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Macau: A new chapter -- new challenges for human rights protection

(Hong Kong) Macau must rise to the challenge of ensuring full protection of the human rights of all its citizens after its return to China, Amnesty International said today.

"While there is cause to celebrate next week, when the territory reverts to Chinese sovereignty after centuries of foreign rule, there will be ongoing worries for human rights," the human rights organisation pointed out.

Macau's mini-constitution, the Basic Law, promises to uphold an array of human rights, but could fail to deliver because it is riddled with ambiguities.

"We call upon the new administration led by Edmund Ho Hau-wah to resolve the ambiguities and remove the deficiencies in the legal system, in order to fully protect human rights and consolidate the rule of law in Macau," Amnesty International said.

The human rights organisation identified a number of key areas of concern, including:

The lack of guarantees in Macau's Basic Law for several rights, such as the right not to be arbitrarily deprived of life, the right not to be extradited for political reasons or for crimes punishable with death, the right to conscientious objection and the right to asylum.

Weak legal safeguards for rights and freedoms ostensibly protected by the Basic Law, such as the right to strike, the right of democratic participation and freedom of press and expression.

Vague and imprecise emergency powers granted to Beijing, which could lead to the substitution of Chinese laws for Macau's own and open the door for the suspension of constitutional rights.

· **No clarity** on whether individual victims of human rights abuses in Macau can take complaints to Human Rights Committee, which monitors violations of the International Covenant on Civil and Political Rights. This effectively denies the Macaonese access to an extremely important mechanism of international human rights protection.

"The new administration must guarantee, without equivocation, to protect and enhance all rights and freedoms in force in Macau on December 19," Amnesty International said.

"No actions taken by the authorities in Macau or Beijing and no legislation applicable in a state of emergency should undermine them.

"Macau must also enact laws implementing international treaties and providing individual access to their monitoring bodies, and reform laws that do not conform to international human rights standards."

"The territory's problems are compounded by the fact that its legal system is undeveloped, non-governmental organisations have not been encouraged, and little has been done to generate human rights awareness among the public," the human rights organisation pointed out.

"There is, thus, an urgent need for the authorities to provide judges, lawyers and interpreters with specialised human rights training and make firm commitments to protecting the freedom of expression and association."

The onus of guaranteeing human rights in Macau also falls on Beijing, in view of the limits on Macau's autonomy.

"A prosperous, law-abiding and rights-respecting Macau is in China's interests, too. The fate of human rights in Macau after the handover will be a fundamental measure of a successful political transition and China's own commitment to human rights," Amnesty International said.

The human rights organisation called upon the international community to closely monitor the human rights situation in Macau. "Unlike Hong Kong, Macau lacks the structures of a robust civil society and is thus in even greater need of international scrutiny and support."

Background:

Chinese sovereignty over the island of Macau will be practised according to the "one country, two systems" model, which gives Macau a degree of autonomy in its legislative, executive and judicial powers.

The Basic Law, which comes into force after the handover, will serve as a mini-constitution for Macau. Laws and norms previously in force in Macau are supposed to remain, under the principle of continuity for the existing legal and political system, negotiated between Lisbon and Beijing. This is provided, however, that they do not contravene the Basic Law, which Beijing has the power to interpret and amend.

The negotiating process for the handover has been marked by delays, obstacles and last-minute improvisations. Many issues, particularly in the area of human rights, did not become the object of satisfactory agreements, or were quite simply never addressed.

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