

Navigating covid-19 public health challenges: insights from macau's response and legal implications

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Abstract

The Special Administrative Region (SAR) of Macau, China, enjoys a formal and significant level of autonomy from the Chinese Central Government in Beijing. This autonomy is deeply rooted in the political-legal principles of “One Country, Two systems” and “Continuity”, which allow the region to preserve key distinctive features stemming from its unique historical development, notably influenced by its historical ties with Portugal. Macau’s political and legal landscape reflects a fusion of Asian and European legacies. This article provides an overview and analysis of the pertinent public policies implemented in Macau to combat the spread of COVID-19. By detailing and analyzing these policies and measures aimed at preventing the entry and transmission of the virus within Macau, it is argued that their assessment and impact can vary significantly. The portrayal of Macau during the pandemic is of interest to readers of all countries, to

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those interested in comparative legal studies, as well as to those engaged in post-colonial studies. The SAR framework means that Macau's responses to the pandemic challenges did not need to mirror those adopted by the Central Government on the mainland.

Keywords: Macau. Hong Kong. China. Special Administrative Region. COVID-19 Pandemic. One Country and Two Systems. Public Health Law.

I. Exploring the impact of macau's pandemic policies: assessing effectiveness, rights, and autonomy

Assessing public policies is a challenging endeavor that often demands consideration of opposing viewpoints. A policy and its implementation may initially appear successful but could later be criticized due to unforeseen flaws. When evaluating a policy, it is crucial to assess its effectiveness in achieving intended goals, weigh the benefits against the costs, and explore ways to address emerging flaws. Additionally, it is essential to examine how a policy impacts people's legal rights and freedoms, whether it upholds, restricts, or denies them.

This article provides an overview and discussion of the public policies implemented in the Chinese Special Administrative Region (SAR) of Macau to control and tackle the spread of the Coronavirus (COVID-19) pandemic. Macau, one of China's two SARs, has its own legal and judicial systems distinct from those on the mainland. The SAR status allows Macau to tailor its responses to pandemic challenges independently of the Central Government's measures on the mainland. Despite being close to the Chinese mainland city of Wuhan, the initial epicenter of the outbreak, Macau managed to mitigate the spread of the virus through effective government

policies and public adherence to preventive measures. Evaluation of these policies can yield varying perspectives, ranging from significant negative impacts on society and individual rights to minimal and positive outcomes, depending on the analytical approach.

Macau's experience during the pandemic is of interest to readers of all countries, to those interested in comparative legal studies, as well as to those engaged in post-colonial studies due to its unique historical background and convergence of Western and Eastern influences. As Macau transitions from Portuguese administration, questions arise regarding shifts in legal and judicial systems toward a more Chinese-centric perspective, despite the SAR's formal high degree of autonomy. This article contributes to ongoing discussions about whether Macau's legal and judicial systems have undergone recent fundamental shifts, notwithstanding the SAR's high degree of formal autonomy.

The following section delves into the formal legal framework and practical implications of Macau's autonomy.

II. Macau's transition and autonomy: an overview of its legal and institutional frameworks

Macau is currently in a transitional phase spanning from 1999 to 2049. It officially became a Special Administrative Region (SAR) of the People's Republic of China on December 20, 1999. At that time, China regained full administrative control over the region, effectively ending Portuguese administration. However, China has formally declared its overarching policies for Macau in alignment with the terms agreed upon with Portugal in the Sino-Portuguese Joint Declaration of 1987. These terms were intended to last for 50 years, until December 2049. Post-2049, Chi-

na will have unrestricted control over Macau, determining the extent of changes in the region's relationship with the mainland. Understanding this context is crucial for recognizing why Macau's response to the challenges posed by the coronavirus did not necessarily have to mirror that of mainland China.

The Portuguese legal and judicial systems served as a foundation for those of Macau, shaping its ideas, perspectives, principles, and structures. Until 1976, Macau's legal system closely mirrored that of Portugal. In that year, the "Organic Statute of Macau" (*Estatuto Orgânico de Macau*) was approved by Portuguese authorities, granting the region a higher degree of autonomy. However, the two judicial systems remained interconnected at that time.

In the current transitional period, the SAR status grants Macau a much higher degree of autonomy compared to any other entity within China's federal system. SARs possess unique powers and characteristics not found in Chinese provinces, cities, or autonomous regions. This autonomy is made possible within China's legal framework by Article 31 of its Constitution, which allows for the establishment of special administrative regions and prescribes their systems based on specific conditions.⁴⁴⁷ The authority to create SARs rests with China's top legislative body, the National People's Congress.⁴⁴⁸

447 The Chinese Constitution Article 31's text is: "The State may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of the specific conditions".

448 "The National People's Congress exercises the following functions and powers:

The Joint Declaration and Macau's Basic Law contain express provisions about the preservation and continuity of Macau's social and economic system, lifestyle, rights, and freedoms during the current 50 year-transitional period. The Basic Law is regarded as Macau's superior law because it occupies the position, has the content, and plays a role that is equivalent to a Constitution. It has provisions: on general principles; the relationship between the central Chinese government and Macau; the fundamental rights, duties and freedoms of "residents" and "non-residents"⁴⁴⁹;

(...) (13) To decide on the establishment of special administrative regions and the systems to be instituted there" (Article 62, Number 12, Constitution of China).

⁴⁴⁹ Macau's legal definition of "residency" is peculiar compared to what is usually considered residency in many other countries. In Macau's legal framework, the concept of "residency" is equivalent to "citizenship", whereas elsewhere (including mainland China), to be a resident means to have a legal domicile in or to be a resident of that area. Under the local legal framework, being a resident is the closest to being a "citizen" of Macau, a term not formally used because Macau is not a sovereign state. Article 24 of the Basic Law sets out separate rules for those from China, Portugal, or elsewhere, as follows. "Article 24 Basic Law. Residents of the Macao Special Administrative Region ('Macao residents') shall include permanent residents and non-permanent residents; The permanent residents of the Macao Special Administrative Region shall be: (1) Chinese citizens born in Macao before or after the establishment of the Macao Special Administrative Region and their children of Chinese nationality born outside Macao; (2) Chinese citizens who have ordinarily resided in Macao for a continuous period of not less than seven years before or after the establishment of the Macao Special Administrative Region and their children of Chinese nationality born outside Macao after they have become permanent residents; (3) The Portuguese who were born in Macao and have taken Macao as their place of permanent residence before or after the establishment of the Macao Special Administrative Region; (4) The Portuguese who have ordinarily resided in Macao for a continuous period of not less than seven years and have taken Macao as their place of permanent residence before or after the establishment of the Macao Special Administrative Region; (5) Other persons who have ordinarily resided in Macao for a continuous period of not less than seven years and have taken Macao

the economic, social, and cultural systems of Macau; the organization of the political power, external affairs, interpretation, and amendment of the Basic Law and relevant annexes.

The principles of “One Country, Two Systems”, “High-Degree of Autonomy”, and “Continuity” are the main inter-connected political-legal guidelines and form the cornerstone of Macau’s institutional architecture within China’s federal system. These principles are enshrined in various provisions of the Basic Law, enabling capitalism and Chinese-style socialism to coexist within a single sovereign state. The Preamble of the Basic Law already states that “the socialist system and policies will not be practiced in Macau”.

The principle of continuity implies the preservation of the legal system of before the handover, which is only supposed to change gradually and without any abrupt transformation.⁴⁵⁰ It is stated in Article 8 of the Basic Law: “The laws, decrees, administrative regulations and other norma-

as their place of permanent residence before or after the establishment of the Macao Special Administrative Region; (6) Persons under 18 years of age born in Macao of those residents listed in category (5) before or after the establishment of the Macao Special Administrative Region; The above mentioned residents shall have the right of abode in the Macao Special Administrative Region and shall be qualified to obtain permanent identity cards; The non-permanent residents of the Macao Special Administrative Region shall be persons who are qualified to obtain Macao identity cards in accordance with the laws of the Region but have no right of abode” [the spelling of Macau in the law reproduces that of the source used] (Article 24, Macau’s Basic Law).

⁴⁵⁰ The notions of “gradual” and “abrupt” changes are not clearly defined and, thus, denunciations of non-acceptable changes from a legal point of view would have to be discussed on a case-by-case basis.

tive acts previously in force in Macau shall be maintained, except for any that contravenes this Law, or subject to any amendment by the legislature or other relevant organs of the Macau Special Administrative in accordance with legal procedures”.

Macau’s legal system is almost entirely separated from that of mainland China, whereas its judicial system is fully separated from the mainland one, despite having connections to the mainland’s political structure. The judiciary is, however, formally independent from the other local political branches of government.

Macau had no local court of appeal until 1993, when a local second instance court was created: “The High Court of Justice”. This high court was later renamed to “Court of Second Instance” in 1999, when a third level of jurisdiction was created. This third level is formed by the *Tribunal de Última Instância*, which is currently the “Court of Final Appeal of Macau” (CFA).

Macau’s high degree of autonomy is multifaceted. Macau’s high degree of autonomy is multidimensional. By force of the Basic Law, the region shall not suffer interference from other political entities of China (Article 22), given that it is directly under the Central People’s Government (Article 12), which, can only interfere in a few restricted areas. Further, the political organization of Macau formally follows the general outline of the principle of separation of powers, which includes judicial independence. This appears already in Article 2 of the Basic Law: “The National People’s Congress authorizes the Macau Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law” (Article 2, Basic Law). Further,

Macau maintains its own separate tax and financial systems, currency, territory, customs, immigration and border controls, and domestic security force (police).

In conclusion, analyzing Macau's societal and legal reality provides insight into the preservation of European traditions, structures, and perspectives within a small region of China.

III. Macau's response to covid-19 and government measures

With over 40 casinos that have generated in pre-pandemic times much higher revenues than those casinos of Las Vegas in the United States, Macau has become the number one gaming destination in the world and this has meant a significant economic development.

Despite gambling tourism and the hospitality industry being key contributors to Macau's government revenue and employment, one might assume that economic imperatives would discourage strong measures against COVID-19. Surprisingly, the reality has been quite the opposite. Macau's near-full employment and substantial monetary reserves have allowed its government to avoid the divisive political tensions seen in other parts of the world, such as the USA and Brazil, where balancing public health and economic concerns has sparked controversy. Additionally, the region's largest employers – the casinos – have aligned with the local government and international health organizations' measures and guidelines, prioritizing damage limitation in the face of the pandemic.

A leading Portuguese and former Macau legal scholar, Vera Raposo

has written and evaluated the region's policies and measures to control the pandemic. She provides valuable insights into how Macau's swift response to the outbreak benefited from an existing legal framework established by local Law 2/2004, which addresses the prevention, control, and treatment of transmissible diseases. Raposo argues that while European governments were still debating the extent to which constitutional rights and freedoms could be restricted, Macau's government had already implemented appropriate measures, making it more effective in containing the spread of the virus (Raposo, 2020, p. 21-2). This framework was enacted in 2004 following the region's experience with the SARS epidemic, notably from 2001 to 2003. The government emphasized the presence of this legal framework at the beginning of 2020, and its significance was widely publicized. On one of its official online platforms, the government explicitly stated its competence to manage the pandemic and enact necessary measures:

The Government has sufficient legal powers to take any steps necessary to prevent an outbreak of disease in the community. In that regard, there is no need for either fresh or urgent legislation by way of response to the pneumonia cases of unknown origin that have occurred in Wuhan, Hubei Province. Macao's Law No. 2/2004 on the Prevention, Control and Treatment of Infectious Diseases, and Decree-Law No. 81/99/M, vest power in the Health Bureau to take necessary measures either to prevent or eliminate factors or situations which might endanger or cause harm to the health of individuals or of the community. Such measures include compulsory isolation and medical observation for people suspected of carrying infectious disease. (Macau's Government Information Bureau, 2020)

Raposo's research (2020) and the chronological records from official sources such as the "Centre for Disease Control and Prevention" allow for a comprehensive overview of the measures implemented by the Macau government in response to COVID-19. These measures have been anchored in the provisions of Law 2/2004 and, more specifically, in a series of updated regulatory decrees issued by the Chief Executive. As the severity of the pandemic unfolded, the government intensified both the number and stringency of these measures. Key interventions were implemented either continuously or in response to escalating case numbers or fatalities reported in other regions. Some of the most significant measures include the fourteen items in the bulleted list below.

1. The establishment of the "Novel Coronavirus Response and Coordination Centre", established before the first case reached Macau and led by the region's Chief Executive. Its primary objective is to determine practical measures based on the evolving nature of the pandemic.
2. Daily media briefings broadcasted via radio and television, providing updates on case numbers, infections, and all implemented measures. Additionally, government websites, including the "Special Webpage against Epidemics", offered detailed information and statistics to the public (Centre for Disease Control and Prevention, 2020).
3. Continuous encouragement, alongside mandatory requirements, for the use of masks in both public and private settings, enforced by business owners.
4. Regular, thorough, and frequent cleaning and disinfection

of public and private spaces. In streets, parks, and other public areas, “smoke disinfection” procedures were conducted.

5. Closure of public spaces, event cancellations, and the implementation of restrictions and guidelines for movement within specific areas.

6. Initially, recommendations to avoid social gatherings, followed by prohibitions and strict enforcement of physical distancing, particularly in indoor spaces. This resulted in the temporary closure of establishments, including schools at all levels, and notably, the complete closure of casinos for periods lasting up to 14 days, a remarkable move given the significance of casinos to Macau’s economy and government revenue.

7. To reduce visits to public hospitals, all non-essential medical consultations were initially canceled and replaced with telephone or video appointments. Non-urgent surgical procedures were postponed.

8. Mandatory temperature checks for entry into public and privately accessed spaces, with personnel responsible for denying entry to individuals with fever symptoms.

9. Mandatory temperature screenings for individuals entering or leaving the region via air, sea, or land immigration points.

10. Mandatory completion of a health declaration form for individuals entering Macau, including statements confirming they are not infected, details of their accommodation, and contact in-

formation. Providing false information could result in civil and criminal penalties.

11. Upon arrival in Macau, individuals underwent medical tests at designated locations and were subjected to a second temperature check after an 8-hour interval. Those with fever symptoms were immediately sent to hospitals for isolation and treatment.

12. Collection of data through daily health declarations completed online or via a mobile app for individuals requiring access to various public and private spaces.

13. As the pandemic worsened, Macau implemented extended entry restrictions, sometimes resulting in complete isolation from the rest of the world. At peak restrictions, only Macau citizens were allowed reentry, and no foreign nationals, including those residing in mainland China, Hong Kong, or Taiwan, were permitted entry (Ponto Final, 2020).

14. For individuals allowed entry, mandatory quarantine periods initially lasted 14 days, later extended to 21 days. Additionally, the government advised the population to voluntarily quarantine at home, a recommendation largely adhered to by residents.

These fourteen administrative measures outlined above were subject to oversight by organs or officials within the Executive branch, as well as potential review by the judiciary. According to Article 15 of Law 2/2004, in cases of mandatory isolation, officials were required to fulfill two specific obligations. Firstly, they had to notify immediate relatives—such as ascendants, descendants, or spouses—about the isolation. Secondly, infor-

mation regarding the case had to be submitted to a judge within 72 hours of its implementation for verification and confirmation of the grounds for the measure. Any judicial decision confirming the validity of the measure could be appealed to a higher court.

The following section provides an evaluation of the official measures, assessing their practical impact and effectiveness, as well as examining the general reception of these measures by the local population.

IV. Assessing macau's pandemic response: successes, challenges, and societal implications of government measures

Have the official measures and the population's predominant behavior in line with public health guidelines been successful in reaching the goal of keeping COVID-19 out of Macau? The answer is simple and an absolute yes. By mid-March 2021, there had been only 48 confirmed cases and no deaths in Macau (Centre for Disease Control and Prevention, 2021). This greatly contrasts with the policies of other countries in which the government itself acted in skeptical and anti-scientific ways such as that led by President Bolsonaro, an extreme right-wing politician who presided over Brazil during the COVID-19 Pandemic (his term was from January 2019 to December 2022). In Brazil's case, over 600 thousand people died, and this number is highly perceived as an underestimation (Halis, 2023).

All the concerns and risks about the likelihood of Macau being a perfect setting for a wildfire-style spread of the coronavirus have not become a reality. Those concerns and risks – which include Macau's high population density, the possibility that supposed economic imperatives would trump the concern for the loss of human lives, and the monthly border movement of millions of people – have not materialized in a significant

number of cases in the region. Macau's string of measures caught the attention of media and others abroad, with calls for places such as New York and other urban centers to follow its example and practical steps to tackle the coronavirus.⁴⁵¹

All those public measures stroke a good note with the general public as they were effective in keeping the pandemic at bay. Macau had only a few cases and, whenever a new one was detected, it was easy to identify those who entered in contact with the infected person and to apply the relevant precautionary, contention, or treatment measures. Raposo's article (2020, p. 12) reflects a positive tone, as she states that "Macao is an authentic case study of how to control a pandemic". Further, she indicates a steady and successful performance and transparency of the government actions as she comments about the measures in Macau:

it is a typical mark of those countries that have been able to fight against the Covid-19 with greater success. They have been revealed to be very useful to restrict epidemics and pandemics especially when, in the case of Covid-19, it is possible to have asymptomatic transmission. Quarantines cannot stop the epidemic/pandemic, but can delay its progression offering us precious time to learn more about the virus and, eventually, to develop a vaccine (RAPOSO, 2020, p. 17)

Regarding the people's collection of data, Raposo (2020, p. 20-1) suggests that the government's practices were in line with Macau's legal

⁴⁵¹ For one media report clearly doing that, see: Keegan, 2020.

framework on personal data protection and in line with practices elsewhere, namely with the European Data Protection Board.

Throughout her text, Raposo (2020) has also highlighted an important, but relatively common cultural dimension seen in Macau and other parts of Asia which facilitated the people's voluntary and prompt compliance with the local government measures, irrespective of legal coercion. The use of face masks is the best example. Such use not only provoked negative reactions and resistance among parts of the population in many places (as abundantly reported in the USA, for instance) but also required an enormous and continuous informative campaign on how to wear it properly (as seen in Brazil).

As an example of what should not be done, Brazil's President Bolsonaro has continuously refused to wear masks, has been the protagonist of ridiculous attempts to use them correctly, and has misused the data on handpicked reports to diminish its importance. In the case of Macau, the government was proactive in guaranteeing a sufficient supply of masks for its entire population without abusive price increases and speculation by business owners, or resale by profiteers through the creation of a regular quota of masks to each and all for a fixed price to be purchased at local pharmacies.

If the government had the legal framework, public cooperation, financial resources, resolute and fast-needed decisions, and the policies were appropriate and successful, what constructive suggestion remains to be offered, if any? The main arguable issue is how special cases should be addressed. If they were to be disregarded, then the effectiveness of legal obligations imposed by Article 4 and Article 23 could be used to challenge the government when this could have been entirely avoidable.

Given the long duration of the pandemic, many of the restrictions on people's movement in and out of Macau's territory are especially worrying. As indicated in the previous section III, most of the measures impeding or restriction the inbound or outbound movement had a special impact on non-locals and foreign nationals. Whenever the measures became more flexible or were suspended for locals of the mainland, Hong Kong, or Taiwan, there would still be prohibitions for foreign nationals. Even foreign nationals who had domiciles in Macau or other regions of Greater China.

There were times, for instance, when Hong Kong permanent residents (equivalent to the legal notion of "citizens") of Chinese nationality were allowed to enter Macau, while conversely, foreign nationals who lived in Hong Kong and had not left that territory since the start of the pandemic were still not able to enter Macau. Criticism then arose, underscoring the place of birth as a discriminatory factor within the overall policy. Hence, those who see discrimination as a sound critique argue that it would be easy and, in fact, almost automatic for the government to verify whether such foreign nationals had been somewhere else, as there are physical borders and migration posts between Hong Kong, Macau, and the mainland, as well as migration records between those regions and the rest of the world. The fact that Macau and Hong Kong are SARs means that people – even Chinese nationals – cannot circulate freely among these regions and the mainland without having due identifications, authorizations, and documents, and without undergoing formal migration and customs procedures. Because of those border controls, there is a record of entry and exit for each person who crosses one of those borders.

Meanwhile, media reports gave heart-wrenching accounts of families separated by the measures, babies being born without the presence of one of their progenitors, non-local workers who were out and could not

return to their jobs or homes or, on the other hand, who were in and could not leave, despite the relevance of the reason, due to the price of not being able to return to their jobs, homes, or relatives in Macau, and so forth. The rules thus affected not only those foreign nationals but also their local family members, friends, employers, and employees...

In fact, many who study or work in Macau do not actually live within its borders. Instead, they live in neighboring cities on the mainland. The closest one, Zhuhai, is a stone's throw away, and several border crossings between the two cities exist, including crossings that were open 24 hours a day before the pandemic. Their lives underwent drastic changes in a matter of hours or days when new cross-border restrictive measures were implemented with little or no prior notice.

A single illustration of that situation is that of a French national, Nathan Bastos, who lived in Macau with his local wife during her early stage of pregnancy. Bastos used to commute to Hong Kong, where he worked, but the abrupt border-crossing restrictions became an insurmountable obstacle for him to return to Macau. Without exception and with no end in sight for the restrictions, he could not reunite with his wife even for the birth of their baby, after months of separation, and despite many appeals and offers to follow whatever protocol required, such as medical tests and quarantine upon immediate arrival (Santiago, 2020).

Besides the issues of family reunion and arguments of unnecessary discrimination against foreigners living somewhere in Greater China, many have pointed out that the pandemic rules were also used to tackle political dissent and freedom of demonstration. In other words, political control could be served and disguised behind the rules of social distancing

and crowd gathering. The best example was a traditional vigil that had been taking place in Macau for decades to commemorate a historical event that occurred on the mainland. The vigil was prohibited by the police, and the validity of such prohibition was later controversially confirmed by the judiciary (Moura, 2020; Menezes, 2020). Two young women who were out in the street at the time and near the location of the planned, but forbidden vigil, were detained by the police, whose members were, ironically and paradoxically, perceived to be engaging in crowd gathering to avoid any crowd gathering. Hence, the government and its police force formally acted on behalf of a collective and higher motive – public health – even to make arrests. The local media has widely reported on the case. The excerpt below provides an account of it:

During Friday's regular police press conference on Covid-19, several questions were asked regarding the department's understanding of the city's demonstration and assembly laws. This followed PSP's "arrest" of two pedestrians at Senado Square on Thursday night and the department's negligence to make arrests regarding a gathering on Friday. On Thursday, PSP "arrested" two young female citizens who showed up at Senado Square after the annual June 4 vigil ran online. The two women happened to be the daughters of lawmaker Au Kam San, the organizer of the vigil. Despite there being no vigil or other civil assembly taking place at the square, the police department had deployed a team of about 50 officers in uniform, with more undercover, to survey the space. When the online vigil finished, Au's daughters left the indoor gathering. They visited Senado Square, carrying electrical candles and pamphlets which the duo had helped remo-

ve from the site where the online vigil was held. PSP spotted the two women at 10:30 p.m. and suspected them of taking part in an assembly and of violating Macau's demonstration law. Only at around 2 a.m. on June 5 did PSP release the pair. The police authority also seized the candles and pamphlets. (Macau Daily Times, 2020)

For the case above, as well as for those involving the impossibilities or hardships of family reunion, the question arises: were there alternatives equally efficient but less restrictive to individual rights and freedoms? If the answer is yes, then one could challenge the suitability of those measures for, at least, given periods in 2020, when there were no reported cases, when the population was highly cooperative, and when the exceptional measures could be made flexible or circumscribed in light of specific circumstances and cases. Such an argument is not an appeal to the kindness of government officials or humanitarian ideals. Instead, it is the counterpart of the rights restrictions prescribed in Law no. 2/2004 and is expressed in articles 4 and 23 of this law. They legally condition and oblige the government. Article 4 of this law provides that "the implementation of the measures foreseen in the present law must observe the principles of necessity, proportionality, and suitability to the proposed goals". Article 23 states that the measures have an exceptional, temporary, and urgent character.

If the policies and practical measures in Macau were initially regarded as fitting legal and doctrinal criteria of proportionality, necessity, and suitability (Raposo, 2020), the test of time has led to important constructive observations regarding the special cases that required individualized answers rather than the implementation of comprehensive measures. Some of those answers were particularly needed due to the special features of

Macau as a SAR, its small size, lack of endogenous supplies, and its location at the fringes of the mainland and the neighboring SAR of Hong Kong, which allow continuous crossings and relationships between their peoples. Concerning that vigil and subsequent arrests, a prominent Macau lawyer wrote:

Three hundred people were expected in Senado Square. There could have been room to hold the vigil with each participant wearing protective masks and abiding by the social distancing guidelines. Why the outright ban? According to the Health Statute, not even the CE could approve special measures prohibiting social gatherings, only restricting them. The police decision violated the principle of proportionality and was invalid for that reason as well. (Menezes, 2020)

It is clear from the passage above that Menezes has offered another solution that could equally have been found by those in charge of security and protection of people's rights. It is also evident that Menezes believes that legal parameters must have been breached. If, indeed, a political reason for tackling dissent voices was behind the decision to ban the vigil, rather than that of tackling the virus, then Macau could be seen as following a path that is not linear with its recent past, after the 1999 handover.

The blending of cultures that characterizes Macau includes the organization and functioning of its institutions, government organs, as well as legal and judicial systems, which were formed and underwent influences from European civil law, Chinese law, and even common law. The convergent social and legal pressures proved to be catalysts sufficiently strong to keep COVID-19 at bay in Macau. Section II has shown that Macau's

status as a SAR means that, at least on paper, the answers to the region's problems do not necessarily have to follow the ways chosen by the Central Government in Beijing.

Did the way Macau tackle the pandemic imitate the Chinese mainland's approach? The Central Government's public policies to contain the novel coronavirus were stringent, without noticeable organized popular resistance, and had ample support from state media. This can be perhaps explained due to the forces at play within the mainland's particular political and societal characteristics linked to the Chinese style of socialism and the predominant power of the Central Government. It might be, indeed, that Macau could have adopted exceptions to those special cases and that a complete annulment of the rights and freedoms of demonstration in the case of the vigil was not required. It was the choice of the government officials not to do it. By doing so, they may have undermined the enormous success of the measures and policies, especially when that was completely avoidable. Any easy opinion on the vigil case and the related restrictions becomes even more complex due to the occurrence of other demonstrations that took place at that time and did not receive the same institutional treatment, despite being held during the pandemic and despite the attentive eyes of officials. The media report below summarizes and offers parallels between the events:

The Public Security Police Force (PSP) currently sees the June 5 parade that was attended by dozens of people on a semi-double decker bus as a "festive parade," Lei Tak Fai, head of PSP's Public Relations Division, told the Health Bureau's press conference yesterday. The police officer defended his bureau's handling of the evening of June 4, when two daughters of lawmaker Au Kam San were arrested by the police for

allegedly holding an illegal gathering. In the past 30 years, an annual vigil in Macau commemorating the 1989 Tiananmen incident has been held on June 4. This year, the PSP has banned the vigil on the grounds of Covid-19 containment. At the press conference, Lei reiterated that as the PSP had banned the vigil, any attempt to proceed with it was discouraged and contrary to law. Coincidentally, two groups held separate parades on the following two days. On June 5, a group paraded from the Macao Science Center to the Macau Tower on a semi-double decker bus. The next day, a group of taxi drivers gathered near the Macau border of the Hong Kong-Zhuhai-Macau Bridge. The groups are believed to be unconnected. Both groups held banners to show their support for Beijing's national security legislation for Hong Kong. In response, the police officer said, "The goal of [the bus parade] was simply to show support for [China's] legal decision. There was no topic of appeal or expression of a call for rights whatsoever". (Lam, 2020)

The media has thus reported on the apparent problems concerning particular uses of the anti-COVID-19 measures. By highlighting those problems, the people and government saw what probably were the unintended consequences of measures that aimed at the public good. Whether the government will learn from those unintended consequences or will keep the same posture that sees the broad picture without balancing individual rights, and whether it will encourage or, conversely, silence the media and constructive voices offering different views, is yet to be seen.

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