

AI Index: PRE 01/025/2009
20 January 2009

Macao: Authorities urged to withdraw state security bill that threatens fundamental freedoms

Amnesty International today urged Macao's authorities to withdraw a new state security bill that undermines fundamental freedoms.

The 29-member Legislative Assembly of the Macao Special Administrative Region (SAR) began final discussions of the security bill at committee level this afternoon. This follows what Amnesty International calls an "unreasonably short" public consultation period of 40 days during October and November 2008, and the initial adoption of the bill in principle on 5 January 2009. The bill - known as Article 23 of the Basic Law - could be in place as soon as February, potentially leading to the jailing of people peacefully expressing their opinions.

In an [open letter](#) to Edmund Ho Hau Wah, Chief Executive of the Macao SAR government, Amnesty International's Asia-Pacific Programme Director Sam Zarifi urges him to withdraw the current bill from the Legislative Assembly and postpone the process until the vague concepts are clarified.

"This bill should be postponed until all vague terms have been clearly defined. Macao's residents need to be fully aware of what will be considered criminal, seditious and a "state secret" under this new bill before it becomes law. There should also be explicit permission for people to exercise their right to peaceful freedom of expression and association. In its current form, the bill would have a chilling effect on press freedom and severely limit open discussion on politically-sensitive topics," said Sam Zarifi.

In particular, Amnesty International highlights grave concerns about:

* Article 3, subversion against the Central People's Government - under the proposed offence of subversion, there is no definition of "other grave illegal acts" which means non-violent demonstrators or strikers could be charged with "attempting to overthrow the Central People's Government" or "restrict its functions";

* Article 4, sedition - this, again, has a broad scope and fails to limit the crime to clear and serious offences, such as violent acts to persons or property. The way it is defined in the current bill means it could be used to criminalize thoughts in books, articles or public speeches;

* Article 5, theft of state secrets - the current bill will introduce the extensive, vague, and retroactive state secrets system used in mainland China. Amnesty International is aware of numerous people intimidated, detained and punished under this system for merely peacefully exercising their rights to freedom of expression and association

"The Chinese government has already demonstrated how easy it is to use these criminal charges to shut down public discussion and the expression of dissent. This bill could put many Macao residents, including journalists, researchers, academics and scientists, in danger of prosecution beyond the view of public scrutiny," said Sam Zarifi.

"In addition, the issues surrounding Article 23 are very important in defining the future direction of fundamental freedoms and the concept of 'One Country, Two Systems'. These issues not only affect Macao, but also neighbouring Hong Kong, whose government decided to withdraw its own earlier proposed legislation to implement Article 23. We urge that the bill be withdrawn and revised so as to ensure that it fully accords with international human rights law and standards, including treaties binding on Macao."

Background

On 9 February, the United Nations Human Rights Council will review Macao's human rights situation as a part of the report submitted by China under the Universal Periodic Review. After the hearing, the review working group will produce an outcome report giving recommendations to improve Macao, Hong Kong and China's human rights situation.

Human rights treaties applicable to the Macao SAR include: International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and Convention on the Rights of the Child. A full list of such multilateral treaties is available at the authority's [website](#)

[Press release issued on 9 January 2009](#)