — to protect human rights.

The areas of concern addressed by the Committee included: use of Portuguese only on official charge forms and sheets, as well as documents and decisions, despite the fact that the majority of the population is Chinese-speaking; discrimination against women in the workplace and the resulting de facto inequalities in their situation and remuneration; the extent of trafficking in women in and to Macau for the purpose of prostitution; inaction by the authorities to prevent and penalize the exploitation of these women; the failure of immigration and police officials to take effective measures to protect these women; the low percentage of locally born residents holding senior positions in the public administration;

the lack of firm arrangements between Portugal and China with regard to the nationality of residents of Macau after 19 December 1999; the lack of encouragement for non-governmental organizations in Macau to participate in programmes for the promotion and protection of human rights; and, the failure to solicit the cooperation of non-governmental organizations in terms of implementation of human rights.

The Committee recommended that the government:

- ▶ accelerate efforts to introduce the use of the Chinese language in the courts at all levels and particularly with regard to court documents and decisions;
- ▶ make a determined effort to ensure a substantial increase in the percentage of locally born residents holding senior posts in the public administration and judiciary;
- ▶ initiate or strengthen programmes aimed at providing assistance to women in difficult circumstances and particularly those trafficked to Macau for the purpose of prostitution;
- ▶ take strong measures to prevent trafficking in women and impose sanctions on those who exploit women in this way;
- ▶ extend protection to women who are victims of this kind of trafficking, including a place to stay and an opportunity to remain in order to give evidence against the person responsible in criminal or civil proceedings;
- ▶ repeal provisions in law related to the entry and departure of persons and expulsion of foreigners from the Territory; and,
- ▶ extend human rights education to members of the police and security forces, the legal profession and others involved in the administration of justice with the view of making it a part of regular training.

Optional Protocol: Signed: 1 August 1978; ratified: 3 May 1983.

Second Optional Protocol: Signed: 13 February 1990; ratified: 17 October 1990.

Racial Discrimination

Acceded: 24 August 1982.

Portugal's fifth, sixth and seventh periodic reports were due 23 September 1991, 1993 and 1995 respectively.

Discrimination against Women

Signed: 24 April 1980; ratified: 30 July 1980.

Portugal's fourth periodic report was due 3 September 1994.

Torture

Signed: 4 February 1985; ratified: 9 February 1989.

Portugal's third periodic report was due 10 March 1998.

Portugal's second periodic report (CAT/C/25/Add.10) was considered at the Committee's November 1997 session. The report prepared by the government includes information on: the incorporation of a definition of torture into the new Penal Code; constitutional provisions related to moral and physical integrity; extradition, deportation, asylum and aliens; child victims of violence; removal of organs from dead or living persons; clinical experimentation on human beings; the status of NGOs for cooperation for development; remand in