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Chief Executive Edmund Ho Hau Wah
Sede do Governo da RAEM da República
Popular da China
Avenida da Praia Grande
Macao SAR

HTUR/DM

3 May 2007

Use of excessive force against peaceful demonstrators on 1 May

Dear Chief Executive Edmund Ho Hau Wah,

On behalf of the International Trade Union Confederation (ITUC), representing 307 affiliated member organisations, with a total membership of 168 million workers in 154 countries and territories, we write to express our concern at the apparent excessive use of force that occurred at the recent demonstration on 1 May in Macao.

We believe that the shots fired into the air and the multiple injuries that many of the demonstrators received were an excessive response to a largely peaceful crowd. According to witnesses several demonstrators were repeatedly hit with police batons while attempting to move away from the police. Organisers report that the shots fired were not to prevent a stampede of people crushing an elderly protestor. Witnesses report that the said elderly protestor had been inadvertently knocked down by the police and had already been helped to her feet before the majority of the shots were fired. Some 30 women protestors from the Association Promoting Family Reunions came forward to present the police some roses but were instead pushed back, in the course of which the elderly woman was knocked down. The organizers and eye-witnesses testify that the shooting escalated the tension and the protest.

We note that investigations are still underway as to the injury of a motorcyclist who may have been shot by one of the bullets fired by the police - a possibility which serves to underscore the charges of excessive force used by the police.

While we note that the protestors were marching along a route which was not authorised by police and that negotiations over the route had broken down prior to the march, we also note the concern of the marchers that they should be entitled to demonstrate in the city centre as opposed to being confined to the edges of the city. We note that the majority of participants were ordinary workers, women and retired people and that their concerns ranged from the use of illegal imported labour to ongoing allegations of official corruption, as well as rising prices.

We are greatly concerned that the official government response to the incident was that the action was a legitimate response to the “violation of law” and that “the Police had taken appropriate measure to handle to conflict in order to restore social order...and that all attempts to disrupt the Macao’s stable development would not be allowed.” We believe

that such a response is inadequate and does not address the concerns over the shooting and its repercussions.

The ITUC is also concerned over the detention of a union leader, Li Kin Yun, from the Casino and Construction Workers' union who was arrested together with another nine workers. Li Kin Yun was operating a loudspeaker at the protest and it is claimed that he had no physical contact with the police. The ITUC is concerned as to the nature of his detention and that of the other workers. We understand that the police are currently considering charges against them and we would like to urge that no criminal charges are brought against those who were peacefully exercising their right to demonstrate. We also note reports that they were denied access to their lawyers during their period in detention.

The workers' demonstration in Macao should come as no surprise given the current situation. While we wish to congratulate the Macao authorities for sustaining high levels of economic growth we believe that the workers in Macao and many of the ordinary citizens have not gained from the recent economic success. In addition, there are serious concerns that the current system of import labour is being abused and that many workers are being hired from overseas at low wages and with poor benefits. This is resulting in the lowering of local wages and the use of unprotected and cheap labour from overseas.

We note that your government announced on 1 May that it will speed up the process of revising labour legislation, combat illegal labour, broaden and develop social insurances schemes but the ITUC notes with concern that long awaited revisions to the current labour legislation have not yet been circulated for discussion in the legislative Assembly. We sincerely hope that this is seen as a priority.

The ITUC noted in a recent report that there are serious concerns in Macao over current labour related legislation and practice. While freedom of association and the right to organise are guaranteed by law, workers are not sufficiently protected against anti-union discrimination. Discrimination against women is a problem, especially concerning remuneration. While both the two ILO core conventions on child labour apply to Macao, work by children below the age of 16 years is permitted by law and there is a lack of necessary regulations in this field. Although Macao law prohibits forced labour, there are consistent reports of women and children falling victim to trafficking for the purpose of sexual exploitation. Migrant workers make up some 21 percent of the workforce and are denied the most basic forms of protection; they have no right to collective bargaining and no effective legal recourse in the case of unfair dismissal.

The Macao authorities should urgently review their labour legislation in order to ensure its conformity with the ILO conventions on core labour standards that are applicable to Macao. In particular, the new Bill amending labour legislation, and covering the right of association and collective bargaining, must comply fully with the relevant international labour conventions. Trade unionists and workers in Macao are insufficiently protected from acts of anti-union discrimination. The authorities must ensure the effective protection of workers exercising these rights. The government must take urgent measures to improve the rights and conditions for migrant workers.

We strongly urge the Macao SAR government to investigate the excessive use of force by police on 1 May and discipline those responsible. We ask that the workers' concerns be respected; continued allegations around the extensive use of illegal labour be investigated

and that Macao citizens have the right to share equally in the gains from the recent economic changes.

We also ask that no charges be brought against detained rally organisers and workers solely for the peaceful exercise of their right to freedom of assembly.

Yours sincerely,

General Secretary