



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of the reports submitted by States parties under article 44 of the Convention

Second periodic reports of States parties due in 2003

Andorra^{*}, ^{**}

[23 July 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

** The annexes may be consulted at the secretariat.

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Introduction and general information

1. On 2 October 1995, in New York, the Government of Andorra signed the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations. On 25 November 1995, the Principality of Andorra ratified the Convention, which was published in Official Gazette No.7 of the Principality of Andorra on 24 January 1996.

2. The Convention entered into force in the Principality of Andorra on 1 February 1996. In its instrument of ratification, the Government of Andorra made a declaration in relation to of article 38, paragraphs 2 and 3, of the Convention concerning the recruitment of and participation in the armed forces of children who have reached the age of 15, expressing regret that the Convention did not prohibit the use of children in armed conflict.

3. It also entered a reservation in relation to articles 7 and 8 of the Convention which would be applied, but only provided they were without prejudice to article 7 of the Constitution of the Principality of Andorra, relating to nationality.

4. On 27 July 2001, pursuant to article 44 of the Convention, the Government of Andorra submitted its first report to the Committee on the Rights of the Child, which then requested further information. The Government complied with its request by providing an addendum replying to the questions asked and describing the new developments in Andorra since the first report.

5. The report was put to the Committee on 29 January 2002. On 1 February, the Committee issued its recommendations, including a request for the withdrawal of Andorra's reservation in relation to articles 7 and 8 of the Convention. The present report hereby records that the reservation was officially withdrawn on 28 December 2005, with effect from 22 December 2005.

6. At its session on 23 August 2000, the Government of Andorra gave its approval for the head of Government to sign the two Optional Protocols to the Convention, approved by the General Assembly of the United Nations on 25 May 2000, on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography respectively. The Protocols were signed, on 7 September 2000, at United Nations Headquarters in New York, during the events organized on the occasion of the Millennium Summit.

7. The Optional Protocol to the Convention on the Involvement of Children in Armed Conflict came into force in the Principality of Andorra on 12 February 2002, and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 18 February 2002. The Government of Andorra provided the reports needed to give effect to article 8, paragraph 1, of the first Protocol and article 12, paragraph 1, of the second,¹ in July 2004.

The process of preparing the present report

8. The Ministry of Health, Social Welfare and the Family and the Ministry of Foreign Affairs were given the task of coordinating the preparation of the present report, but other Government ministries, the local authorities and civil society have all made a contribution. As part of their responsibilities, all are actively involved, more or less directly, with children and minors.

¹ Under those articles, the State party is required to submit, within two years of the entry into force of the Protocols, reports setting out the measures it has taken to implement their provisions.

9. The following ministries took part in the report's preparation:²
- The Ministry of Urban Development and Land-use Planning
 - The Ministry of Finance
 - The Ministry of Justice and the Interior
 - The Ministry of the Economy
 - The Ministry of Education and Vocational Training
 - The Ministry of Tourism and the Environment
 - The Ministry of Housing, Youth, Higher Education and Research
 - The Ministry of Sport and Voluntary Work
 - The Ministry of Agriculture and the Natural Heritage.
10. The working method involved the creation of three working groups.
11. The Ministry of Health, Social Welfare and the Family asked all the ministries to take part in the first working group. This group, composed of technical staff from all ministries, held regular meetings.
12. The second working group brought together representatives of the administrations of the seven parish councils (*Comuns*) of Andorra, specializing in issues relating to children and adolescents.
13. The third and final working group was composed of non-governmental organizations. It was considered necessary to set up this group because of the importance of the activities of non-governmental organizations in relation to children. Organizations taking part in this group were: AINA (an Andorran provider of holiday camps), Càritas Andorrana, the Red Cross, Enfants du Monde, Intermón Oxfam, Mans Unides, the Patronat de Dames de Nostra Senyora de Meritxell (a charitable association focusing on children's issues) and the UNICEF National Committee for Andorra.
14. The preparation of the present report also provided an opportunity to continue publicizing the Convention, raising awareness of it and assessing its application by the various authorities and the NGOs. The groups also agreed that their work should include a phase of analysis and discussion on the position of children and adolescents in Andorra, including the state of application of children's and adolescents' rights, the problems confronting them and their needs. Finally, the preparation of the report made it possible to analyse how the situation had developed since the initial report and addendum were drafted.

Problems encountered while preparing the present report

15. Andorra is a small country with limited human resources at its disposal. Drafting reports within the deadlines set is a difficult task for a country such as Andorra. Since the adoption of its Constitution in 1993, Andorra has joined 23 international organizations and ratified more than 200 conventions. While Andorra goes to great lengths to respect the international obligations it has entered into, it is proving very difficult for the Principality to submit, within the deadlines set, the various reports that are required to the bodies set up under the Convention on the Rights of the Child.

² The names are those of the ministries as of 2005; they have been changed to some extent and are now slightly different.

16. Andorra submitted its initial report to the Committee on the Rights of the Child in 2001. Given this initial delay, the Committee recommended that Andorra should submit its second report by the end of 2005.

17. Despite redoubling its efforts, Andorra was not able to submit this report by the deadline set. To avoid further delaying the document's submission, it was decided that this report would cover the period 2000–2004 and that new developments up to 2008, for example the new Criminal Code, would be summarized in an addendum.

Organization of the report

18. This is the second report that Andorra has drawn up on the Convention on the Rights of the Child. In preparing it, Andorra first took account of the general guidelines concerning the form and content of periodic reports (document CRC/C/58 of 20/11/96). The drafting of the report, done in 2005 and subsequently revised, was then aligned with the guidelines in document CRC/C/58/Rev.1 of 29/11/05.

19. This report gives a specific account of developments and of progress since the preparation of the first report. Accordingly, the information given in the first report is repeated in the second only where necessary.

20. This report updates and builds on the first report to the Committee, and replies to the Committee's recommendations (CRC/C/15/Add.176). In addition, the Committee's recommendations are cited in the relevant sections of the report and followed by the replies of the Principality of Andorra. The structure both for reports and for recommendations, established by the Committee, has thus been respected.

Chapter I. General measures of implementation

A. Withdrawal of reservations

A.1. Reply to the recommendations in paragraphs 10 and 11 (CRC/C/15/Add.176)

21. When it ratified the Convention on the Rights of the Child on 22 November 1995, the Principality of Andorra entered a reservation indicating that the provisions of articles 7 and 8 would be implemented on condition that they did not affect the provisions of article 7 of the Constitution of the Principality of Andorra, relating to nationality. In its last report to the Committee, Andorra stated that it was considering the possibility of withdrawing that reservation. In its Concluding Observations (CRC/C/15/Add.176), the Committee on the Rights of the Child expressed its concerns in relation to the reservation and encouraged Andorra to withdraw it.

22. This report informs the Committee that the reservation was withdrawn on 28 December 2005 and that withdrawal came into effect on 22 December 2005.

23. Andorra nevertheless reaffirms declaration A, reproduced below, which it made on acceding to the Convention and which refers to article 38.

“The Principality of Andorra regrets that the Convention on the Rights of the Child does not prohibit the involvement of children in armed conflict. It also wishes to express its disagreement with the provisions of article 38, paragraphs 2 and 3, on the recruitment and participation of children who have attained the age of 15 years.”

B. Alignment of domestic legislation with the Convention (art. 4)

B.1. Reply to the recommendations in paragraphs 8 and 9

24. Legislative activity by the Principality of Andorra on matters affecting children has progressed and intensified since December 2001, when it presented its first report³ (and addendum) on the implementation of the Convention and its replies to the questions of the Committee on the Rights of the Child.

25. Andorra has taken very specific account of the Convention on the Rights of the Child in the statute law and other regulations that it has enacted, especially when they have a bearing on children.

26. National legislation has been aligned in two ways: Andorra has drafted and passed a body of new legislation to give effect to the Convention; and has also taken steps to ensure that all new regulatory measures are consistent with the Convention. Accordingly, some laws and provisions have been newly created, while others have been partially amended.

27. The Committee's recommendations on the report submitted by the Principality of Andorra have also been taken into consideration.⁴ Whilst it has not been possible to give effect to every point raised, a very large number of them have been taken into account.

28. A number of measures have been taken in connection with national policy for the implementation of the Convention, including a Protocol on Action to Protect Children at Risk.

29. The Protocol was drawn up jointly by the different players involved in cases of children at risk: judges, law officers, lawyers, doctors and representatives of the Ministries of Education and of Health, Social Welfare and the Family.

30. In Andorra, the Convention has the status of an international treaty. Article 3, paragraph 4, of the Andorran Constitution requires that "international treaties and agreements shall be incorporated into the Andorran legal order as soon as they are published in the Official Gazette of the Principality of Andorra, and cannot be amended or abrogated through legislation". This means that, in terms of the hierarchy of legislation, conventions take precedence over national legislation, which cannot amend or alter their content. It follows that the Convention can be relied on directly before the Andorran courts, which can apply it where relevant, and cite it in their judgements.

31. The new legislation and provisions introduced since the last report to the Committee was drawn up, and which either implement the Convention or have a connection of some kind with the rights of the child, are described below.

B.2. Treaties, agreements and general legislation

B.2.1. International treaties

32. Protocols 1 and 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment came into force in Andorra on 1 March 2002.

33. The amendment to article 43, paragraph 2, of the Convention on the Rights of the Child came into force in Andorra on 18 November 2002.

³ Pursuant to article 44, 1(b), of the Convention.

⁴ These recommendations are contained in document CRC/C/15/Add.176.

34. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on 6 October 1999 at New York, came into force in Andorra on 14 January 2003.

35. The International Convention for the Suppression of Terrorist Bombings, adopted at New York on 15 December 1997, came into force in Andorra on 23 October 2004.

36. The International Convention against the Taking of Hostages, adopted at New York on 17 December 1979, came into force in Andorra on 23 October 2004.

B.2.2. *Bilateral agreements and conventions*

37. The Agreement on Educational Cooperation between the Portuguese Republic and Andorra (2000).

38. This agreement establishes arrangements for teaching the Portuguese language and culture to primary schoolchildren from the age of 8 in State schools in the existing education systems in Andorra. The Portuguese Government meets the costs and the teaching is provided outside normal school hours.

39. The Government of Andorra considers that this measure promotes an understanding of the cultural identity of pupils of Portuguese origin. It also fosters inter-cultural relations between the national school population and pupils from immigrant families, whatever their origin.

40. The Convention on Social Security between the Kingdom of Spain and the Principality of Andorra came into force on 1 January 2003, as did the Administrative Agreement between the two countries for the implementation of the Convention.

41. The Convention on Social Security between the French Republic and the Principality of Andorra came into force on 1 June 2003, as did the General Administrative Agreement between the two countries on arrangements for implementing the Convention.

42. The Convention between the French Republic, the Kingdom of Spain and the Principality of Andorra on the Movement and the Residence of Third-country Nationals in the Principality came into force on 1 July 2003.

43. The 2004 Agreement on Education between the Principality of Andorra and the French Government.

44. The legal situation of the French schools in the Principality of Andorra was regulated in 1982 by the Decree on the Schools and Lycée of the French Co-prince of Andorra. The French education system was then regulated for 10 years under the Agreement on Education between the Principality of Andorra and the French Republic, signed on 19 March 1993.

45. A new agreement was signed for a period of 10 years when that Agreement expired in 2004. The new Agreement develops and widens the areas of cooperation between the two education systems, with the aim of maintaining the Principality's cultural diversity.

B.2.3. *Qualified Acts*

(According to article 57, paragraph 3, of Andorra's Constitution, certain laws, known as *lleis qualificada*, have to be passed by an absolute majority of members of Andorra's Parliament)

* The Qualified Act on Immigration of 14 May 2002

46. This Act replaces and aligns the different regulations on immigration, which, in essence, had previously been based on the Decree of 3 July 1980 on the residence of

foreigners. The new Act brings the Andorran legal system into line with the 1993 Andorran Constitution (which incorporates the Universal Declaration of Human Rights into the legal system), and with the various international conventions and treaties signed by Andorra.

47. The Act also regulates arrangements for the family reunification of minors. It establishes explicitly, in article 41, that permission for reunification is not subject to any criterion of nationality, and cannot be refused on the ground of the unavailability of immigration permits based on quotas. A person of Andorran nationality, resident in the Principality of Andorra, or a foreigner who holds a residence and work permit, can request family reunification with their own children who are minors, and with children of their partner who are minors. Family reunification can also be requested in respect of the father or mother of the minor who has legally joined the other biological parent in Andorra, as well as by that person's other children who are minors, even if the parents are not married, provided that the person concerned has not been deprived of parental authority over the minor (art. 88).

48. Finally, mention should also be made of the introduction of immigration permits for the purposes of study or research to be pursued in establishments located in Andorra (art. 31).

* Qualified Act 15/2003 of 18 December 2003 on Personal Data Protection

49. The Act provides new legislation regulating an issue which has recently caught the attention of Andorran society, namely the protection of fundamental personal rights, including those relating to the confidentiality, processing and use of personal data.

* Qualified Act 10/2004 of 27 May 2004 amending the Qualified Act on Nationality

50. This Act partially amends the legislation on nationality. Two aspects of the amendments should be noted: first, the time-requirement for acquiring Andorran nationality is reduced from 20 to 10 years for young people attending an educational establishment in Andorra during the period of compulsory education; the Act also applies to the adopted children of foreigners resident in Andorra the same rules as apply to their biological children regarding the time-requirements for the acquisition and confirmation of Andorran nationality. Secondly, the Act corrects and modifies the definition of a "child who happens to be born abroad" (*enfant né accidentellement à l'étranger*). For nationality purposes, the treatment of such children is brought into line with that of children born in Andorra.

* Qualified Act 14/2004 of 3 November 2004 amending the Qualified Act on Marriage

51. In keeping with both the international commitments entered into by Andorra and with developments in society in relation to equality between the sexes and the prohibition of all forms of discrimination against women, the Act repeals article 13 of the Qualified Act on Marriage of 30 June 1995, which remains otherwise in force. Article 13 banned a widow from marrying sooner than 300 days after her husband's death, and any separated person from remarrying sooner than 300 days after the decision provisionally establishing the de facto separation of the spouses.

52. It is worth pointing out that, in its opening and closing provisions, the Act also amends the Registration Services Act of 11 July 1995. Articles 75 and 76, which deal with presumed paternity, are the provisions affected. The Act amends them by reference to criteria which are more consistent with European legislation and the best interests of the child.

* Qualified Act 15/2004 on Incapacity and the Tutelary Agencies of 3 November 2004

53. This Act governs the legal regime applicable to persons lacking legal capacity and their placement, as well as institutions with guardianship responsibilities (the courts, the public prosecutor's office, guardians, trustees and legal counsel [*défenseur judiciaire*]).

54. The Act deals in particular with guarantees of respect for the rights and freedoms recognized by the 1993 Andorran Constitution and by the various international treaties and conventions signed by Andorra.

B.2.4. *Ordinary Acts*

* Student Support Act of 28 June 2002

55. This legislation, which replaces the Student Grants and Loans Act of 30 November 1992, improves arrangements for allocating assistance and makes them fairer. The other noteworthy feature of the Act is that it addresses the need to avoid the social dislocation which would result from inequalities in access to new technologies.

* The Act of 17 October 2002 Guaranteeing the Rights of Persons with Disabilities

56. The purpose of this Act is to guarantee the human dignity of persons with disabilities, and hence their ability to enjoy their rights and freedoms and to fulfil their duties as citizens. It aims also to avoid discrimination of all kinds based on disability.

57. The Act takes the Convention on the Rights of the Child explicitly into account. It deals generally with the position of people with disabilities, whether adults or minors. To a large extent, the legislation covers both groups together, while making specific provision for minors where necessary.

58. It should be stressed that the approach is not to provide people with disabilities with a separate law of their own, as that in itself would be a form of marginalization. What the legislation actually does is to establish a series of mechanisms and guarantee provisions that authorities must apply, basing their approach on the principle of normal treatment.

59. The Act has paved the way for the adoption of measures including the preparation and publication of a National Prevention Plan (for prenatal and perinatal diagnostic care, the prevention and detection of congenital conditions, etc), the creation of a committee of experts on preventing dysfunction and the establishment of the National Evaluation Commission (CONAVA), which gives guidance to people with disabilities and their families and determines their access to programmes, services and financial support of various kinds.

* Act 8/2003 of 12 June 2003 on Employment Contracts

60. This Act amends practically the whole of the existing legislation and adapts it to the 1993 Andorran Constitution and the new international commitments entered into by Andorra, including the (revised) European Social Charter. It specifically regulates the employment of minors, for which it introduces stricter limits and controls, in accordance, among other things, with the criteria in the Convention.⁵

B.2.5. *Ministerial regulations and decrees*

* Decree regulating the Acquisition of the Baccalaureate Diploma by Independent Candidates (2002)

61. This decree introduces a new measure which facilitates access to higher education. The objective is to give anyone who has not been able to pursue their studies the opportunity to acquire the baccalaureate diploma.

⁵ See Chapter VIII of this report.

- * Decree of December 2004 establishing the Diploma in Vocational Training
62. The decree creates and regulates the Diploma in Vocational Training, a State diploma awarded by the Government of Andorra. The diploma makes it possible either to enter employment or to pursue studies at a higher level.
- * Decree of 14 November 2001 approving the regulations of the La Gavernera Children's Residential Centre
63. This decree governs the actions and procedures of the Government and others involved in the care of minors placed in the La Gavernera Children's Residential Centre.
- * Decree of 26 June 2002 approving the regulations governing participation in the management of Andorran schools
64. This decree defines and regulates the participation of school councils and school assemblies in the management of Andorran schools, pursuant to the provisions of article 12 of the Andorran Schools Act of 2 May 1989.
65. It also defines and regulates working arrangements for these two bodies, which exist in all schools. Each has a student representative from each year, except for nursery and primary schools, and includes representatives of parents at all levels.
- * Decree of 27 November 2002 approving the model official medical certificate authorizing child-care in the home
- * Decree of 31 December 2002 approving amendments to the regulations on safety in schools
66. Given that children spend a large part of their time at school, safety arrangements must maximize guarantees regarding their physical safety and moral integrity. All school staff have a responsibility for children's safety.
- * Decree of 31 July 2002 establishing the Employment Service of the Principality of Andorra
67. This instrument creates the Employment Service, a body attached to the Department of Employment of the Ministry of Justice and the Interior. It sets out the objectives, responsibilities and principles governing the work and the organization of the Service.
- * Ministerial Order establishing arrangements for the equivalence of non-university studies as between the Spanish education system and the Andorran education system (2002)
68. To make it easier for students to integrate, the Andorran Government has made an order establishing arrangements for equivalence between non-university studies in the Andorran and Spanish education systems.
- * Regulation of 21 May 2003 on school transport
69. The regulation defines the tasks and responsibilities involved in the school transport service, which fall largely to the Government.
- * Regulation of 28 January 2004 governing employment contracts for trainees
70. This regulation puts into effect Act 8/2003 of 12 June 2003 on Employment Contracts. It establishes the form of the contract and lists the documentation that Andorran or foreign trainees legally resident in the Principality of Andorra need in order to work in an enterprise or public body for training purposes, as required by their studies.

- * Regulation of 19 May 2004 on student support

71. Free compulsory education is guaranteed. The effect of arrangements for student support under Andorra's education system is to allow all students to pursue courses of study which are appropriate their individual capabilities, without letting financial considerations stand in the way.
- * Decree creating a baccalaureate in arts and communications (2004)

72. This decree creates a baccalaureate in arts and communications. The new course has been created in response to repeated requests from the community. It also increases the opportunities for access to some university courses.
- * Internal Regulation for the teaching staff of the Government of Andorra (2004)

73. The purpose of the regulation is to respond to needs which have become apparent over time, particularly in relation to the development and consolidation of Andorra's education system. It redefines the functions of primary and other schoolteachers. It also determines the place of work of teaching staff working with the education service (whose posts have been created as the Andorra's education system has developed).
- * Internal Regulation for non-teaching education workers of the Government of Andorra (2004)

74. The object of the regulation is to redefine the basic functions of non-teaching staff, bringing them into line with current realities. It defines their basic professional regime.
- * Regulation of 10 June 2004 governing the National Evaluation Commission and establishing the criteria and reference standards for diagnosing and assessing dysfunction and disability

75. The regulation supplements article 28 of the Act Guaranteeing the Rights of Persons with Disabilities of 17 October 2002; it sets criteria and reference standards for assessing degrees of disability.
- * Regulation of 16 June 2004 on certain aspects of the sale and consumption of tobacco products

76. This instrument regulates the sale and consumption of tobacco from the point of view of health and respect for others, in particular the relationship of minors to tobacco. For example, the sale to under-18s of tobacco, or of products which imitate tobacco products or encourage its consumption, is prohibited. The sale of tobacco is also prohibited in establishments which are a source of particular sensitivity because they are frequented by minors: health, educational and child-care establishments, and sports and leisure centres.

B.2.6. Other regulations

- * Decree of 16 June 2004 approving the National Plan to Combat Addictions (PNCD)

77. The general objective of the National Plan to Combat Addictions is to reduce the damage to health caused by the consumption of substances which create dependency, such as tobacco, alcohol, medicinal products and recreational drugs.

78. In its introduction, the Plan identifies children and young people as at-risk groups and the family as the priority setting for action.

- * Edict of 5 May 2005 approving the Protocol on Action to Protect Children at Risk⁶

79. This instrument establishes when and how all those involved are to take action in situations in which the rights of minors are infringed.

C. Allocation of budgetary resources

C.1. Reply to the recommendations in paragraphs 16 and 17

80. All of the programmes put in place by the Government for children and adolescents benefit from budgetary resources which are renewed annually according to needs. As the data presented below show, the number of programmes for minors has continued to increase. It should be noted that the budgets do not include the costs of infrastructure and human resources.

81. The budget allocation to each Government project for minors is shown in the annexes. These also show the parish council budgets for leisure services for children and adolescents, and for child-care services for children up to the age of 3. They provide data on the national and international projects of the Andorran NGOs, setting out the costs of these projects to the NGOs, as well as the financial support contributed by the Government.

82. There is no mechanism for determining the budgetary contribution that each party has earmarked for programmes for children and adolescents.⁷

C.2. International development cooperation

83. The Government of Andorra contributes to development cooperation through various multilateral projects, voluntary contributions to the funds and programmes of international organizations, contributions to international emergency response measures and financial support for Andorran civic organizations which are putting projects in place at international level.

84. The percentage of the Government's budget allocated to international cooperation has continued to grow, increasing from 0.37 per cent in 1999 to 0.43 per cent in 2004.

⁶ Although not published in the Official Gazette of the Principality of Andorra until 2005, the Regulation was approved by the Government and put into operation in May 2004.

⁷ **Annex 1:** Text of the main Acts passed between 2000 and 2004 which implement the Convention on the Rights of the Child or which have some bearing on the rights of the child.

Annex 1a: General budget of the Government by ministry (1999–2004).

Annex 2: Budget of the Ministry of Health, Social Welfare and the Family (1999–2004).

Annex 3: Budget of Nostra Senyora de Meritxell Special School (EENSM) (1999–2004).

Annex 4: Budget of the Ministry of Education, Culture, Youth and Sports (1999–2004).

Annex 5: Budget of the Department for Minors and as a percentage of the total budget of the Ministry of Justice and the Interior (1999–2004).

Annex 6: Parish Council budgets for children (1999–2004).

Table of contributions* from the Ministry of Health, Social Welfare and the Family

<i>Budget year</i>	<i>Total budget of the Ministry of Health, Social Welfare and the Family</i>	<i>National NGOs</i>	<i>Percentage of overall Ministry budget</i>	<i>International NGOs⁸</i>	<i>Percentage of overall Ministry budget</i>	<i>NGO total (national and international)</i>	<i>Percentage of overall Ministry budget</i>
1999	9 564 800.52	90 151.82	0.94	181 205.15	1.89	271 356.97	2.84
2000	10 988 903.79	102 172.06	0.93	185 712.74	1.69	287 884.80	2.62
2001	11 265 109.32	107 280.66	0.95	195 328.93	1.73	302 609.59	2.69
2002	12 815 021.62	124 860.23	0.97	243 259.62	1.90	368 119.85	2.87
2003	13 356 679.66	130 860.23	0.98	321 239.60	2.41	452 110.02	3.38
2004	14 629 567.96	132 987.83	0.91	327 664.39	2.24	460 652.22	3.15

* In euros.

Table of contributions* from the Ministry of Foreign Affairs

<i>Budget year</i>	<i>Overall Government budget</i>	<i>Overall Ministry budget</i>	<i>Total budget allocated to development cooperation</i>	<i>Resources devoted to children's issues⁹</i>	<i>Percentage of Government budget devoted to children's issues</i>	<i>Percentage of Ministry budget devoted to children's issues</i>	<i>Percentage of development cooperation budget devoted to children's issues</i>
2000	235 577 830.98	4 548 568.56	675 778.00	267 625.54	0.11	5.88	39.60
2001	250 787 810.71	5 941 125.40	626 002.18	159 933.88	0.06	2.69	25.55
2002	260 829 556.48	4 783 463.57	685 153.79	179 971.42	0.07	3.76	26.27
2003	270 379 599.06	4 973 961.21	865 153.79	203 680.32	0.08	4.09	23.54
2004	289 836 025.93	5 566 983.29	1 248 702.89	174 750.00	0.06	3.14	13.99
2005	308 500 215.83	6 204 651.49	1 738 312.89	289 358.00	0.09	4.66	16.65

* In euros.

C.2.1. United Nations**(a) Funds and programmes:**

* The United Nations Children's Fund (UNICEF) (2000–2006)

<i>Budget year</i>	<i>Total budget allocated to cooperation</i>	<i>Total budget allocated to UN funds and programmes</i>	<i>Resources allocated to UNICEF</i>	<i>Percentage increase over preceding year</i>	<i>Percentage of budget allocated to funds and programmes</i>	<i>Percentage of total budget allocated to cooperation</i>
2000	675 778.00	124 563.97	14 965.68	5.55	12.01	2.21
2001	626 002.18	131 844.27	15 865.87	6.01	12.03	2.53
2002	685 153.79	132 698.53	15 974.87	0.68	12.03	2.33

⁸ Resources devoted to children's issues. Resources allocated by the Ministry of Health, Social Welfare and the Family are not included.⁹ Resources devoted to children's issues. Resources allocated by the Ministry of Health, Social Welfare and the Family are not included.

<i>Budget year</i>	<i>Total budget allocated to cooperation</i>	<i>Total budget allocated to UN funds and programmes</i>	<i>Resources allocated to UNICEF</i>	<i>Percentage increase over preceding year</i>	<i>Percentage of budget allocated to funds and programmes</i>	<i>Percentage of total budget allocated to cooperation</i>
2003	865 153.79	151 827.00	17 061.00	6.36	11.24	1.97
2004	1 248 702.89	178 000.00	20 000.00	17.22	11.23	1.60
2005	1 738 312.89	226 000.00	25 000.00	25.00	11.06	1.44

* In euros.

* United Nations Youth Fund (2000–2006)

<i>Budget year</i>	<i>Total budget allocated to cooperation</i>	<i>Total budget allocated to UN funds and programmes</i>	<i>Resources allocated to Youth Fund</i>	<i>Percentage increase over preceding year</i>	<i>Percentage budget allocated to UN funds and programmes</i>	<i>Percentage of total budget allocated to cooperation</i>
2000	675 778.00	124 563.97	16 766.06	5.1	13.45	2.48
2001	626 002.18	131 844.27	17 722.52	5.7	13.44	2.83
2002	685 153.79	132 698.53	17 844.27	0.6	13.44	2.60
2003	865 153.79	151 827.00	18 192.00	1.9	11.98	2.10
2004	1 248 702.89	178 000.00	19 000.00	4.2	10.67	1.52

* In euros.

* Programme for children and armed conflict (Olara Otunnu) (2000–2005)

- Office of the Secretary-General's Special Representative for Children and Armed Conflict

<i>Budget year</i>	<i>Total budget allocated to cooperation</i>	<i>Total budget allocated to UN funds and programmes</i>	<i>Resources allocated to Programme for children and armed conflict</i>	<i>Percentage increase over preceding year</i>	<i>Percentage budget allocated to funds and programmes</i>	<i>Percentage of total budget allocated to cooperation</i>
2000	675 778.00	124 563.97	12 827.73	6.0	10.29	1.90
2001	626 002.18	131 844.27	13 559.13	5.7	10.28	2.17
2002	685 153.79	132 698.53	13 652.28	0.7	10.28	1.99
2003	865 153.79	151 827.00	14 580.00	6.8	9.60	1.69
2004	1 248 702.89	178 000.00	17 000.00	16.6	9.55	1.36
2005	1 738 312.89	226 000.00	21 000.00	23.5	9.29	1.21

* In euros.

* Global Campaign for Peace Education (2000)

- United Nations Fund for International Partnerships (UNFIP)

<i>Budget year</i>	<i>Resources allocated €</i>
2000	161 949.76

- Exhibition on children and light weapons: defence of children's rights (United Nations Department for Disarmament Affairs (DDA) (2000)

- 20 July 1999: opening of the exhibition at United Nations Headquarters
- September-December 1999: exhibition at the UNICEF Visitors Centre, New York
- March-April 2000: exhibition at Andorra la Vella
- July 2000: exhibition at Lomé (Togo) on the occasion of the Summit of the Organization of African Unity (OAU)
- September 2000: exhibition at Winnipeg, Manitoba (Canada) on the occasion of the International Conference on War-Affected Children
- July 2001: exhibition at New York during the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects

<i>Budget year</i>	<i>Resources allocated €</i>
2000	23 630.02

* UNICEF girls' education campaigns (2002 and 2004)

85. The Andorran contribution has helped to improve around 5,000 schools in the most disadvantaged areas through the acquisition of 1,037 desks.

86. Part of the contribution also funded a consultant engaged to carry out an internal assessment of the African Girls' Education Initiative (AGEI) and for transport costs arising from the external evaluation phase.

<i>Budget year</i>	<i>Resources allocated €</i>
2002	50 000.00
2004	13 180.00

* The Foundations of Democracy Project in Bosnia-Herzegovina—UNICEF (2004–2006)

87. The objective of this project is to create primary schools which teach democratic values (freedom, tolerance and respect), along with the knowledge, capabilities and attitudes necessary for critical thought.

88. The project is targeted at children aged 6–13 in 210 primary schools in Bosnia-Herzegovina.

<i>Budget year</i>	<i>Resources allocated €</i>
2004	267 750.00
2005	210 300.00
2006	141 950.00

* *Campagne contre le SIDA au Gabon* (Campaign to combat AIDS in Gabon) (UNICEF/UNAIDS—2005)

89. The objective of this twice-yearly campaign is to study and analyse the impact of the AIDS pandemic on children in a developing country. It has benefited from contributions by four small countries (P4 group of the United Nations): Andorra, San Marino, Liechtenstein and Monaco). The amount shown is the first donation to this campaign.

<i>Budget year</i>	<i>Resources allocated €</i>
2005	26 923.00

* World Food Programme, United Nations, 2001 and 2006

- 2001: financing a school canteen in Haiti
- 2006: deworming campaign in Haiti's North and North-East Departments

<i>Budget year</i>	<i>Resources allocated €</i>
2001	14 615.00
2006	25 000.00

(b) Humanitarian emergencies and assistance to the children's sector (2000–2006):

<i>Budget year</i>	<i>Emergency</i>	<i>Country</i>	<i>Resources allocated €</i>	<i>Organization</i>
2000	Earthquake	El Salvador	22 505.00	UNICEF
2001	Armed conflict	Afghanistan	56 261.96	UNICEF
2001	Earthquake	India	39 509.40	UNICEF
2003	Earthquake	Algeria	25 000.00	UNICEF
2003	Armed conflict	Iraq	30 000.00	UNICEF
2004	Earthquake	Morocco	15 000.00	UNICEF
2005	Food crisis	Ethiopia	50 000.00	UNICEF
2005	Hurricane and volcanic eruption	El Salvador	20 000.00	UNICEF
2006	Armed conflict	Lebanon and Syria	30 000.00	UNICEF

(c) UNESCO programmes for children:

* “*Education for All*” project (2000 and 2004–2006)

- The project for capacity-building among women and girls in rural Niger was financed within the framework of the “*Education for All*” programme.
- 2006: a special fund was created by Andorra, Luxembourg, Monaco, San Marino and Cyprus. The fund aims to improve school attendance by girls and promote literacy among women, so that they can engage in activities which allow them to live independently.

<i>Budget year</i>	<i>Resources allocated €</i>
2000	12 000.00
2004	20 000.00
2005	25 000.00
2006	25 000.00

C.2.2. Council of Europe programmes for children

* Forum for Children and the Family (2002)

90. At the fourth meeting of the Forum (21–22 November 2002 in Strasbourg) a seminar was held on “corporal punishment of children within the family”. This seminar contributed to the Council of Europe’s integrated project on “responses to violence in everyday life in a democratic society”.

<i>Budget year</i>	<i>Resources allocated €</i>
2002	7 500.00

* Programme of in-service training for teaching staff (1999–2006)

<i>Budget year</i>	<i>Resources allocated €</i>
1999	2 400.00
2000	2 981.29
2001	2 400.00
2002	5 000.00
2003	5 000.00
2004	7 100.00
2005	7 500.00
2006	8 000.00

C.2.3. Development cooperation projects for children

* The Slovenian “Together” Foundation

- Multi-ethnic psychosocial seminars for schoolteachers in Kosovo (2002–2006)

91. Psychosocial programmes for teachers in Macedonia in 2002 (Kumanovo region) and in Kosovo in 2003; each programme included training for future trainers and three seminar modules for teachers.

92. In addition, a third contribution was made in 2004 to provide continuing finance for the project, which was then entitled “Psychological support for schools in war-affected areas and severely traumatized villages in Macedonia and Kosovo”.

93. In 2005, Andorra contributed financial support for the project entitled “Implementing psychosocial activities in the schools of Kosovo and Macedonia”.

94. In 2006, Andorra financed a project on “Multi-ethnic psychosocial seminars for teachers in Kosovo”.

<i>Budget year</i>	<i>Resources allocated €</i>
2002	70 000.00
2003	60 000.00
2004	63 470.00
2005	69 935.00
2006	34 960.00

Note: the contributions vary as they are earmarked for different programmes each year.

* *Enfants du Monde*

95. In 2005 the Government of Andorra made a financial contribution to a Corporal Expression workshop to assist with psychological treatment for orphans at the Enfants du Monde home at Sisophon (Cambodia).

<i>Budget year</i>	<i>Resources allocated €</i>
2005	19 000.00

* United Nations Development Programme (UNDP)

- A multi-purpose centre was built in Morocco, in 2006, for local women and children of pre-school age in the rural community of Tafajight.

<i>Budget year</i>	<i>Resources allocated €</i>
2006	35 000.00

* Principado de Andorra Community Hall, Lo Prado, Chile (2003)

96. This project completed the twinning programme with the municipality of Lo Prado in Chile, promoted by the Andorran NGO Enfants du Monde, and made it possible to create a venue for out-of-school activities.

<i>Budget year</i>	<i>Resources allocated €</i>
2003	33 847.32

* Andorran Fire Service (2006)

97. A humanitarian convoy, made up of part of the staff of the fire service and staff from Nostra Senyora de Meritxell hospital, transported school and medical supplies to Ziguinchor orphanage, which caters for more than 3,000 children, in the Casamance region of Senegal.¹⁰

<i>Budget year</i>	<i>Resources allocated €</i>
2006	30 520.00

D. Legislation conducive to the rights of the child (art. 41)

98. In the light of and in accordance with article 41 of the Convention, the provisions of domestic law and of international law adopted by Andorra, which provide for more favourable treatment for children, are applicable in Andorra.

99. Andorra appreciates that the Convention is an instrument which defines and recognizes principles and rights which are specific to children. It constitutes a goal and objective that Andorra is committed to attaining. Nevertheless, when it comes to recognizing the rights of the child, Andorra looks on the Convention as a basic minimum, and not as a ceiling. Just as it appreciates that the Convention is not incompatible with the Andorran legal system, the Principality it also considers that it is not inconsistent with the

¹⁰ See the annexes. **Annex 7:** International activities, projects and programmes developed by NGOs and financially supported by the Government of Andorra (1999–2004).

Convention to recognize new children's rights, or to treat rights that have already been recognized more broadly or more favourably to children.

100. The principles of the Convention apply to all judicial decisions affecting children in any way whatsoever. It is normal practice to make explicit reference to the Convention or its principles in proceedings for de facto or legal separation, divorce, annulment of marriage or filiation, or when it is necessary to decide on access arrangements, support payments or the general situation of children below the age of majority. The principles of the Convention also prevail in judicial decisions on adoption and other measures for the protection of abandoned children.

101. Although the Convention is always taken into account in legal proceedings and judicial decisions, it is not the normal practice to make explicit reference to it in criminal proceedings involving children, whether as offenders or victims.

E. Available resources and access (art. 41)

102. The resources earmarked for defending and safeguarding the rights recognized in the Convention, and particularly for preventing the violation of those rights, were described in paragraphs A.3.1 and A.3.2 of the preceding report to the Committee. They are used essentially in cases under ordinary law and in the special proceedings provided for under article 41 of the Constitution, before the ordinary courts or the Constitutional Court, as appropriate.

103. Given that Andorra is a member of the Council of Europe and has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and additional Protocols Nos. 6 and 11, it is subject to all of the accompanying rules and guarantees, making it possible for cases to be brought before the European Court of Human Rights.

104. Finally, the Rome Statute of the International Criminal Court came into force in Andorra in July 2002.

E.1. Reply to the recommendations in paragraphs 12 and 13

105. Paragraph B.5.2 of the first report (with addendum) to the Committee mentions the creation of the State Secretariat for the Family and sets out the priorities for action for children. These have been given fleshed out by way of specific action at national level, by drawing up the Protocol on Action to Protect Children at Risk.

106. The State Secretariat for the Family is responsible for promoting the Protocol: its functions equip it to act as a coordinating body for national action, enabling it to give effect to the rights recognized by the Convention. It has also considered it necessary to involve the various public authorities, judicial bodies, NGOs and professional colleges in promoting the Protocol, along with children and adolescents themselves.

* Protocol on Action to Protect Children at Risk

107. At its session of 10 July 2004, the Government of Andorra approved the Protocol on Action to Protect Children at Risk in its entirety.

108. Those who took part in preparing and applying the Protocol were professionals in the judicial, educational, social, health and policing fields. They included, for example, representatives of the *Batllia* (court of first instance and of preliminary investigation in all judicial fields), of the Public Prosecutor's Office, of the *Tribunal de Corts* (court of first instance for serious offences and of appeal against criminal convictions handed down by the *Batllia* for less serious crimes), of the Ministry of Justice and the Interior, of the

Ministry of Education, Culture, Youth and Sport and of the Ministry of Health and Social Welfare, all of which are actively involved in identifying, taking action in respect of, treating and monitoring children who are or are presumed to be at risk.

109. The main aims of the Protocol are as follows:

- To provide protection for children in any kind of at-risk situation.
- To guarantee coordination between all institutions actively involved in cases where children are at risk.
- To reduce the impact of aggression against child victims by seeing through follow-up arrangements appropriate to the children concerned and their family units.

110. Putting the Protocol into practice should give effect to the principles governing the Andorran Constitution and the Convention on the Rights of the Child. The recommendations of the Committee on the Rights of the Child were taken into account when the Protocol was drawn up.

111. Since coming into force, the Protocol has been, both in technical and in policy terms, the instrument which facilitates the supervision and intervention needed to guarantee delivery of the rights of the child in the Principality of Andorra and to combat violence against children.

E.2. Reply to the recommendations in paragraphs 14 and 15

112. As laid down in article 13, paragraph 1, of the Act of 4 June 1998 on the Establishment and Work of the Ombudsman (*Raonador del Ciutadà*),¹¹ complaints and claims can be made by any natural or legal person who can claim a legitimate interest, regardless of their nationality, age, circumstances or residence. The article provides that minors have access to the *Raonador del Ciutadà* through their legal representatives, who do not need to have any special power. The *Raonador del Ciutadà* always takes into account children's views on matters concerning them.

113. Since its creation on 4 June 1998, the office has seen a marked growth in activity, as shown by citizens' demand for its services. Between 1999 and 2004, 1,347 cases were registered, and 51 of them specifically concerned children and adolescents (see the table below).

<i>Year</i>	<i>Number of cases</i>	<i>Cases concerning children and adolescents</i>
1999	213	5
2000	206	5
2001	214	8
2002	251	16
2003	258	10
2004	205	7
Total	1 347	51

Source: internal.

¹¹ See paragraph A.3.6. of the addendum to Andorra's first report to the Committee.

114. Of the 51 cases involving minors, 8 were opened on the initiative of the parties concerned (the complaints having been made by collective bodies or associations), 41 on the initiative of citizens and 2 on the initiative of the *Raonador del Ciutadà* in the exercise of his functions.¹²

115. In 2003, in an effort to publicize the rights of the child, the office of the *Raonador del Ciutadà* produced a small booklet reproducing them in their entirety (text included in the Universal Declaration of Human Rights). A print-run of 600 copies was produced and distributed throughout the public service.

E.3. Reply to the recommendations in paragraphs 18 and 19

116. The Principality of Andorra does not have a national body for standardizing and managing data on children and adolescents, in the areas defined in the Convention on the Rights of the Child, which would make it possible to evaluate the policies adopted for the benefit of children and adolescents.

117. The Research Service, attached to the Government's Ministry of Finance, is the body which collects, analyses and publicizes statistical data about Andorran society and the economy. It ensures the consistency of statistical work and uses international definitions and standards.

118. In 2001, the Research Service launched a survey of household budgets. The survey was conducted among Andorran families, to gather information about the nature and purpose of consumer spending, and socio-economic data reflecting the living conditions and characteristics of Andorran households. This is a standing survey which is conducted for one-year periods.

119. Other bodies and services have also conducted surveys which, directly or indirectly, help to clarify the situation of children and adolescents in the country: for example, the National Survey on Infant Health in Andorra and the Andorran Nutritional Survey, carried out by the Ministry of Health, Social Welfare and the Family, and the Survey of Sporting Activities among the School Population, carried out at the initiative of the Ministry of Education, Culture, Youth and Sport.

120. Aware of the importance of continuing to collect and manage data, Andorra envisages allocating this work to technical staff and data-management professionals who are actively involved with children and adolescents. This will allow the situation of children and adolescents to be specifically evaluated, and the various policies and measures designed for their benefit to be planned.

121. A social observatory, with responsibility for compiling data about children and the family, is therefore now being created.

F. Independent national human rights institution

122. Andorra does not have an independent national human rights institution.

¹² **Annex 8:** cases dealt with involving minors (1999–2004).

G. Disseminating the principles and provisions of the Convention and national reports

G.1. Reply to the recommendations in paragraphs 20, 21 and 47

123. In 2003, the ministry responsible for social matters established a specific programme for promoting and disseminating the rights of the child, by providing information and raising society's awareness. Every year since then, communication and awareness-raising activities have been carried out with the general public, and especially with children and adolescents. Training, information and awareness-raising are also provided for teaching staff, as is financial support towards projects to promote the rights of the child.

G.2. Programme of action for disseminating the Convention on the Rights of the Child and the Committee's recommendations to Andorra

* 2003

124. On 20 November 2003, on the occasion of World Children's Day, a number of activities were organized in the context of the programme for disseminating the Convention, with the main aim of disseminating the rights of the child and prompting a debate on the subject.¹³

125. Internet site <http://www.govern.ad/dretsdelsinfants> was also launched on 20 November 2003. This site contains documents such as the Convention on the Rights of the Child, the optional protocols to the Convention, the Committee's recommendations and the initial report drafted by the Principality of Andorra, and includes various links to other sites concerning childhood and adolescence.

126. Similarly, an extensive campaign (350 posters and 3,000 leaflets) to disseminate the Committee's recommendations to Andorra was embarked upon with all the institutions and associations concerned, including schools, centres for informal education, day nurseries and the organizations and professionals that deal with children and adolescents.

127. Finally, again on the occasion of World Children's Day, the programmes of Andorran national television which attract the biggest audiences¹⁴ were devoted to the Convention, the protocols and the recommendations addressed to Andorra.

128. In 2003, the Government financed the UNICEF *No discriminació* ("No to discrimination") project, comprising two seminars on the Convention on the Rights of the Child and targeted at professionals working with children and adolescents. About 100 people attended the seminars, and the funding provided amounted to €2,600.¹⁵

* 2004

129. On the occasion of World Children's Day in 2004, a booklet was produced to bring the rights of the child to the attention of the wider public, and children in particular. The content and format were adapted to make it child friendly.

130. The reports by the Government of Andorra to the Committee on the Rights of the Child concerning the optional protocols to the Convention were published on the internet site devoted to the rights of the child. Subsequently, the Government's answers to the

¹³ This information was already provided in the report on the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography.

¹⁴ The programmes *Modus Vivendi* (18/11), *Aigua Clara* (19/11) and *Cròniques* (20/11).

¹⁵ As requested by the organizer.

questionnaire from the United Nations Secretariat on violence towards children were also published on the internet site, in accordance with resolution 57/190.

131. The Government also provided a subsidy of €1,800 for the Conference “The Minor Facing Society”, presented by a Spanish children's judge and organized by the UNICEF National Committee.

132. The activities organized by the State Secretariat for the Family for World Children's Day benefited from the collaboration and participation of the UNICEF National Committee for Andorra. Each year, the Committee organizes training, conferences and activities to spread knowledge of the Convention and to raise people's awareness of its application in the Principality of Andorra. The Committee's projects and activities, which generally receive the financial support of the Government, are designed for the general public, professionals, children and adolescents.¹⁶

133. Each year, the various ministries responsible for children's social welfare services and education increase their financial contributions and play a greater part in disseminating all projects and activities which require familiarity with the Convention.

134. Between 2001 and 2004, the University of Andorra put in place a training programme designed for professionals working in day nurseries. The programme benefited from the participation of the State Secretariat for the Family, which takes responsibility for 40 per cent of the annual cost, provides cooperation in the form of human resources and is involved in devising and delivering the courses.

135. As part of this programme, courses are organized each year on different subjects concerning children from birth to the age of 3. The courses tackle subjects such as safety, health and the psychological development of the child. The course which covers social aspects is held on a regular basis. It includes a presentation of the rights of the child, and deals with the application of those rights pursuant to the Convention, and with recognizing that children are persons with rights.

H. Working with civil society and the NGOs (art. 44)

H.1. Reply to the recommendations in paragraphs 22 and 23

136. Paragraph B.1.5 of the first report (with addendum) by Andorra on the Convention mentions all the principles and criteria for cooperation with the NGOs and the framework within which that cooperation takes place.

137. Since 1997, the Ministry of Health, Social Welfare and the Family has been working with not-for-profit civic organizations in Andorra, by providing technical and financial support. Every year, it provides subsidies for social development programmes put in place by these NGOs at national and international level.

138. The subsidies are awarded by reference to the criteria set in the call for proposals. These criteria are based on the development goals of the United Nations and the Millennium Declaration, approved by the General Assembly of the United Nations on 13 December 2000. The promotion of the rights of the child through these NGO programmes is highly valued.

¹⁶ **Annex 9:** Programmes and budget allocation for the dissemination of the Convention and the Committee's recommendations.

139. As the General Assembly of the United Nations declared 2001 the International Year of Volunteers, the Government of Andorra launched a programme to promote social engagement and volunteering in 2002.

140. Within the framework of this programme, the Government held a course in 2002 on the organization and management of NGOs in Andorra, with the aim of promoting the activities of NGOs legally established in the country.

141. The goal of the course was to offer training on the difficulties that civil-society organizations might encounter when drawing up projects and carrying them through to completion, and when establishing ground rules for joint working.

142. In 2003, the Government arranged specialist training on the organization and management of NGOs, at the request of some organizations which had taken part in the first course in 2002. Entitled "Fields for action by the third sector in Andorra", the course was devoted specifically to community development and international cooperation.

143. In 2002, the Ministry of Health, Social Welfare and the Family took action of several kinds to encourage volunteering. This project was backed by financial support of €6,310.61 and the following actions were taken:

- Training on social volunteering organized by the Andorran Office of Social Volunteering and Sant Julià de Lòria parish council, with the Ministry's financial support.
- Training designed for members of civil-society organizations in the country. One part of this course was devoted to the profile, responsibilities and rights and duties of volunteers in regard to their organizations.

144. In 2003, the Ministry of Health and Social Welfare signed a cooperation agreement with the Institute for Andorran Studies to conduct a survey of volunteering in Andorra.

145. The main activities carried out in 2004 focused on creating a "grant for volunteering and voluntary workers" in Andorra and on raising public awareness of the social benefits of volunteering.

146. NGOs in the Principality of Andorra which carry out projects for children include the following: AINA, Càritas Andorre, the Red Cross, Enfants du Monde, Intermón Oxfam, Mans Unides, the Patronat de Dames de Nostra Senyora de Meritxell and UNICEF.

147. For fuller information on the projects and activities of these organizations, please see paragraph B.1.5.2 of the addendum to Andorra's initial report on the Convention and the annex to the present report on the projects and activities of the various organizations.¹⁷

148. Three working groups were set up to prepare the present report. The first was composed of NGOs particularly active in relation to children.¹⁸

149. The working group met once; subsequently, it held meetings with some members of the NGOs involved. In addition to supplying data in connection with various sections of the report, the NGOs were required to assess the application of the Convention during the years preceding the current report and the changes which had occurred in relation to childhood in Andorra. Finally, they were asked to table various proposals on areas for improvement.

¹⁷ **Annex 10:** projects and activities undertaken at the national level by the NGOs (1999–2004).

¹⁸ AINA, Càritas Andorrana, the Red Cross, Enfants du Monde, Intermón Oxfam, Mans Unides, the Patronat de Dames de Nostra Senyora de Meritxell and the UNICEF National Committee for Andorra.

Chapter II. Definition of the child

A. Definition of the child in Andorran legislation (art. 1)

A.1. Majority

150. The definition of the child is set out in detail in the initial report submitted to the Committee (please see paragraph B.2). This definition is fully consistent with the provisions of article 1 of the Convention. In most cases, “child” means any human being who has not attained majority. The age of majority is set at 18 years.

A.2. The right to vote

151. Andorrans acquire full political rights at the age of 18. This means that they can exercise their right to vote in their capacity as electors (the system is one of universal suffrage) and their right to stand for election and to be elected, provided there is no reason that renders them ineligible.

A.3. Legal capacity to inherit and to perform transactions relating to the ownership of property

152. As a general rule, individuals acquire full legal capacity for civil and commercial purposes at the age of 18. In this area, Andorran domestic law allows minors to perform legal actions in some circumstances. There are, however, protective mechanisms, such as the annulment of contracts where there are unfavourable consequences for minors or their inheritance, the need for parents or legal guardians to be present for certain acts and for the courts and the Public Prosecutor's Office to be involved for others.

153. In Andorra, minors are legally capable of inheriting, but acceptance of an inheritance must always take place with benefit of inventory, which makes it possible for inheritors not to stand liable for the obligations of the testator, and not to pay inherited liabilities from their own assets, but from the inherited assets only. Minors can also possess assets of their own. In those circumstances, the law provides for the appointment of administrators to manage minors' assets until they reach the age of majority. In general, this responsibility falls to the parents, but may also be entrusted to guardians or trustees. In all cases, the latter may not dispose of the minor's assets without court approval, beyond what is strictly necessary for the management of the actual assets.

A.4. Membership of associations

154. Pursuant to the Qualified Act on Associations of 29 December 2000, minors cannot form associations, with the exception of youth associations. They may, nevertheless, join associations, provided such associations are legally entered in the Government's register of associations and that their governing documents permit members who are minors to join. In this case, minors do not have the right to vote in elections for members of the management committee, or to be elected themselves to the committee. These requirements do not apply to youth associations, where minors have the right to propose the constitution of the association and the right both to vote in the election of members to the management committee and to be elected to it. In such cases, there must also be adult members of the association and of the management committee.

A.5. Medical and legal assistance

155. There are no provisions of substantive law prohibiting medical or legal assistance to minors without the consent of parents or guardians. Requests for legal assistance are rare: in

general, they are connected with the emancipation of the minor or with rights derived from parental authority and with access arrangements when the parents are separated or divorced.

156. In relation to medical assistance, most of the questions posed by minors to professionals relate to sexual issues. In the context of their teaching activities, the main task of schools is to inform and educate students about health and hygiene, with the aim of prevention and the provision of information.

157. In 1993, the ministry responsible for health created a free, anonymous and personal service for young people and adolescents, *Consulta Jove*.¹⁹ The remit of the service is to answer all the questions and concerns of the minors who turn to it, and to provide health-care free of charge while respecting their anonymity, as far as possible.

158. Minors may not be given medical treatment without the consent of parents or legal guardians. Where it becomes apparent that medical treatment or surgery is indispensable, and in the absence of consent from parents or guardians or if they refuse their consent, court involvement and court authorization are necessary.

A.6. School attendance

159. Legislation on the minimum age for school attendance has not been amended since the last report to the Committee was prepared. School continues to be free and compulsory between the ages of 6–16. The legislation also provides that children aged 3–6 can benefit from free schooling if their parents request it, and the same applies to young people aged 16–18 to allow them to pursue their secondary studies.

A.7. Employment of minors

160. Since the last report to the Committee was prepared, Andorra has enacted the Act of 12 June 2003 on Employment Contracts and the Regulation of 28 January 2004 governing employment contracts for trainees.

161. The aim of the Act on Employment Contracts is to fill gaps in the Andorran legal system and to remedy the problems that had arisen prior to the passage of the Act. The Act lays down clear criteria, which are compatible with domestic and international developments in relations in the workplace. It is based on the principle of good faith, on the part of both employers and employees, in the performance of employment contracts: they must avoid any infringement of rights, anti-social behaviour or discrimination on grounds of birth, race, gender, sexual orientation or any other personal or social reason, or on the grounds of membership or non-membership of a trade union.

162. The Act establishes minimum standards, in the sense that its requirements, from which no derogation is permitted, are mandatory and must be complied with by both employers and employees. Title II of Chapter XIII of the Act deals specifically with the employment of minors, which is subject to more stringent restrictions and supervision than under earlier legislation. It introduces prohibitions relating to the nature and duration of work, and obligations on employers which are designed to protect minors' health and their moral integrity and physical safety. It is the responsibility of the Labour Inspectorate to monitor and inspect employment relationships of this nature.

163. The general regime for employment relationships applies only to persons aged over 18. The recruitment and employment of a minor aged under 14 are prohibited in all circumstances. Work by minors is subject to differences in treatment based on age. This subject is dealt with specifically in Chapter VIII of the present report.

¹⁹ This service is mentioned in paragraph B.6.5.4 of the last report to the Committee.

A.8. Reply to the recommendations in paragraphs 24 and 25

164. Notwithstanding the Committee's recommendation (para. 25 of its observations on the reports submitted by Andorra, CRC/C/15/Add.176), to date, there has been no change in the law to raise the minimum age for marriage, which remains at 16, and which, exceptionally and with the authorization of a judge, can be reduced to 14. It should, however, be pointed out that there have, in fact, been no marriages between minors, or between an adult and a minor; it has also been established that, up to the present, the judicial authorities have received no request for a marriage to take place between minors aged between 14 and 16. Only one relevant marriage, between an adult male and a female minor aged 17, took place in 2004.

165. For a number of years, there has been a tendency in Andorran society for the age at which people marry to rise. A marriage between minors, or between an adult and a minor, would appear inconceivable to the majority of Andorrans. Consequently, amending the law on this point does not seem to be a matter of urgency; it is not a source of social problems, although Andorra recognizes that it would be appropriate to amend the law to get rid of this anachronism.

A.9. Participation in armed forces

166. There are no armed forces in Andorra. Their function is performed by the law enforcement agencies, namely the police services, for which the minimum age of recruitment is 19. Nor are there any military academies for the education or training of minors.

A.10. Criminal responsibility

167. The new Criminal Code is extremely important in this connection. It is more or less finalized and should be approved by Parliament in 2005: it will mark a significant change in Andorra's criminal law.

A.11. Administration of justice

168. The essential elements of the Qualified Act on Juvenile Justice and the Qualified Act on Justice of 22 April 1999 were set out in the last report to the Committee.²⁰

A.12. Deprivation of liberty for young offenders

169. Since the last report to the Committee was drafted, there have been no changes to Andorran legislation in relation to the nature, type and conditions of the various forms of deprivation of liberty for minors.

170. Chapter VIII of this report describes the provisions governing deprivation of liberty for minors, as well as the measures laid down in respect of minors in conflict with the law.

A.13. Capital punishment and life imprisonment

171. Capital punishment is specifically prohibited by article 8, paragraph 3, of the Andorran Constitution of 14 March 1993.

172. In terms of the substantive law, the conditions governing the giving of evidence by minors before the courts have not changed since the last report to the Committee was drafted.²¹

²⁰ See paragraph A.3.7.1.

²¹ **Annex 11:** Data relating to the population of the Principality of Andorra.

Chapter III. General principles

A. Application of the provisions of the Convention in domestic legislation

A.1. Reply to the recommendations in paragraphs 26 and 27

173. Individual responses to each of the articles referred to in the above recommendations are provided throughout this section.

A.2. Non-discrimination (art. 2)

174. As set out in the previous report submitted to the Committee, article 6 of Andorra's Constitution guarantees the principle of non-discrimination. Under article 6, everyone is equal before the law. Consequently, no-one may be discriminated against on grounds of birth, race, sex, origin, religion, opinions or any other personal or social consideration. The public authorities must set in place the conditions necessary to ensure that individuals enjoy the kind of equality and liberty that is both genuine and effective. The Constitution is binding on all of the public authorities and on all citizens.

175. This report describes developments in the programmes mentioned in the first report to the Committee.²² The new programmes and measures which have been adopted in the interim are described in Chapters VI and VII of this report.

176. New Act 8/2003 of 12 June 2003 seeks to eliminate all gender-based discrimination in employment contracts. It introduces 16 weeks' maternity leave (12 weeks in the case of adoption). The father may take this leave as of the sixth week following the child's birth or adoption. Under the Act, the father or the mother may apply for paid leave during the nine months following the date of the child's birth in order to care for the child. This is a positive development, given that, under the old rule, only the breast-feeding mother was allowed to take leave, and then only for the six months following the child's birth.

177. Article 23 of the Act governs parental leave following the birth, adoption or fostering of a child. Parental leave may be requested by any employee of either sex who has been working in the undertaking for more than three years. The Act thus bolsters the protection of pregnant women against dismissal, and, in cases in which there has been a failure to comply with its provisions, lays down levels of compensation far higher than the standard rates (art. 76, para. 4).

178. The Act also sets out the grounds on which an employee may repudiate his or her contract. Under article 75, paragraph 7, if the employee resigns as a result of discrimination on grounds of birth, race, sex, origin, religion, opinions or any other personal or social consideration, or as a consequence of membership of a trade union, the employee may opt for compensation or request to be reinstated in the undertaking, with redress for the discrimination and compensation for the harm caused. The Act also lays down the compensation which may be awarded to an employee whose dismissal constitutes an act of discrimination (art. 76, para. 5).

179. On 17 October 2002, the Act Guaranteeing the Rights of Persons with Disabilities was promulgated. The Act places particular stress on the fact that it does not constitute legislation specific to persons with a disability, but provides a raft of guarantee measures which must be put into effect in the different environments in which people with a disability live, to enable them to enjoy conditions of equality when exercising their rights and obligations.

²² See paragraphs B.5, B.6, B.7, B.9, B.10, B.11 and B.12.

180. For instance, where it deals with the issue of education (art. 14), the Act specifically recognises equality of access to education for children, young people and adults with a disability. In particular, it recognizes, and makes mandatory and free of charge, schooling for children with a disability between the ages of 6 and 16, or between the ages of 3 and 18 if the parents so request. Children with a disability are integrated into the mainstream system, unless the degree of their disability precludes this.

181. Specialist education takes the form of educational support within mainstream teaching. The aims of education for children with a disability are the same as those laid down in respect of other pupils. However, children with a disability have the right to personalized teaching programmes which are prepared by teachers in the mainstream system. These pupils' participation in the various teaching and educational activities is thus guaranteed. Finally, all educational establishments in the mainstream system must have specialist human resources and equipment capable of providing high-quality education.

182. Those rules apply to all education systems in Andorra and also to day-care facilities, but with some necessary modifications. The Act provides for financing and assistance measures to enable all minors with a disability to access these services, without discrimination based on their financial and/or family circumstances.

183. Article 24, paragraph 3, specifically provides that all services and establishments providing assistance to persons with a disability must guarantee the right to "equal treatment and non-discrimination".

184. On 14 January 2003, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations, on 6 October 1999 in New York, entered into force. The Protocol indirectly requires the application of another instrument guaranteeing non-discrimination against minors.

A.3. Reply to the recommendations in paragraphs 28 and 29

185. Please see paragraph B.6.1. which sets out the procedures for accessing health care and meeting health-care costs. It is worth mentioning that a programme guaranteeing a minimum income and health-care cover has been set up and expanded. The programme, which comes under the auspices of the Ministry of Health, Social Welfare and the Family, guarantees covering the health-care costs of adults and children who do not have health cover through affiliation to the Andorran Social Security Fund or sufficient income to meet health-care costs.

186. As regards access to education services, although the legislation on education does not provide for the schooling of children who are illegally resident in Andorra, the ministry responsible for educational matters provided schooling for all children (2004/05 school year), even though some did not have permission for family reunification.

187. The substance of the social welfare programmes has been adjusted in line with the Convention. Where a situation for which there is no legislative provision arises, the understanding is that the provisions of the Convention will take precedence.

188. As set out in the first report submitted to the Committee,²³ the aims and activities of Andorra's education system have been brought fully into line with article 29 of the Convention. Currently, the different establishments in Andorra's education system accept pupils from different nationalities, cultures and faiths. Respect and the fact of living side by side, on a daily basis, teach students that exchange is a source of enrichment.

²³ See paragraphs B.7.1 and B.7.2.

189. More specifically, Andorra's education system gives effect to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001, and to article 29 of the Convention, since it strives, inter alia:

- To promote and encourage students' personal development, within the specific context of the Andorran culture and identity.
- To help promote and enrich the cultural elements characteristic of the society to which the student belongs and to seek to provide a satisfactory response to the student's needs. In addition:
- Education in Andorra is outward-looking and aware that its contribution to students' development cannot be envisaged in terms of exclusivity.
- Just like the society to which it belongs, this education system is open, in the sense that its approach to promoting Andorra's specific features and identity is based not on excluding other cultural or national identities or contrasting itself with them, but on maintaining a close relationship with them.

190. The Decree on the programme of nursery education stipulates the following aims of education, among others:

- For children to establish increasingly constructive and well-balanced relations with classmates and adults during collective and group-based activities, while learning to adapt and evaluate their own contribution and the contributions of others in the light of the objectives defined previously.
- To identify certain distinctive features of Andorra (language, traditions, customs, etc.), in a spirit of curiosity and participation, and to learn to appreciate Andorra's diversity and acquire a sense of respect for the other cultures.

191. The Decree on the programme of primary education stipulates that the objective of education is to develop teaching processes that must, among other things, make children capable of:

- Conveying their objectives, wishes and interests to the people with whom they interact, not believing that theirs is the only valid point of view and making the connection with other viewpoints.
- Establishing balanced and lasting emotional relationships with those people with whom they have ties, whether or not of the same age or gender, and showing affection and appreciating the affection they are shown.
- Applying the basic principles of democratic conduct to their own behaviour and to their assessment of the behaviour of others; respecting others and the rights and freedoms of all; exercising their own rights and freedoms responsibly and with discretion, and accepting diversity as a positive factor in a multicultural society such as Andorran society.

192. To achieve these objectives, measures and activities are set in place in the context of teaching units and/or educational projects, throughout a child's school career. The objectives of tolerance, respect, equality and solidarity are also stressed in all daily school activities.

193. One of the objectives of Andorra's education system is to train children to use their critical faculties, be tolerant, creative and participate in Andorran society. Every year, students at secondary and upper secondary level (preparing for the baccalaureate) choose a subject to cover with the aim of encouraging group work and discussion. For that exercise, the school day is organized differently, and is based on workshops. These activities last for two days.

The kind of subjects covered include “An End to violence”, “All equal—all different”, “Discrimination”, “Democracy”, “Good citizenship”, “Democracy and terrorism”, etc.

194. Throughout the school year, events designed to demonstrate opposition to different forms of intolerance are organized: they include critical reviews made up of written and/or photographic work which is then included in the educational establishment’s journal or other publications.

B. The best interests of the child (art. 3)

195. There has been no significant amendment to the legislation relating to the best interests of the child since the last report to the Committee was drafted. The principle of the best interests of the child is always applied by the judicial bodies, in cases, for instance, in which the Qualified Act on Marriage applies (in relation to access or maintenance in cases of marriage break-up) or the Qualified Act of 21 March 1996 on Adoption and Other Forms of Protection for Abandoned Children. The application of that legislation is linked to the provisions of the Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption, concluded at The Hague on 29 May 1993.

196. Where the Qualified Act on Adoption and Other Forms of Protection for Abandoned Children applies, the best interests of the child also determine the measures which the judicial body must take and take precedence over the rights which other persons, such as the child’s parents or guardians, for example, might enjoy.

197. Moreover, from a procedural perspective, it is worth restating here what was set out in the previous report to the Committee: the Public Prosecutor’s Office must intervene in all proceedings to which a minor is a party or which could affect a minor’s rights. The Public Prosecutor’s Office becomes the defender of the minor’s rights and interests, even if the minor is represented by an adult.

198. In terms of the criminal law, the Qualified Act on Juvenile Justice and the Qualified Act on Justice of 22 April 1999 are founded on the principle of the best interest of the child. Both pieces of legislation focus on the offences committed by minors, which are defined in the Criminal Code, and on the issues of adoption and other forms of protection for abandoned children.

199. As set out earlier in this report, the Acts apply to young offenders, with the aim of reintegrating them into society. Thus, the judicial body has a wide margin of manoeuvre in deciding both on the adoption of the measures most favourable to the child (including closing proceedings before they have run their course) and on reviewing the measures adopted during the period of implementation of a decision (that is to say once a final decision has been taken).

200. On 14 November 2001, the Decree on the regulations governing the La Gavernera Children’s Residential Centre was adopted. According to the statement of grounds in the decree, any act or measure taken must be in the best interest of the child.

201. Andorra has no domestic legislation on asylum and refugees, as it does not experience these problems.

202. The aim of drafting the Protocol on Action to Protect Children at Risk was to guarantee the rights accorded under the Convention and ensure that the coordinated actions and measures defined in the Protocol take account of the best interest of the child.

203. The Technical Commission for Children and Young People, whose role was described in the first report to the Committee,²⁴ makes the best interest of the child the cornerstone of all of its decisions and proposed measures in relation to minors at risk.

204. The mechanisms for guaranteeing the protection and care of children are governed by the different laws on education, health, judicial procedure and so on. The latter provide a road map for action for the various public- and private-sector players in matters which affect children or their interests. The legislative and administrative machinery for the protection of children is continuously subject to a process of adjustment.

205. More specifically, when a child is in a situation of serious and definite risk, the courts apply the Qualified Act on Adoption and Other Forms of Protection for Abandoned Children, on their own initiative or on the initiative of officials working in the justice system or the administration, via the relevant social services. That Act lays down the mechanisms for protecting minors at risk, which range from assessing and supporting the family, with a view to bringing the risk situation to an end, to removing the minor from his or her family environment and placing that child with other family members, a specially selected foster family, a children's home or another establishment suited to the child's needs.

206. As set out in the last report to the Committee, the Government has a network of foster families, selected in the light of their resources and skills, which are available to children and are there to meet their needs. The foster families are subject to Regulation 4 of 4 April 1991 on the foster-care service and are supervised by a Foster-care Commission.

207. The regulations governing the La Governera Children's Residential Centre were partially amended by the Decree of 8 October 2003. The decree set out the purposes of the home, the admission procedures, the services available (residential, day-care and emergency services) and the necessary human resources. It also laid down the rights of children taken into care, including the right to appropriate information, to leisure time, to take part in sporting, cultural and artistic activities, to practise their religion and retain their own views, to be involved in the decisions concerning them, to maintain contact with their family (unless this is contrary to their interests) and to respect for their privacy.

C. The right to life, survival and development

208. Chapters V, VI, VII and VIII deal with the measures set in place to ensure that minors develop properly within the different aspects of society (family, school, health care, etc.).

209. The Protocol on Action to Protect Children at Risk was drawn up and implemented to protect children in all risk situations and to guarantee that they develop properly, as set out in Chapter I of this report.

210. As explained in the first report to the Committee, the death penalty does not exist in Andorra. In addition, no instances of death for extrajudicial reasons or of execution have been reported. Andorra does not experience street violence. Finally, Chapter VI on health describes the measures and programmes introduced to prevent death from suicide or infectious diseases.

211. Andorra's legal system does not contain any specific provisions concerning the deaths of children. Generally, all deaths must be entered in the register of births, marriages and deaths, and this may be done once death has occurred, the body has been discovered or

²⁴ See paragraph B.5.3.1.1.1. of the first report to the Committee.

an autopsy carried out.²⁵ A medical certificate must be provided when the death is entered in the register. If there is evidence of a violent death, the presumption that a crime has been committed or if the doctor is unable to establish the cause of death, the registrar must inform the duty judge (*Battle*) and the Public Prosecutor's Office, so that an investigation can be opened into the circumstances of the death (art. 120).

212. Available statistics on deaths resulting from illness, a crime, a road traffic accident or suicide for the period 2002–2006 (children and young people aged between 0 and 24 years):

	<1 year	1–4 years	5–14 years	15–24 years
AIDS	0	0	0	0
Tuberculosis	0	0	0	0
Malaria	unavailable	unavailable	unavailable	unavailable
Polio	unavailable	unavailable	unavailable	unavailable
Hepatitis	0	0	0	0
Acute respiratory infections	0	0	0	0
Road traffic accidents	0	1	1	10
Suicides	0	0	0	2

Source: Ministry of Health, Social Welfare, the Family and Housing

D. Respect for the views of the child (art. 12)

D.1. Reply to the recommendations in paragraphs 31 and 32

213. As regards respect for the views of the child, there has been no significant legislative change since the last report to the Committee was drafted (see para. B.3.4 of that report).

214. As set out in the first report to the Committee, article 53 of the Qualified Act on Marriage provides that measures concerning the raising and care of minors cannot be adopted until the child's view has been heard. Similarly, in the case of adoption, the judge must seek the view of the child if he or she is over the age of 10. However, should the judge consider it to be appropriate, he may also seek the view of a child under the age of 10. For an adoption to be effective, it is essential that the child gives his or her consent if aged 12 or over.

215. Article 10 of the Regulation of 4 April 1991 on the foster-care service stipulates that the assessment of a placement with a foster family must take account of the minor's wishes, particularly when he or she is more than 12 years-old.

216. Article 3, paragraph 4, of the regulations governing the La Gavernera Children's Residential Centre provides that minors are to be encouraged to participate in all matters regarding their residence in the home, depending on their age and level of maturity.

217. In addition to the earlier legislation, Qualified Act 15/2004 of 3 November 2004 on Incapacity and the Tutelary Agencies provides for various cases in which the views of the child have compulsorily to be heard. For example, during the procedure for establishing a guardianship, the judicial authority is under an obligation to listen to the views of the child at a preliminary hearing, if that child is more than 12 years-old or the judge considers that he or she possesses adequate powers of discernment (art. 33). Children over the age of 14 who are placed under a guardianship must compulsorily be cited in the minutes approving

²⁵ Article 116 of the Act of 11 July 1996 on the Office of Civil Status.

the accounts. The accounts must be approved at least once a year before the judicial authority (art. 37). In addition, the guardian must consult the minor about significant measures affecting the minor, or his or her assets, provided that the minor is more than 14 years-old (art. 39).

218. As set out earlier, the ministry responsible for health and social welfare takes account of the views of the minor and the minor's involvement, throughout the intervention procedure, in all programmes which have a direct impact on the child and the child's family environment.

219. In the field of education, a number of mechanisms and bodies have been established to secure the participation of pupils and ensure that their views are taken into account. Nursery and primary schools in the Andorran education system form a collegiate management body in which all parties involved in school life are represented: pupils, teaching staff, non-teaching staff, auxiliary staff and management. The pupils' representatives come from the second cycle (8 and 9 years) and the third cycle (10 and 11 years). They are elected by a simple majority.

220. We would stress that pupils are given practical training in active participation from the time they start school: they are involved in the management of the class through class assemblies.²⁶

221. The various educational establishments may set up management committees for a variety of general activities (school projects, compiling and publishing a journal, organizing festivals and so on).

222. As set out in Chapter I, articles 2 and 12 of the rules on participation in the management of Andorra's education system provide for students at secondary level up to the stage of the baccalaureate to participate in the schools council (two students) and the school assembly (two students).

223. Students also sit on school committees which deal with the life of the establishment (living alongside one another, festivals, matters that have a bearing on the establishment, etc.). Finally, the rules also stipulate that each class must elect one or two representatives to be present at meetings of the teachers' committees to enable them to be involved in the management of the establishment.

224. Pupils at the French Lycée of the Principality of Andorra (French system of secondary level teaching) have representatives in the class councils.

225. The Spanish education system also provides for pupils to participate, from primary level, in the delegates' assembly. From secondary level, students take part in the school council along with representatives of the teaching staff, parents, administrative and service staff and the management of the establishment. The school council is the body that evaluates the management and is involved in drawing up the establishment's educational project, as well as in other activities, such as budgetary management or school discipline.

226. On 14 March 2002, Andorra's Parliament (Consell General) agreed to set up the General Youth Council which has a twofold objective: first, to create a means of participation which enables young people to express their interests, concerns and views and, secondly, to give young people an understanding of Parliament's responsibilities. Sponsored by the ministry responsible for education, the General Youth Council is made up of 28 young people aged between 14 and 16 who represent young people in secondary education in all of the educational establishments in the Principality's three education systems.

²⁶ The assemblies manage certain aspects of the class dynamic.

227. Within their educational establishments, students work on parliamentary bills and questions covering subjects which they themselves have selected. Six bills and questions are chosen, two for each education system. The students choose representatives who set out their proposals to Parliament. Parliament takes account of the articles and views set out by the young people when called to legislate on a subject covered by the General Youth Council.

228. Another mechanism under consideration will enable young people to become involved in Andorra's political, economic, social and cultural development: this is the Andorran National Youth Forum (Fòrum Nacional de la Joventut d'Andorra) which was mentioned in para. B.9 of the first report to the Committee.

229. The parish authorities encourage children to participate and express their views, as the following measures show.

230. Since 2004, Canillo parish council has been organizing a children's council whose remit is to listen to and debate the proposals put to the parish council by 8 to 11 year-olds from Canillo's schools. The parish council suggests the subject-matter of the proposals.

231. Since the 2000/01 school year, working with the schools of Andorra's three education systems, the mayor (Cònsol Major) of La Massana has been organizing meetings with children aged between 8 and 12 to give them the opportunity to voice their concerns and express their interests on subjects linked to their town. The town of La Massana is working to establish an association of the three schools which will be tasked with transmitting to the mayor proposals relating to the concerns and interests of pupils in the three education systems.

232. Escaldes-Engordany parish council has set up a parish youth council whose remit is to encourage the active participation of young people in democratic life, by bringing them to accept and exercise their rights and responsibilities. This parish youth council is made up of young people aged between 12 and 16 who select the topics on which they will work and the subjects that interest them. They then take part in the parish committees appropriate to their chosen topics/subjects.

233. Children and young people also take part in the local Agenda 21 project which is designed to encourage local measures to promote sustainable development.

234. Finally, Escaldes-Engordany parish council encourages children and young people to convey their interests and concerns to the parish authorities. It is within that framework that the mayor and the representatives of pupils in the second cycle of primary level meet to discuss matters with a bearing on their town.

235. The register of associations lists three youth associations in Andorra: Àgora Jove, the Esplai Castellnou association for children and young people and the AINA association of the Church of Canillo.

D.2. Reply to the recommendations in paragraphs 33 and 34

236. The aim of the social welfare programmes and projects designed for the wider population, and for children in particular, is to guarantee and secure the effectiveness of the rights recognized under domestic legislation and in the international treaties to which Andorra is a party.

Chapter IV. Civil rights and freedoms

A. Name and nationality (art. 7)

237. As explained in the previous report to the Committee, the register of births, marriages and deaths is the public institution which makes it possible to establish, publish and prove the facts and legal acts pertaining to the existence, identification and capacity of individuals, or to other aspects of their civil status. Given the size and population of Andorra, the legislature decided to establish a single civil register service for the whole country.

238. The Act [on the Register of Births, Marriages and Deaths] stipulates what must be done to register a child immediately following birth. If the birth takes place on Andorran territory, it must be registered within a maximum of 15 days, which may be extended to 30 days if the registrar considers that there is good reason for this. The 30-day time-limit also applies to births which take place outside the country, if one parent has Andorran nationality or has his or her principal and permanent residence in Andorra.

239. If, on expiry of the statutory time-limit, neither of the persons under an obligation to declare the birth has done so, any other person may communicate the information to the Public Prosecutor's Office, which will take a decision on entry in the register, on the basis of the judicial procedure established for that purpose. (Art. 89, para. 4, of the Qualified Act on Justice guarantees the intervention of the Public Prosecutor's Office in all civil status procedures).

240. In order to facilitate the declarations, the Act stipulates that, as a rule, there is no charge for declarations, entries or the annotation of any instrument of declaration and attendance. A charge may be made only for the dispatch of certificates and for certain specific services.

241. The register of births, marriages and deaths is made up of four sections: a general section, a section for births, a section for marriages and a section for deaths. If the child has been abandoned and there is no mention of his or her filiation, the Act provides that the registrar is to provide the child with a given name and a family name from among the most common names, avoiding any reference to the circumstance that the child has been abandoned (art. 67 of the Act on the Register of Births, Marriages and Deaths).

242. The record of adoption must be entered in the margin of the entry recording the birth. The certificate of adoption or an authenticated copy of the court or administrative decision of adoption must be submitted. The entry contains a specific reference to this (art. 83 of the Act on the Register of Births, Marriages and Deaths). Pre-adoption must also be recorded. The entry is deleted once pre-adoption becomes a final adoption or does not take effect for another reason.

243. Abandoned children have also to be entered in the register, with the place, date and time of birth, as recorded in the court decision authorizing entry in the register. If that information is unavailable, the place and date of birth to be taken into account, for the purposes of entry in the register, are the place, date and time when the child was found, and the year of birth entered is the year which corresponds to the child's apparent age (art. 72).

244. The 1995 [Qualified] Act on Nationality provides that any child found and born in Andorra of unknown parents is to have Andorran nationality until the child's filiation is established. The child loses Andorran nationality if filiation is established before he or she reaches the age of majority and acquires the parent's foreign nationality. However, de facto possession of Andorran nationality for 18 years confers on the child the right to retain Andorran nationality; if, however, filiation is established and the child acquires the parent's nationality, he or she must renounce it in order to retain Andorran nationality (art. 4).

245. The Qualified Act of 27 May 2004 amending the Qualified Act on Nationality extends the possibilities of acquiring Andorran nationality on the basis of residence, in certain specific cases, and thus reduces the qualifying periods. It is also possible for young people who have completed their compulsory schooling in education establishments in Andorra to obtain Andorran nationality: in those circumstances, the period of general residence is reduced from 20 to 10 years.

246. A legal vacuum affecting the adopted children of foreigners resident in Andorra has also been filled. As far as the acquisition of Andorran nationality and the requisite period of residence are concerned, their situation is treated as equivalent to that of the biological children of foreigners resident in Andorra.

247. The Act also supplements the definition of a “child who happens to be born abroad”; in the past, the legal vacuum surrounding such cases gave rise to problems of judicial review.

B. Preservation of identity (art. 8)

248. The Qualified Act of 3 November 2004 amending the Qualified Act on Marriage of 30 June 1995 amends certain aspects of the latter, which remains in force.

249. To begin with, it deletes article 13, which prohibited a woman from remarrying less than 300 days after the death of her husband or following the court order confirming the separation, including the provisional separation, of the spouses.

250. The new law has also brought about a change in relation to children and the protection of their right to an identity. Based on the Convention, this change assumes that determining paternity is an essential aspect of the child’s identity. In the earlier legislation, it was open to the husband to render the presumption of paternity ineffective by making a simple declaration denying paternity before the registrar, or by submitting a duly authenticated document to the registrar within six months of the birth. The new law lays down statutory presumptions of paternity. There must now be an action to dispute paternity.

C. Freedom of expression (art. 13)

251. In Andorra, for children, as for adults, there is no restriction on freedom of expression or freedom of information. These freedoms are guaranteed under Andorra’s Constitution and may be relied upon directly before the courts. Please see paragraphs B.4.3 and B.4.4 of the previous report to the Committee.

252. It should, however, be mentioned that, in accordance with the provisions of article 13, paragraph 2, of the Convention, children’s right to information (research, receipt and dissemination of information and ideas) may be subject to the restrictions laid down by law. In Andorra, these restrictions relate to information and ideas which constitute a criminal offence under the new Criminal Code.

253. In addition, the right of minors to information may be limited, as in the case of other citizens, if it risks jeopardizing the rights of individuals or the protection of national security, public policy, public health and morality.

D. Freedom of thought, conscience and religion (art. 14)

254. There has been no significant legislative change in relation to article 14 of the Convention since the last report to the Committee was drafted. Therefore, please see that report, and paragraphs B.4.5 and B.7 thereof in particular.

E. Freedom of association and of peaceful assembly (art. 15)

255. These are rights which are recognized and proclaimed by Andorra's Constitution. Please see paragraph B.4.6.

256. On 29 December 2000, the Qualified Act on Associations was promulgated in Andorra, and it entered into force on 24 June 2001. In August 2001, the Regulation on associations was adopted. Both the Act and the regulation (which were not discussed in the previous report to the Committee) recognize and regulate the right of minors to take part in and set up associations.

257. The Act governs associations generally and youth associations more specifically (art. 33). Youth associations are permitted under Andorran law. The difference between youth associations and general associations is that members of the youth associations may be minors and may be no more than 25 years-old. Minors may set up youth associations provided that the membership includes at least two adults or two minors declared of full age and capacity; in addition the management committee must include at least three adults responsible for those administrative activities which require full capacity to act.

258. When the Act was promulgated, and with a view to facilitating and encouraging youth associations, provision was made for the official document setting up the association (mandatory notarial act) to be free of charge. It should be pointed out that, from an administrative perspective, the establishment of a youth association generates no tax or levy.

F. Protection of privacy (art. 16)

259. The legally enshrined "habeas corpus" procedure continues to be one of the main guarantees that citizens have against illegal or arbitrary detention or deprivation of liberty by the organs of the State. Please see paragraph B.4.7 of the last report to the Committee.

260. The Criminal Code protects citizens from unlawful interference in their private life. It defines and makes punishable, for example, the violation of correspondence or the appropriation of personal documentation. It also makes illegal phone-tapping and similar activities a criminal offence.

261. There is no specific legislation regulating the scale of these activities or prohibiting a minor's parents or legal guardian from supervising the minor's communications, one way or another. Currently, this type of activity is a matter for the exercise of parental authority.

262. However, the law does regulate the issue of minors' right to privacy when placed in a State institution. In relation to prison facilities, the Qualified Act on Juvenile Justice and the Qualified Act on Justice of 22 April 1999²⁷ stipulate that minors must be placed in specially accredited facilities which take account of their particular needs, and in which minors are kept entirely separate from adults who are being held pursuant to the criminal law (art. 47).

²⁷ Paragraph A.3.7.1 of the previous report to the Committee refers to this Act.

263. The Regulation of 14 November 2001 governing the La Gavernera Children's Residential Centre explicitly accords minors placed in the centre the right to respect for their privacy and for the data in their files to remain confidential (art. 9, para. 1(d)), as well as the right to maintain contact with their family (unless this would be contrary to their interests) (art. 9, para. 1(f)).

264. The Act of 17 October 2002 Guaranteeing the Rights of Persons with Disabilities defines as serious offences the failure to respect the right to privacy of the users of the services and centres regulated by the Act (art. 33, para. 3(m)) and the failure to respect the duty of confidentiality in relation to the personal, social and health-related data of persons with a disability (art. 33, para. 3(i)), without prejudice to other forms of criminal or civil liability.

265. The above-mentioned Qualified Act on Juvenile Justice and the Qualified Act on Justice of 22 April 1999 also set in place different mechanisms for protecting the privacy of young offenders during the judicial procedure, pursuant to the provisions of Rule 8 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). In the interest of the child, for example, proceedings involving a minor may be heard in camera. Article 9 requires a guarantee of the rights of minors under judicial investigation to their personal integrity, to personal and family privacy and to their own image. In no circumstance may the name of a minor under judicial investigation be made public, or identified in the written and spoken media.

266. In addition to the measures contained in the Qualified Act on Juvenile Justice, this determination to implement article 16 of the Convention is specifically reflected in the Protocol on Action to Protect Children at Risk of 5 May 2005, and has been in effect since May 2004. The Protocol sets out the measures and recommendations ensuring, as far as possible, that the right to privacy of minors involved in legal proceedings is safeguarded. One of the recommendations, for example, is to avoid the minor unnecessarily repeating statements to the police or the courts, undergoing medical examinations and so on, and to avoid the minor having to face his or her alleged attacker, by using new technologies, such as video-conferencing or sound and video recordings.

G. Access to appropriate information (art. 17)

G.1. Public broadcasting and television Act

267. Article 2 of the Act of 13 April 2000 on public broadcasting and television and the incorporation of the public company Ràdio i Televisió d'Andorra SA sets out the general principles with which the public broadcasting and television services must comply in their programming. Among other things, it specifically provides for:

- Respect for freedom of expression and freedom of information.
- Respect for the rights to personal integrity, personal and family privacy and to one's own image.
- Respect for the principles of equality and not to be discriminated against on grounds of birth, race, sex, or any other personal or social consideration.

268. The Act also specifically lays down a principle referring to children and young people; it states that young people and children must be accorded particular attention and respect, in terms of both the content of broadcasts and programming in general.

269. The Act establishes the Andorran Audio-visual Council as the Government's evaluation and consultation body, and sets up the public broadcasting and television service Ràdio i Televisió d'Andorra SA. The Andorran Audio-visual Council exercises its

responsibilities in complete independence, both inherently and operationally, and receives financial and administrative support from the Government. Article 8 of the Act sets out the Council's responsibilities: these include ensuring respect for the rights of minorities, children and young people, in order to avoid discrimination on grounds of race, sex, religion or opinions.

270. The Andorran Audio-visual Council has issued recommendations in regard to children and young people, including the establishment of a programming schedule to protect children between 6 a.m. and 10 p.m. With a view to fostering knowledge of, and the development in the media of, the different cultures that coexist in Andorra, it has also proposed lending support to a project by Ràdio Andorra which accords air time to the languages most widely spoken in the country (Spanish, French, Portuguese and English), and is proposing that the regional centres established in Andorra should devise a broadcast about the particular features of their cultures, in their own languages.

271. Ràdio i Televisió d'Andorra SA follows the guidelines established by the Act on Public Broadcasting and Television and the Incorporation of the Public Company Ràdio i Televisió d'Andorra SA. More specifically, radio and television news broadcasts comply with the guidelines on news editing which emphasize respect for minors' right to privacy, and that particular attention must be paid when reporting on matters involving minors.

G.2. Print media

272. Although there is no code of self-regulation or editorial code for the print media, all of the publications of *Prensa Andorrana SA*²⁸ apply the guidelines set in the professional code of the Catalanian College of Journalists (Spain).

273. The code lays down rigorous, self-imposed restrictions that go beyond respect for the rights and principles and advice concerning the protection of minorities, so as to avoid anything that could incite or encourage, among other things, racist or xenophobic responses, practices detrimental to health or crimes of any nature. The rights to privacy and personal integrity and the presumption of innocence are absolutely respected.

274. There are restrictions on images which could be offensive to the public, including to children and young people. Specific information on minors is either positive or of a general nature (publication of studies, measures and public or private initiatives relating to children). If negative aspects are included (if, for instance, the perpetrator or victim of a crime is mentioned), the information must be specific and preserve anonymity. All gruesome detail in relation to acts involving a minor must be avoided. That criterion also applies to the taking and publication of images of minors, which must be taken in public places and must not convey a negative impression.

275. The Andorran media apply article 11 of the professional code of the Catalanian College of Journalists to news concerning children and young people. Under article 11, any information concerning a minor must be treated with particular care and must avoid broadcasting the minor's identity if he or she is the victim (except in cases of presumption of murder), witness or accused in criminal proceedings, particularly in cases with a major social impact, such as sexual offences. The media must also avoid revealing, against their wishes, the identity of innocent close relatives or parents of persons accused or convicted in criminal proceedings.

²⁸ *Prensa Andorrana SA* publishes *Diari d'Andorra*, one of the Principality's largest circulation newspapers.

276. Consequently, the media take particular care to protect children from information and materials which could be detrimental to their well-being.

G.3. Information produced for and by children

277. The Andorran media produce broadcasts and publications aimed at children and young people. For example, *Diari d'Andorra* publishes two supplements: *La Base* which focuses on sports' reports for the country's junior teams, and *l'Estudiant*, a magazine for young people produced by students aged between 14 and 18 from all of the country's education systems. The aim of the latter is to familiarize students with journalism (both as readers and writers).

278. To give another example, working with UNICEF and a group of young people from the Lycée Comte de Foix, *Andorra 7 ràdio* produces a broadcast designed for young people called *Les 3 P's* which discusses current affairs and offers young people opportunities for music, by making facilities available to them. The other media, such as the public television broadcaster and radio stations, devote part of their air time to information for children and young people.

279. Young people produce and are consumers of information through the traditional media, but also through internet sites created for the purpose, such as www.puntjove.ad and www.jovesapiens.ad. Indeed, in 2003, the Language Policy Service created the portal www.jovesapiens.ad with the aim of providing information on recreational and cultural products, in the country's official language, and encouraging young people to use the new technologies. The portal requires the collaboration of journalists, photographers or specialists in some areas, and encourages young people to get involved by publishing texts and images which they send in. So far, the portal has averaged 2,000 hits a month.

G.4. Promoting the production and distribution of children's books

280. Since 2000, the Government's Central Library has considered it a priority to promote the objectives set by UNESCO in regard to establishing and reinforcing children's reading habits from the earliest age, supporting the oral tradition and stimulating the imagination and creativity of children and young people.

281. Since 1986, the library has had a room specially designed for children and young people up to the age of 16, with its own librarian. The librarian is involved in seeking out material and information that could be helpful to users and is responsible for constantly renewing the book stock. There are currently 28 subjects covered; the documents are in Catalan, French, English and Spanish. There is open access to the room and no charge for borrowing.

282. Between 2000 and 2004, the Central Library recorded an average of 5,200 young users (children and young people) annually, accounting for 20 per cent of total users. It lends approximately 4,200 publications annually. The lending service is used by about 1,400 individuals. Catalan is the language of 32 per cent of the texts lent out, which largely consist of books for children up to the age of 6 and comic strips.

283. All of the parishes have a library within their territory. They frequently organize joint activities with the Central Library to encourage children and young people to read. The Principality of Andorra thus has a total of nine public libraries, in addition to the country's school libraries.

284. Two projects currently under way are: a project to establish a literature fund in Portuguese for children and young people and a project to establish access to the multimedia, including the installation of a computer to which children will have free access to consult CD-ROMs or do school work.

285. In 2002, the Culture Department of the Ministry of Foreign Affairs, Culture and Cooperation set out an action strategy for culture, which included improving the reading ability of Andorra's population by means of a national plan to promote reading. In 2004 and 2005, the Department reviewed all sectors in the country relating to reading and books. The first measures are scheduled for 2006.

H. The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (art. 37, subpara. (a))

286. The major new development, as regards the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, was the entry into force, on 1 March 2002, of Protocols Nos. 1 and 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Under Protocol No 1, non-member States of the Council of Europe will be able to accede to the Convention, on the invitation of its Committee of Ministers. The Convention creates a mechanism for the application of the European Convention for the Protection of Human Rights and Fundamental Freedoms which is independent of the judicial authorities and is preventive in nature: this is a committee whose work is based on completely unrestricted visits to places and establishments in the State party where persons deprived of their liberty are being held.

287. In Andorra, there is no record of any criminal proceedings, either completed or under way, in which children have been subjected to such treatment. Thus, there is no record of any degrading treatment of children, forced marriage, genital mutilation, torture or institutional violence. Chapter V of this report provides information on the number of minors who have been the victims of ill-treatment (physical or sexual abuse, neglect, etc.) by their parents or the persons responsible for their care.

288. For more detailed information on minors who have received assistance to help their recovery and reintegration, see annex 9 to Chapter V of this report, which gives the number of minors treated by the specialist child protection team, between 1999 and 2004, as well as the cases that range from low-level parental neglect to the more serious cases of physical abuse.

Chapter V. Family environment and alternative care

A. Parental guidance (art. 5)

289. The legal framework concerning the family and other forms of guardianship is, in essence, the same as set out in the last report to the Committee. Please see that report, and paragraph B.5 thereof more particularly.

290. It is, however, worth mentioning a significant legislative development which took place after the last report to the Committee was drafted.

* Qualified Act of 3 November 2004 on Incapacity and the Tutelary Agencies

291. This Act partially amends the Qualified Act of 21 March 1996 on Adoption and Other Forms of Protection for Abandoned Children, and supplements the rules on the guardianship and wardship system for minors and persons lacking legal capacity. In addition to providing for the possibility of an emancipated minor lacking legal capacity, the Act introduces the possibility of extending the minority of a child who has not been declared of full age and capacity but has reached the age of majority. The extension of minority must be applied for, before the appropriate authority, by means of a judicial procedure during the year preceding attainment of the age of majority (that is to say when the minor is 17 years-old) (art. 2,

para. 3). The Act also provides that the placement of a minor must always form the subject of a prior report, drawn up by the relevant services, and that such placement must be in an establishment suited to the minor's particular needs (art. 14).

292. The aim of the Act is also to regulate the system of guardianship and wardship for minors in accordance with the existing criteria, while, at the same time, developing, systematizing and adjusting those criteria to society and family in Andorra today, but always in the best interests of the child. For example, minors not declared of full age and capacity, who are not subject to parental authority, or individuals whose minority has been extended, as described above, and then comes to an end (except where a wardship expires (art. 24)), may be placed under a guardianship (for the purposes of protecting the child's personal interests and assets). Under the legislation, the guardianship of minors takes place under the supervision of the Public Prosecutor's Office, and the obligations incumbent on the guardian (art. 39), include:

- Caring for and feeding the minor and providing him or her with a full education.
- Residing with the minor, except in cases where there is a court order permitting separate residence, after the minor's view has been heard (if aged 14 or over).
- Respecting the views of the minor before embarking on any significant measure which could affect the child or his or her assets, so long as the minor possesses sufficient discernment and is at least 14 years of age (without prejudice to the guardian's liabilities in consequence of such actions, including where the minor has given his or her consent).

293. Moreover, wardship is solely designed to protect the assets of a minor who lacks legal capacity. Minors declared of full age and capacity and minors declared partially emancipated may be placed under a wardship (art. 53). Partial emancipation is accorded at the request of the individual concerned, exclusively in cases in which the consent of the legally-appointed guardian is mandatory.

294. Finally, it should also be pointed out that for the benefit of the protected persons, and minors in particular, the Act creates the office of legal counsel (*défenseur judiciaire*), a tutelary body tasked with taking the place of the guardian in circumstances in which a conflict of interest with the protected person exists.

B. Parental responsibilities (art. 18, paras. 1 and 2)

B.1. Reply to the recommendations in paragraphs 35 and 36

295. The Centre for Sociological Research (of the Institute for Andorran Studies) and the Research Service, attached to the Finance Ministry, carry out research into and studies on Andorran society. The Centre for Sociological Research is currently working on a study on the make-up of the family today, which will be ready in 2005.²⁹

296. Based on its studies of the composition of the family, the Centre for Sociological Research has established that the increase in life expectancy and the reduction in the fertility rate are the two main factors determining demographic trends in European countries. In the case of Andorra, there is the additional factor of population growth stemming from immigration.

²⁹ The study *Estudis sobre la immigració a Andorra (Études sur l'immigration en Andorre—Study of Immigration in Andorra)* (2004) is available on the website of the Sociological Research Centre at: <http://www.iea.ad/cres>.

B.2. Parents' legal obligations

297. As far as parental responsibilities are concerned, Andorran legislation specifically provides that "marriage confers the same rights on both spouses and imposes the same obligations on them, including the obligation to provide for the needs and education of the children, to take account of their aspirations and capabilities, and to do so in accordance with the family's financial resources" (art. 10 of the Decree of 15 November 1975).³⁰ Those rights and obligations are recognized by the recent Qualified Act on Stable Conjugal Partnerships.

B.3. Parental counselling and guidance services**B.3.1. *Nostra Senyora de Meritxell hospital***

298. The paediatrics and neonatal services of Nostra Senyora de Meritxell hospital continue to organize prenatal classes and courses in caring for a new baby. The courses are designed for both parents and are subsidized by the Andorran Social Security Fund.

B.3.2. *Ministry of Education and Vocational Training*

299. Mindful of the important role of parents and guardians, the Ministry of Education and Vocational Training is actively involved with the parents' associations of the Principality's three education systems in organizing activities which make it possible to respond to parents' needs.

300. In the context of that process of cooperation, the Ministry organized study days, in 2002 and 2004; these mainly consisted of workshops, conferences and discussions. The study days provided an opportunity for dialogue between parents, teachers, students and relevant organizations, encouraging open and broad-based debate, inclusive of society, and prompting reflection on the teaching process in a constantly changing society. The large number of participants in the study days, which are held every two years, is an indication of how much they are appreciated.

301. Since 2003, the Ministry of Education and Vocational Training has allowed public access to the Resource Centre. The Centre holds a large amount of educational material and teaching aids. The Centre's staff help users to find materials and educational resources.

302. Every year, the Ministry of Education and Vocational Training offers teachers two training sessions: the summer school and in-service training (see Chapter VII of this report). The training on offer is open to the wider public. Many of the subjects covered may prove particularly useful to parents concerned about the parent-child relationship.

B.3.3. *Ministry of Health, Social Welfare and the Family*

303. During the 2004/05 school year, working with parents' associations, the Ministry of Health, Social Welfare and the Family and the Ministry of Education and Vocational Training organized information sessions, in the Principality's educational establishments, on the National Plan to Combat Addictions. The aim was to provide an opportunity to reflect and work on the role of the family in relation to addiction. The sessions covered the following topics: adolescence as a stage in the life cycle, adolescents and drug-taking and the role of the family in preventing addiction. The specialist who presented the conference provided participants with his email address so that they could consult him and get answers to their questions on the subject.

³⁰ See paragraph B.5 of the previous report to the Committee.

B.3.4. Parish councils

304. The parish councils are also involved in various projects and activities designed to inform, guide and advise parents in their role as educators.

* Sant Julià de Lòria parish council

305. The day-care nursery of Sant Julià de Lòria parish has created a project called “Espai pares” (Space for parents) which is designed to give parents the opportunity to share experiences, discuss and exchange views with professionals, and to provide fresh information on subjects relating to early childhood development. The project offers a service to parents who may, individually, explain their difficulties, and ask questions about their children’s upbringing, to a psychologist.

* Escaldes-Engordany parish council

306. Escaldes-Engordany parish has created the “Espai d’atenció pares” (A helping hand for parents) which aims to offer parents support, advice and information on the principles of education. Led by a psychologist, the project works directly with parents and with local professionals who intervene directly with children and their parents.

307. Moreover, the “Grup de Pares de les Escoles Bressol” (Group of parents using day-care nurseries), set up during the 2001/02 school year, provides an opportunity to discuss subjects relating to the education of children, enabling parents to pool their experiences. A group of parents is set up for each level of schooling, and the parents themselves choose the subjects they want to discuss. The main subjects covered relate to the different stages in children’s development, how to set rules and limits and how to deal with behavioural problems and practices.

308. Since 2002, discussions have also been organized to raise parents’ awareness about their children’s education. The process is regularly repeated because of the high number of participants.

309. Subsequently, a new project, called “Acció Atenció a Famílies” (A helping hand for families) was set up, in 2004, as a result of the first parent counselling project. The prime objectives are to improve relations within families and to train professionals who work with children and adolescents. The main activities are workshops with families and discussions.

B.4. Reply to the recommendations in paragraphs 37 and 38

Child-care services for working parents

310. As stated in Andorra’s first report to the Committee, in 2001, the Principality of Andorra had 16 day nurseries (8 local authority and 8 private nurseries), providing a total of 807 places, that is covering 39.64 per cent of children from birth to the age of 2.

311. Andorra now has 20 day nurseries (10 State and 10 private nurseries), and the number of places has increased to 1,427, catering for 70.82 per cent of children from birth to the age of 2.

312. After a first stage was rolled out with the entry into force, in 1995, of the regulations on child-care procedures, the Government decided it was necessary to remedy the defects and shortcomings that had been identified.

313. Thus, the Act of 11 May 1995 on day-care facilities remains in force, but a new regulation on day nurseries is being studied and would repeal the Regulation of 30 November 1995 on day-care facilities and, in part, the Regulation of 28 February 2001

on childcare in the home. Andorra hopes to be able to provide more detailed information on the new regulation in its next national report to the Committee.

* In-service training

314. A number of training modules were set up, between 2001 and 2005, to improve childcare in day nurseries. The subjects covered include the development of young children and their needs, health and safety, the rights of the child, the legislative background, etc, as well as subjects related to psychology and educational theory. Some courses have been organized by the Ministry of Health, Social Welfare and the Family and the University of Andorra. The Ministry met 40 per cent of the training costs.

315. Between 2001 and 2005, 641 people attended the courses. During the first year, the number of participants was 233, but the numbers fell in the following years, with just 81 participants in 2005.

316. Article 8 of the Regulation on childcare in the home, in force since September 2001, provides that persons engaged in that activity must be accredited and hold an official diploma equivalent to first level vocational training. Previously, most people working as child minders did not hold such a diploma. For that reason, working with Andorra's University Nurse Training College, the Department for Child Social Welfare designed a training programme that would guarantee the knowledge necessary to care properly for children, while at the same time maintaining continuity of the service and promoting it. The training provided includes children's general development, their needs, health, safety, educational theory, children's rights, etc.

317. Between 2001 and 2003, the Government organized four training courses targeted at the wider public. The number of people who enrolled and obtained their certificate is shown in the table below.

<i>Year</i>	<i>Number enrolled</i>	<i>Number awarded a certificate</i>
Year I	61	49
Year II	21	17
Year III	35	23
Year IV	44	28
Total	161	117

318. In June 2005, 11 individuals were licensed to care for children in the home. A maximum of four children may be cared for. If the person concerned also has children, the maximum is five.

319. Persons wishing to provide childcare in the home must be licensed by the Government, after being assessed and inspected by the relevant ministerial departments. Once a licence has been obtained, periodic checks are carried out to ensure that the rules in force are being applied and the service properly provided.

320. In 2001, a guide on childcare in the home was drafted to help those persons providing the service or wishing to do so. The guide sets out the conditions that must be met and the basic elements needed to work as a child minder.

321. Since 2002, the specialist Department of Social Welfare has had responsibility for day-care facilities and child-minding. It, therefore, is the department responsible for information, assessment and inspection, responsibilities which it exercises with other relevant services from the different Government departments.

* Child health survey

322. In 2004, the Epidemiological Monitoring Department of the Ministry of Health, Social Welfare and the Family conducted a national survey of child health. The survey gathered data on children's health status, children's use of health services and preventive health-care, as well as other data on their social environment and their school, physical, sports and leisure activities. The survey revealed that 68.1 per cent of children from birth to 2 years of age were being cared for in day-care facilities, 25 per cent at home and 6.8 per cent outside the home by a family member or a private individual.

B.5. Social benefits and programmes

323. For more detailed information on financial benefits, please see paragraph B.5.2.6 of the first report to the Committee, as well as Chapter VI, section D, of this report.

324. Described in paragraph B.5.3 of the first report to the Committee, responsibility for welfare services is shared between three departments with three different areas of responsibility: the Child Welfare Services Department, the Emergency Welfare Services Department and the Specialist Welfare Services Department.

325. The programmes of the Emergency Welfare Services Department are described in Chapter VI, paragraph D.1, of this report.

* Child Welfare Services Department

326. The programmes of the Child Welfare Services Department are consistent with the system of child protection and provide for specific action in relation to minors who are potentially at risk. The department's main area of activity is in relation to children, and, currently, its programmes, services and resources are as follows:

- Technical Commission for Assistance to Minors
- Programme for Children at Risk
- Foster-care programme
- Care within the extended family
- Adoption service
- Programme of family mediation
- La Gavernera Children's Residential Centre
- Protocol on Action to Protect Children at Risk.

* Technical Commission for Assistance to Minors

327. The role and responsibilities of the Technical Commission for Assistance to Minors are described in paragraph B.5.3.1.1.1 of the first report to the Committee. However, it is no longer responsible for selecting adoptive families in the case of national adoptions, where selection is a matter for the adoptions programme, which proposes an adoptive family to the Commission. If the Commission approves, the proposal is forwarded to the judicial authority which decides on the adoption. As far as composition of the Commission is concerned, there has been just one change: the Secretary of State for the Family has been replaced by the Director of the Department of Social Welfare and the Family.

* Protocol on Action to Protect Children at Risk

328. The Programme for Children at Risk made it possible to establish the Protocol. The latter required the participation of technical staff providing psychosocial support and from

the education, health and judicial sectors. The general aim is to protect children from any risk situation, establish intervention pathways and coordinate the work of professionals and levels of intervention in the light of the gravity of the situation identified. The objective is to provide flexible and effective intervention that guarantees the well-being of the minor and avoids secondary victimization.

329. A second phase of the Protocol is planned: this would involve several working groups whose activity would be more specific, whether geared to identifying risk situations or intervening at individual, group or community level. Their work would be based on the principle that intervening in relation to minors at risk is a responsibility of society as a whole and requires a systemic approach.

* Care in the extended family

330. For more detailed information on care in the extended family, please see paragraph B.5.3.1.1.3 of the first report to the Committee. We should point out that care within the extended family is the first option considered when the child can no longer be cared for by his or her parents. Currently, it is the Emergency Welfare Services and Child Welfare Services Departments and, particularly, the staff of the Programme for Children at Risk that are responsible for assessment, intervention, monitoring and support in relation to extended families.

331. A specific programme for extended families that are providing care is being studied. It will cover particular problems, and offer professional counselling and financial support.

* Foster-care programme

332. The foster-care programme was introduced in 1991.³¹ A range of assessments and analyses were carried out between 1991 and 2004, and they revealed that the programme needed to be redefined and restructured to remedy the shortcomings identified in the course of its implementation.

333. The main findings and conclusions of the foster-care programme are as follows:

- It is clear that, in some extended families, providing care has a mobilizing effect.
- Short-term periods of care are needed to resolve individual situations, for instance, to enable immigrant families whose extended family is not resident in Andorra to obtain support and assistance for their children.
- Long-term foster care enables a minor gradually to become integrated into the family, and that is why there are many cases in which the minor wishes to remain with the foster family permanently. For this, it is necessary that, in cases of neglect, the application for the removal of parental authority should be made during the same year in which foster care commences, if it is probable that the biological family will not take back the child and will not apply the “road map” that has been drawn up.
- If foster care intervenes at an early stage, any backwardness in the minor’s development will soon be remedied and his or her general state will rapidly improve. If foster care intervenes belatedly, the minor’s state will improve to some extent but there is a greater risk that past experience will leave its mark.
- Biological families respond positively to foster families.

³¹ See paragraph B.5.3.1.1.4. of the first report to the Committee.

- It is necessary to establish pre-adoption care to enable children in care to be adopted by their foster family, if parental authority is withdrawn.

* La Gavernera Children's Residential Centre

334. As set out in paragraph B.5.3.1.1.5. of the first report to the Committee, the rules governing the children's residential centre were finalized in the form of the Regulation of 14 November 2001 governing the La Gavernera Children's Residential Centre and the Regulation of March 2004 on the internal regulations of the La Gavernera Children's Residential Centre.

- Regulation of 14 November 2001 governing the La Gavernera Children's Residential Centre³²

335. The regulation is designed to regulate the procedure and care-related activities of the La Gavernera Children's Residential Centre. It describes the classification, purpose, objectives, services, organization and operation of the centre, as well as the procedure for intervening in relation to minors and their families. According to the preamble, the home's essential purpose is to care for children and protect their rights; it also looks to the best interests of the child.

336. Article 3, it should be pointed out, emphasizes the importance of maintaining relations between the minor and his or her parents, and encouraging the minor to participate in the care process, particularly by taking the minor's views into account. The aim is always to reintegrate the minor into the family unit formed by the parents.

337. The description of rights in the regulation explains that it is necessary to meet all of the child's needs in order to allow the child to develop properly at all levels, taking account of his or her views and participation. The centre also ensures that the child's privacy is respected and that the child's data remain confidential. The centre guarantees the child's education, the practice of religion, family visitation and free time to take part in leisure activities.

- Regulation of March 2004 on the internal regulations of the La Gavernera Children's Residential Centre³³

338. The regulation was drawn up in accordance with the principles of the Constitution of the Principality of Andorra and the Convention on the Rights of the Child. It was drafted on the basis of the Regulation governing the La Gavernera Children's Residential Centre, and focuses on the nature of the centre, how it links into the system, its purposes and objectives, the admission procedure, users, services, organization and the rights and obligations of users.

339. The basic principles of intervention take account of the best interest of the child, the involvement and cooperation of the family and the child, and what needs to be done to achieve optimum personal development.

340. The regulation specifically states that disciplinary measures can never involve corporal punishment, deprivation of rest, assistance or medical treatment, verbal abuse, prohibiting the child from leaving the home or having family visits, or relate to food.

341. It is important to note that a personal education project is established, taking account of the individual needs of each minor and of the educational goals to be achieved. The project is evaluated regularly and revised in the light of the minor's progress and personal situation.

³² This regulation is included in the annexes to Chapter I of this report.

³³ This regulation is reproduced, in its entirety, in the annex to Chapter I of this report.

342. Every month, the centre holds an assembly with the children during which they all discuss the organization of the home, its operational dynamic and other topics relating to coexistence within the home, or subjects that the children themselves suggest. The assembly is usually meant for adolescents; however, when children who are minors take part, the process is adjusted to make it suitable for all minors, to encourage them to take part and work together.

343. The teaching staff have devised a project involving the creation of an apartment for which the centre's adolescents are responsible. The aim of the project is to offer adolescents who have reached the age of 16 an alternative which meets their social and educational needs and helps them become independent and autonomous. It provides a specific solution that facilitates the process of transition from life in the centre to adult life and independence. The project was devised and presented in 2004.

* Adoption service

344. Please see paragraph B.5.3.1.1.6 of the first report to the Committee and section H of this Chapter.

* Family mediation

345. As set out in paragraph B.5.3.1.2.2 of the first report to the Committee, the Family Mediation Service was set up in 1999. A review in 2003 revealed that demand exceeded the service's capacity to respond; consequently, since 2004, it has recruited additional staff and extended the services on offer to the following groups:

- Married couples without children who are in the process of separating.
- Couples in the process of separating whose children have reached the age of majority.
- Families in conflict whose situation is not necessarily linked to a separation procedure; families in the process of resolving a conflict (between parents and children, among siblings or within a couple in the exercise of their parental responsibilities).
- Separated couples (monitoring and working on the application of the separation agreements for a period of a year). The aim is to offer counselling and support where conflicts are likely to arise and make it difficult to apply the agreements entered into during the separation.

346. As a result of the rise in the number of requests and problems dealt with, the service carried out an awareness-raising campaign, in 2004, targeted at the wider public and professionals, based on a (two-part) information leaflet and visits by professionals from the service to various organizations.

347. The Public Prosecutor's Office must approve the agreements entered into in the context of a family mediation before the agreements are ratified by a court order or decision—the purpose of this is to ensure that the children's rights are taken properly into account.

348. During the mediation process, the priority is the best interest of the child. The mediator ensures that the child is able to maintain a relationship with both parents and the rest of the extended family, and that the child's emotional and material needs are provided for by both parents.

349. As stated in the first report to the Committee, children may take part in the family mediation procedure with one of their parents.³⁴

C. Separation from parents (art. 9)

C.1. Parental authority

350. The Qualified Act of 21 March 1996 on Adoption and Other Forms of Protection for Abandoned Children constitutes the substantive law defining and establishing the bases of the exercise of parental authority over children (Chapter II). Under the Act, parental authority falls to both the father and the mother of the child, and the aim of parental authority is to protect the child's health, safety and morality. Parents have rights and responsibilities in regard to the custody, supervision, maintenance and education of their children. They have the right legally to represent their children and the right to administer their assets (art. 27). Thus, the Act establishes parental authority as a right of parents in regard to their children who are minors, but also as a duty and, consequently, as a right enjoyed by a child who is a minor. Within the Act, as in the references to this issue in the corpus of Andorran law and the case-law of Andorra's courts, the concept of parental authority is construed as constituting more of a right of the child than of the parent.

351. A child can be separated from his or her parents only on the basis of a court decision in the context of adversarial proceedings in which the Public Prosecutor's Office always takes part to guarantee the rights of the child and the application of the law in force. Exceptionally, and only in cases of extreme urgency, where it identifies a serious and real danger for the child, which is likely to persist or get worse, the police service may decide to remove the child from his or her parents and place that child in a care centre. It must immediately inform the judicial authority, which must then uphold or reject that decision.

C.2. Custody of children

352. The procedure for agreeing, revising, limiting and/or restricting parents' rights of access to their children requires that both sides be heard, and thus that the parents should be heard by the competent judicial body.

353. The view taken by both the law and case-law is that a minor's view must be taken into account when it comes to establishing contact between that child and his or her parents. If necessary, the judge may ask to interview the minor.³⁵

³⁴ See the following annexes:

Annex 12: Activities of the "Espai de Pares" (Space for parents) in Sant Julià de Lòria parish.

Annex 13: Numbers of parents and children using the "Espai d'atenció pares" (A helping hand for parents) of the Social Welfare Department of Escaldes—Engordany parish council (2000–2004).

Annex 14: Number of children using the "Espai d'atenció pares" (A helping hand for parents) of the day nursery of Escaldes—Engordany parish (2000–2004).

Annex 15: Other activities organized by the "Espai d'atenció pares" (A helping hand for parents) of Escaldes—Engordany parish.

Annex 16: Number of parish day-care centres, by principal town and capacity.

Annex 17: Number of children cared for in parish day-care centres (1999–2004).

Annex 18: Data on the families provided with care and the financial benefits accorded by the Emergency Welfare Services Department (1999–2004.)

Annex 19: Allowances for schooling accorded by the Ministry of Education and Vocational Training (1999–2004).

³⁵ Included in the annex is a judgment which makes it clear that the "Batlle" (judge) listens to the views of the minor.

354. Moreover, the Qualified Act on Marriage, which was mentioned earlier in this report, provides that, following a separation or divorce, or the annulment of the parents' marriage, measures in regard to the education, maintenance, custody and visitation arrangements for children must be established. The measures are taken for the benefit of and in the interest of the children, and require the mutual consent of the parents or a legal procedure in which both sides are heard.

355. As far as contacts between parents and children forming the subject-matter of this paragraph are concerned, the law and judicial practice always ensure that the parent who does not have custody of the children is able to maintain continuing and as frequent as possible contact with them. Visitation rights are thus protected under the criminal law in order to preserve contacts between minors and their family environment. Limitations and restrictions on, or the suspension of, the legal right of parents to enforce the judicially established access arrangements can be imposed only on the basis of a new court order issued by the competent civil authority which adopted the original measures. Any new decision must always be taken on the basis of serious grounds affecting the interest of the minor. The minor's view must be taken into account during this procedure (provided that he or she is considered to possess sufficient discernment). Similarly, the judge may, if necessary, request medical, psychological and/or psychiatric assessments of the parents and children before deciding to limit or restrict the right of one of the parents to have contact with the children.

356. If the separation is the result of a measure taken by the State following the detention, imprisonment, exile, deportation or the death of one of the parents or the child, the family must be informed of the child's whereabouts or situation.

357. As a rule, if one of the parents with custody of the children is detained or imprisoned, the other parent is informed of the situation. It is then for that parent to explain the position to the children as he or she thinks best.

358. Where the detention or imprisonment concerns both parents, or the parent with sole custody of the children, the judicial body asks the Government's social services to step in. That action is regarded as a measure to protect the minor. The social services will explain the parents' circumstances to the minor and set in place the necessary measures to provide care and assistance.

359. There have been no cases of exile or deportation in Andorra. Were such cases to occur, the State would take the measures necessary to inform the children concerned through the Government's social services.

360. In emergency situations, it is the police service that initially provides the information and then hands the case over to the judicial bodies and the Government's social welfare services.³⁶

³⁶ See the annexes:

Annex 20: Data on children cared for by the child welfare services (1999–2004)

Annex 21: Number of children cared for by the child welfare services who have been subject to a judicial protection measure (1999–2004)

Annex 22: Data on minors cared for by the foster-care service (1999–2004)

Annex 23: Data on families and minors cared for after under the family mediation programme (1999–2004)

D. Family reunification (art. 10)

361. In Andorra, applications for a child to enter or leave the country for the purposes of family reunification are subject to the principle of the free movement of persons, established by article 21 of the Constitution:

“1. Everyone has the right to move freely throughout the national territory and to enter and exit the country in accordance with the law.

2. Andorran nationals and foreigners residing legally in Andorra have the right freely to establish their residence in Andorra.”

362. The new Qualified Act on Immigration of 14 May 2002, mentioned in the introduction to the first chapter of this report, governs entry to and exit from the national territory.

363. In addition, the Act provides for a system of family reunification that is far broader than the system that applied under the old immigration act and contains no quota-based restrictions. Consequently, reunification cannot be refused on grounds which may be invoked under the general immigration regime, for example, reasons of public health or a person’s unfitness for work or residence for medical reasons (art. 97, para. 2). Family reunification may be refused only if the person seeking reunification poses a threat to State security, to others, to property or to public policy (art. 89).

364. Andorran nationals, and foreigners residing in Andorra who hold an immigration permit, may apply for family reunification for their spouse, children who are minors and children of their spouse who are minors. The father or mother of a child who is a minor who has legally joined the other biological parent in Andorra may also apply for family reunification if the parents are not married, provided the parent concerned has not been deprived of parental authority in relation to the minor.

365. An application of that nature may also be made by any person who is the child’s legal guardian or who has been entrusted with the minor’s protection within another institution that is recognized by Andorra’s legal system and is not incompatible with national public policy (art. 88).

366. To summarize, as set out above, in Andorra, there is nothing to prevent a child from maintaining personal relations and regular direct contact with his or her parents within the limits laid down in the Andorran or foreign court order (validated by way of a recognition procedure).

367. In point of fact, a parent who is not living with the child resident in Andorra, as a result of having been expelled from Andorran territory for failing to comply with the immigration laws or as a result of a criminal act, may apply to the Andorran judicial authority for permission to enter the national territory and exercise his or her access rights; it will be for the competent judicial authority to determine the arrangements for and conditions of access.³⁷

E. Recovery of maintenance for the child (art. 27, para. 4)

368. As set out in paragraph B.5.1.1 of the previous report to the Committee, neither the annulment of a marriage nor separation or divorce exempt parents from their obligations towards their children.

³⁷ **Annex 26:** Data on applications for family reunification (1999–2004) from the immigration service.

369. The general principles of the Convention on the Rights of the Child are guaranteed at every juncture, as a result of the intervention, throughout the procedure determining maintenance, of the Public Prosecutor's Office (which looks after the interests of minors) and of psychologists and social workers who may take part in the procedure, at the request of the court or of one of the parties.

370. Neither the minor nor his or her legal representative may waive maintenance. The legislation also provides that the minor's views must be respected and, in particular, that he or she must be heard by the judicial body. Case-law goes further still and considers that the judge must take account of the view of the child where that child possesses sufficient discernment, as well as of all the existing precedents and relevant technical reports that enable the right decision to be taken.³⁸

371. In order to protect the best interest of the child, there is also provision for the level of maintenance determined for the minor to be reviewed, if there is a significant change in the minor's needs or the parents' financial resources. The review procedure may take the form of mutual agreement between the parties or a process whereby both parties are heard.

372. There are legislative and judicial mechanisms to ensure the recovery of maintenance, if the parent who is supposed to make the payment fails to do so.

373. From the point of view of legislation, the Criminal Code defines obstructing the enforcement of a judicial decision as an offence. From a judicial perspective, it is possible to adopt distraint measures in relation to the goods and property of the offending parent, and make a deduction from wages equivalent to the amount of the maintenance throughout the period of implementation of the procedure by which the measures for the benefit of the minor were accorded.

374. The above measures apply if the parent who owes the maintenance is in Andorran territory, but it is more difficult to enforce the measures if that parent leaves the national territory. In those circumstances, once the new place of residence of the debtor parent is established, a request for the decision awarding the maintenance to be recognized must be made, so that it can then be enforced. In terms of the criminal law, notification of the court orders issued in regard to the debtor parent for the offence of obstruction must be made by international letters rogatory, even if there will inevitably be difficulties in having the penalty enforced.

375. As far as the enforcement of court orders is concerned, it should be made clear that the Principality of Andorra is currently considering the possibility of acceding to the Convention on the Recovery Abroad of Maintenance, adopted in New York on 20 June 1956, by the United Nations Conference on Maintenance Obligations, as well as the Hague Convention of 2 October 1973 on the Recognition and Enforcement of Maintenance Obligations.

F. Children deprived of their family environment (art. 20)

376. There has been no significant new legislative measure since the last report to the Committee was drafted. Please see, principally, paragraph B.5 of the last report to the Committee and, more particularly the Qualified Act of 21 March 1996 on Adoption and Other Forms of Protection for Abandoned Children.

377. Moreover, the whole of this Chapter provides information on the application of article 20.

³⁸ See judgement No. 173/02 of 27 May 2003 of the Superior Court of Justice of Catalonia (TSJC), included in the annexes.

G. Adoption (art. 21)

378. There has been no change in the legislation relevant to article 21 since 2001. Consequently, please see Andorra's first report to the Committee, and particularly paragraph B.5.3.1.1.6 thereof.

G.1. Framework programme on adoptions

379. Developments in and the experience gained in relation to adoptions have prompted Andorra to establish and structure a framework programme based on which the following three action programmes have been drawn up.

G.1.1. Family assistance project

380. The objectives set are as follows:

- To publicize the steps that need to be taken with a view to adoption and explain the circumstances in which a child becomes eligible for adoption.
- To establish the overall situation of potential adoptive parents.
- To compile the dossier required to meet national/inter-country requirements and to support the adoptive parents throughout the adoption process.
- To update the dossiers of adoptive parents.

381. The project makes it possible to organize information sessions, assess families, make contacts and update dossiers.

G.1.2. Child assistance project

382. The objectives set are as follows:

- To provide the family with the assistance it needs to ensure that the adoption process runs smoothly.
- To guarantee that adoptions take place in the best interest of the child.

383. The project involves the following activities: monitoring children who have been adopted and selecting and assessing families with a view to adoption at national level. The project also makes it possible to prepare the follow-up reports required by the minor's country of origin.

G.1.3. International relations project

384. The objectives set are as follows:

- To ensure that the relations established in the field of adoption respect the best interest of the child.
- To keep up to date with developments in inter-country adoptions.

G.2. Developments in Andorra in regard to inter-country adoption

385. Between June 2001 and June 2003, there was no activity in regard to inter-country adoption, since no country had entered into an adoption agreement with the Principality of Andorra at that time.

386. Currently, the countries of origin of children affected by inter-country adoption in Andorra are Bulgaria, Colombia, the Dominican Republic, Peru and the Philippines; only the Philippines has signed a bilateral agreement with Andorra.

387. Within the framework of the project, Andorra wishes to enter into bilateral agreements on adoption and to take part in international conferences on adoption.

388. The first stage in negotiations towards an agreement on adoption with a third country involves studying and analysing that country's legislation on adoption and how it relates to the adoption procedure of The Hague Conference and other international bodies. If Andorra and the third country are both in favour of an agreement on adoption, they draw up a protocol to give effect to their respective legislations. Subsequently, the relevant authorities and professionals in both countries draw up the appropriate protocols.

389. At the end of 2004, 9 adoption dossiers had been sent to Bulgaria, 7 to Colombia and 12 to the Philippines. In addition, 1 dossier was sent to Peru and 1 to Chile, at the request of adoptive families.³⁹

H. Illicit transfer and non-return (art. 11)

390. Pursuant to the provisions of article 11 of the Convention, Andorra has set under way a process of adjusting its legislation in an endeavour to combat the problems resulting from the illicit transfer and confinement of children abroad. This is a problem of particular significance in Andorra because of the small size of its territory, the high levels of immigration and the high number of marriages and de facto unions between Andorran nationals and foreigners.

391. Having regard to article 11, paragraph 2, of the Convention and in order to meet the specific requirements of protecting children in this area, the Government of Andorra is considering the possibility of acceding to the Council of Europe's European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and The Hague Convention on the Civil Aspects of International Child Abduction.

392. There were no cases involving the abduction of minors between 1999 and 2004.

I. Abuse or neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

I.1. Reply to the recommendations in paragraphs 39 and 40

* National legal system

393. As set out in the section devoted to article 39 of the Convention on the Rights of the Child, in the first report to the Committee, Andorra has no specific piece of legislation on protecting children who are the victims of abuse or neglect. The Qualified Act of 21 March 1996 on Adoption and Other Forms of Protection for Abandoned Children is the cornerstone of Andorra's child protection measures, notwithstanding the other specific provisions that apply.

394. There are also educational and preventive programmes and measures which are basically coordinated by the Ministry of Health, Social Welfare and the Family and the services of the parish councils (local authorities). If a situation in which a child is at risk is identified, the social services and/or judicial authorities act immediately. The judicial authorities may order the protection measures which they consider appropriate for the child's welfare. The measures may range from assistance to the child (based on a "road

³⁹ **Annex 24:** Data on national and inter-country adoptions and the dossiers processed (1999–2004).

map” drawn up by the Government’s social services and approved by the judicial authority) to the removal of the child from his or her family environment and the temporary or permanent deprivation or withdrawal of parental authority.

395. From a criminal-law perspective, the new Criminal Code covers and prohibits any form of physical violence or psychological abuse against the person generally, including ill-treatment and actions resulting in physical injury (art. 113). Specific offences, such as domestic violence, are now covered by the new Criminal Code. Under the Code any person who habitually abuses, physically or psychologically, among others, their spouse, former spouse, any person with whom they are cohabiting or have cohabited, their descendants or any person of whom they or their spouse has custody will be prosecuted (art. 114). The article defines what the law means by “habitually”: violence is “habitual” if three acts of violence at least have been directed towards the same person or any other person in the family environment over a three-year period, whether or not those acts have been separately investigated. There may also be aggravating circumstances, punishable by imprisonment for between 1 and 5 years, where aspects such as the victim’s particular vulnerability, as a result of age, incapacity or any other similar condition, are a contributory factor (art. 115).

396. Consequently, although no piece of legislation deals specifically with corporal punishment or the deliberate humiliation of children, such acts are prohibited within the family environment and in any private or public educational, penal or care institution. The measures that make it possible to prevent the sexual exploitation of children are set out later in this report. There are no restrictions on making complaints concerning offences against children, and, like anyone else, children may themselves turn to the police service, the Public Prosecutor’s Office or the judicial authorities. Those institutions are under an obligation to take note of all complaints, both in writing and oral.

397. It is possible to obtain compensation in consequence of a criminal or punishable offence by bringing a civil action in the context of the criminal proceedings or a separate action. The compensation is applied for by the child’s legal representatives, as well as by the Public Prosecutor’s Office, and is determined by the appropriate court.

398. The Protocol on Action to Protect Children at Risk, which was approved on 5 May 2005, is described in detail in an earlier section of this report and also forms part of the procedures introduced to enable the authorities to intervene in cases in which a child needs to be protected against any form of violence, abuse or neglect.

399. The Committee recommended that Andorra should undertake studies on domestic violence. It should be pointed out that the Child Welfare Services Department, the police service and the Public Prosecutor’s Office are responsible for gathering data on child neglect, violence and abuse, as well as data relating to other connected issues. The staff of the Programme for Children at Risk at the Child Welfare Services Department prepare an annual report that includes data on the different cases in which the Programme has intervened. It sets out, among other things, the reasons that triggered the intervention (see that data in the annex).

400. The police service meantime compiles statistics on detention for offences against the person and offences detrimental to public health, as well as child neglect.

401. Finally, the Justice Department holds data on the cases of violence against minors that have been reported and prosecuted, the judgments, the sentencing and the victims.

* Protocol on Action to Protect Children at Risk

402. The Protocol is regarded as the first stage of intervention in cases of children at risk. A second stage is envisaged in which different working groups are set up on matters considered to be priority issues.

403. The Protocol refers to article 36 of the Code of Criminal Procedure of 10 December 1998, according to which anyone who has witnessed or has knowledge of a crime that is automatically subject to prosecution is under an obligation to report the crime, in writing or orally, to the judicial authority or to the police. The Protocol sets out the procedures that must be followed when a minor has been reported to be at risk.

404. In addition, all minors taken into the care of the Child Welfare Services Department (see annex 20) have been given specific treatment to aid their recovery and social reintegration.

405. Finally, the above-mentioned annex 20 lists the number of minors who have been the victims of abuse and neglect and have been taken into care.

J. Periodic review of placement (art. 25)

406. When a court order requires, by way of a protection measure, that a child should be removed from his or her family environment and placed in an institution that is able to meet the child's needs, that child is placed under the care of the Government's Department of Social Welfare and the Family. The department must ensure that the placement is consistent with the rights of the child and that the institution in which the child is placed has the resources needed for the child's general welfare. The social services directorate is under a statutory obligation to provide information on the child's development, at the request of the judicial authority, and at least once annually. In practice, the judicial authority sets out in its decision the minimum interval between periodic reviews (usually three months).

407. The Qualified Act on Adoption and Other Forms of Protection for Abandoned Children stipulates that where there is a risk to the health, safety or morality of the minor, educational assistance measures may be ordered by the judiciary, on the initiative of the father, mother, guardian, *Batlle* (judge), Public Prosecutor's Office or the Government's Social Services Directorate.

408. If it is deemed necessary to separate the child from his or her family environment, it is the judicial authority which decides to whom or to what institution the child will be entrusted. Article 33 of the Act also establishes that it is for the Social Services Directorate to select the most appropriate form of care for the minor (placement in an institution or with a foster family). A combination of the two may be the solution. It is normal practice to request, by court order, reports on the child and his or her family at intervals of less than a year.

409. The Social Services Directorate may suggest to the judicial authority a range of protection measures. The measures follow on from a treatment plan proposed by the professionals of the Programme for Children at Risk, based on an analysis and evaluation of the child's psychosocial situation. The proposal is assessed by the Technical Commission for Assistance to Minors which, in turn, asks the Social Services Directorate to forward the proposal to the judicial authority.

410. Any minor made subject to a protection measure is given a personalized educational programme and a "road map" in which the family is involved. All documentation concerning follow-up and developments in the family are forwarded to the judicial authority for information.

J.1. Placement of minors

411. The police service has the authority to decide to place a minor in the children's centre, if it considers this to be a necessary protection measure. However, it must inform the judicial authority immediately.

412. Where the placement is made in the context of legal proceedings to establish incapacity, article 13 of Qualified Act No 15/2004 of 3 November 2004 on Incapacity and the Tutelary Agencies stipulates that the doctors looking after the minor in care must provide the judicial authority with a report stating whether or not the placement should continue. The child's legal representatives or guardians, the Public Prosecutor's Office and, of course, the judicial authority, may request information on the condition of the child in care at any time.

413. In the case of the placement of a young offender, Chapter 9 on the implementation of disciplinary and educational measures of the Qualified Act on Juvenile Justice, partially amending the Criminal Code and the Qualified Act on Justice of 22 April 1999, requires that reports on the application and institution of such measures are to be prepared. The technical services of the Interior Ministry are tasked with the reports, and it is the Ministry which bears responsibility. The management of the institution in which the minor is placed must also prepare reports periodically and on request.⁴⁰

Chapter VI. Basic health and welfare

A. Children with a disability (art. 23)

414. By approving, on 17 October 2002, the Act guaranteeing the Rights of Persons with Disabilities, Andorra demonstrated its determination to acquire legislation consistent and consonant with the guidelines and recommendations which the United Nations had addressed to its members up to that point in time. The legislation consists of a general framework law that standardizes the principles, terminology and criteria for action; it sets out the general measures needed to guarantee the rights of persons with a disability which the Andorran legal system had, previously, dealt with in a piecemeal fashion.

415. According to article 1 of the Act:

“The aim of the Act is to guarantee that persons with disabilities enjoy their rights and freedoms and fulfil their duties as citizens, in accordance with human dignity. The aim of the Act is also to avoid any form of discrimination based on disability.”

416. The reference in the Act to “persons with disabilities” encompasses both adults and minors, although the Act refers specifically to minors in relation to early assistance and education. The Act applies to Andorran nationals residing in the national territory and to foreigners who are legally resident in Andorra.

417. The Act considers to be suffering from a disability those persons “who, as a result of a dysfunction or disability, have specific needs in consequence of which they benefit from measures and actions designed to ensure that they have equality of opportunity”.

418. For the first time in Andorra's legal system, it has become necessary for provisions of law and official technical documents to take account of the International Classification of Functioning, Disability and Health (art. 2).

419. The purpose of the Act is to lay down the principles governing activity in relation to disability, to ensure that nobody is left unprotected. The principles are, in essence, as follows:

⁴⁰ **Annex 25:** Number of minors taken in by the La Gavernera Children's Residential Centre (CAI) (1999–2004).

- Equal rights, duties and opportunities.
- Full integration into society and active participation in the life of the community.
- To live a normal life and make normal use of services and equipment.
- Autonomy, personalized assistance and development and stimulation of all capabilities.
- Individual and collective participation, in decisions concerning them, of persons with a disability, directly or, if that proves to be impossible, through legal representatives.
- Shared responsibility between persons with a disability, families, civic organizations and the public authorities for guaranteeing rights and combating all forms of discrimination.
- State assistance for families, civic organizations and social welfare agencies working with and for persons with a disability.

420. The Act is particularly sensitive to the need for early assistance for children with a disability or a high risk of disability during the first years of life. The aim is to develop the child's capabilities to the maximum and prevent complications with the help of early assistance units, approved by the State and made up of specialist professionals, as well as the cooperation of families and schools.

421. The Act stresses the priority that must be attached to the education of children with a disability and recognizes equality of opportunity in access to education. Article 14 thus provides for compulsory education, free of charge, for children with a disability between the ages of 6 and 16, in State schools; however, the children may be educated from the age of 3 to the age of 18, if their parents or legal representatives so request, as mentioned earlier (26); that right is supplemented by a right to educational and career guidance. It should also be pointed out that, among others, the Act of 9 June 1994 on the Organization of Andorra's Education System had already flagged up the need to integrate children with special educational needs.

422. The Act provides for children to be integrated into ordinary schools, if that is possible in the light of the extent of the minor's disability. Where necessary, the Act provides for and guarantees education in a hospital environment or at home. Where the severity of the disability means the child cannot access the education system, that child will be entitled to specific assistance. The above-mentioned Act on the Organization of Andorra's Education System provides for a cooperation agreement with the governing board of Nostra Senyora de Meritxell Special School,² signed in late 1995, as explained in paragraph B.7.1 of the previous report to the Committee.

A.1. National Evaluation Commission

423. The legislation defines the commission as a "public and technical national body, responsible for diagnosing and assessing dysfunctions and disabilities, and which offers guidance and determines the access of persons with a disability to the programmes, services, benefits and other measures that are designed for them". In order for a child with a disability to be able to access the programmes, the benefits and the services included in the legislation, the National Evaluation Commission must first undertake a diagnosis of the child's condition and needs, make an assessment of the consequences and a study of the child's residual capacities, to enable it to suggest guidance and/or an action plan. The National Evaluation Commission is made up of professionals from the education, employment and social welfare sectors.

424. It should be pointed out that the Government fully subsidizes the specialist education programmes which provide specialist educational assistance, throughout their schooling, to minors whom the National Evaluation Commission has recognized as being (33 per cent or more) disabled.

A.2. National Council for Persons with a Disability

425. The legislation describes the council as a “Government body for participation, consultation, counselling, monitoring and cooperation in relation to disability”. The National Council for Persons with a Disability is made up of representatives of the organizations for persons with a disability, the parents or legal representatives of children with a disability, civic organizations that deal with children with a disability, the central and local authorities and the social security authority. Its responsibilities include generally monitoring the action taken within the framework of the legislation, giving its opinion on the plans to be drawn up and proposing improvements to services and benefits.

426. Qualified Act 15/2004 of 3 November 2004 on Incapacity and the Tutelary Agencies provides for the protection of minors with a disability. The legislation makes it possible to set in place and systematize the tutelary agencies, in accordance with a number of criteria contained in the legislation in force up until then, which can be adjusted in line with the current principles of Andorran society and the Andorran family.

427. Establishing this legislative framework required the reorganization of the internal responsibilities of the Ministry of Health, Social Welfare and the Family and the promotion, by the Emergency Welfare Services Department and the Specialist Welfare Services Department, of a variety of programmes guaranteeing the application of this legislative framework.

A.3. Social welfare programmes for persons with a disability

428. The Emergency Welfare Services Department has set up a special information service on measures relating to the benefits and rights arising from the Act Guaranteeing the Rights of Persons with Disabilities. The service is tasked with providing information on the resources, benefits and social welfare services, analysing and evaluating the situation of persons with a disability, guiding and assisting them, managing the necessary resources, steering persons with a disability towards the specialist programmes and services, and transferring case-files to the National Evaluation Commission.

A.4. Programmes of the Specialist Welfare Services Department

A.4.1. INTEGRA

429. This programme is designed to secure the social integration within recreational activities of children with a disability (aged between 3 and 16). Action under the programme takes place within the framework of the recreational services of the different towns. It offers specialist assistance to youth workers in the leisure centres which children with a disability attend.

A.4.2. Programme of assistance for the integration into school of children with a severe and permanent disability

430. The aim of the programme is to foster the relationships of children and adolescents with special educational needs within the school environment, based on socio-educational work with pupils and teachers.

431. The programme’s objectives are as follows:

- Introduction of specialist training on disability.
- Provision of information and guidance on the main forms of disability for the purposes of integration into the school environment.
- Promotion of positive attitudes to disability within the school environment.
- Accident-prevention and raising awareness of the need to encourage to a careful and socially responsible approach (in relation to road safety and sports).

A.4.3. Programme for the social participation of persons with a disability

432. The programme aims to promote the social participation of persons with a disability, and to set in place measures designed to secure equality of opportunity and a better quality of life for them. As a result of the programme, activities were organized (conferences and activities to raise community awareness) on the occasion of the European Year of People with Disabilities, in an effort to encourage social integration and equality of opportunity for people with a disability.

433. The conferences covered such issues as the work of people with a disability, where they live, sport as a tool for integration and policies for people with a disability. The speakers were professionals working in Andorra or neighbouring countries, which made it possible to pool experiences and learn about different working methods.

434. The awareness-raising campaigns focused on sharing experiences, on sport and disability, disseminating information on the rights of people with a disability and so on.

A.5. Nostra Senyora de Meritxell Special School

435. Nostra Senyora de Meritxell Special School has specific programmes to assist minors with a disability in educational and professional settings.

436. Since the last report to the Committee was drafted, the school has created two new programmes designed to improve assistance to minors with a disability and their families.

437. Since 2004, a project to monitor children with a disability has been up and running, based on cooperation between professionals working on the IMPULS programme (see paragraph B.6.3 of the first report to the Committee) and the paediatrics department of Nostra Senyora de Meritxell hospital. The objectives are as follows:

- Regularly to monitor the child based on visits and questionnaires, to study and assess the need to carry out further examinations or assessments and, if necessary, review current or offer new forms of treatment.
- Assess the current situation of the child and prepare a report to inform the family of the professionals' findings and recommendations. The report may also be addressed to other professionals involved in the care of the child.

438. Currently, direct intervention under the IMPULS programme is made by the programme's director, a doctor specializing in rehabilitation and a paediatrician from the hospital.

439. In 2004, the IMPULS programme of assistance to parents was also set in place. Its aims are to inform parents about their children's specific problems in the home, and to help them resolve any personal issues linked to the stress caused by living with a child with a disability. The programme has a specialist psychologist available to it two afternoons a week.

440. The Nostra Senyora de Meritxell Special School is responsible for setting up specialist programme of assistance for children, young people and adults with a disability (whatever the nature of that disability). The aim is to respond to their educational needs and

foster their social and professional integration. The centre is witnessing very positive developments in this area, reflected, in particular, by:

- Legislative developments during the years prior to the preparation of this report.
- The widespread provision of assistance to minors with a disability: almost all are cared for under specialist programmes, including minors suffering from mental retardation, general developmental problems, mental disorders, sensory deprivation (deafness and blindness, for example), as well as neurological disorders and motor dysfunction.
- The development and standardization of early assistance (newborn babies presenting a possible disability are screened earlier).
- The education of children with a disability in mainstream schools. Currently, children and adolescents with a disability are enrolled in the establishment in which they will pursue their schooling and not in Nostra Senyora de Meritxell School. Only a limited number of children with very severe disabilities are enrolled in the latter.
- Better coordination of the administration of the psycho-pedagogical teams in the education centres and of the education programmes that benefit from the PROGRÉS assistance programme.

441. However, Nostra Senyora de Meritxell school takes the view that a number of aspects require further improvement, including:

- The introduction of a specific disability screening protocol for the newborn and establishing contact with the parents to give them information, offer them help and put them into contact with the emergency assistance networks.
- Simplification of the administrative procedures for assessing a disability, and establishing a more transparent system for managing such cases.⁴¹

442. Paragraph B.5.3.3.2 of the first report to the Committee refers to the preparation of a new agreement between the Government and the governing board of Nostra Senyora de Meritxell. The new agreement was signed on 2 May 2002 and updates the convention of 30 November 1995. The ministries responsible for education and social welfare are the signatories to the convention and are responsible for its application.

443. The aim of the convention is to develop the PROGRÉS programme, which offers specialist assistance, at nursery, primary and secondary level in the three education systems, to children with special educational needs resulting from severe and permanent disabilities caused by mental retardation.

444. Minors suffering from a motor dysfunction or sensory deprivation may receive personalized assistance tailored to their needs. A study of educational programmes with specialist assistance for children suffering from a motor dysfunction and sensory deprivation are currently being studied.

445. There are plans to create a special resource centre to provide educational establishments with the specialist material needed to teach children with a motor dysfunction or who are suffering from visual and/or auditory impairment.

⁴¹ **Annex 27:** Data concerning the children cared for under the IMPULS, PROGRES, EDES and TRANSIT programmes of Nostra Senyora de Meritxell Special School (1999–2004).

446. For more detailed information on the financial benefits available for children with a disability, please see paragraph B.5.3.2. of the first report to the Committee.

447. The first report stated, at paragraph B.5.3.3, that a new agreement was to be signed between the Government, the Andorran Social Security Fund and Nostra Senyora de Meritxell Special School. Initially, the earlier agreement and the status quo were analysed and assessed, and proposals for improvement tabled with a view to drawing up the new agreement. No other agreement is currently under consideration.

B. Health and health-care services (art. 24)

B.1. Resources

448. The resources described relate to the country as a whole, without discrimination between professionals in the public and private sectors or members of the liberal professions. As far as possible, the data set out are compared with the data for the European Union, particular the data of the World Health Organization's HFA-DB (European Health for All Database) of 2004.

B.1.1. In-patient care

449. Andorra has just one acute care hospital (Nostra Senyora de Meritxell hospital). This secondary level hospital is run by the Andorran Health Service (SAAS). In 2003, the utilization rate for acute hospital care per 100,000 inhabitants was 2.87.

* General data on in-patient care

<i>In-patient care</i>	<i>Year</i>			
	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Number of beds: HFA	161	168	189	177
SAAS	161	N/A	189	189
Occupancy rate	71%	70.62%	74.09%	81.47%
Length of stay (average)	6.96	6.56	6.39	6.43

* Number of acute care beds in Andorra and in the European Union (ratio per 100,000 inhabitants)

<i>Rate per 100,000 inhabitants</i>	<i>Year</i>			
	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Andorra	244.3	254.2	283.2	253.8
European Union	411.7	406.6	399.3	

450. The reason for the different rates may be that some patients are treated in neighbouring countries, either because they opt to do so or because their condition cannot be treated in Andorra.

B.1.2. Health-care professionals

- * Total number of doctors in Andorra and in the European Union and ratio per 100,000 inhabitants

Total number of doctors	2000		2001		2002		2003	
	Number	Ratio	Number	Ratio	Number	Ratio	Number	Ratio
Andorra	168	254.9	175	264.8	203	304.1	244	349.8
European Union	-	349.7		352.9		356.3		-

- * Health-care professionals in Andorra between 2000 and 2003

	2000	2001	2002	2003
Total number of doctors	168	175	203	244
Primary care doctors	28	29	36	32
Gynaecologists	9	10	12	16
Paediatricians	9	10	15	15
Nurses	207	204	211	205
Midwives	10	10	8	10
Pharmacists	64	64	67	68
Dentists	43	42	42	44
Psychologists				
Physiotherapists				
Pharmacies	48	50	53	53

Source: Department of pharmacies, products and health-care establishments

451. According to the register of health-care professionals of the Ministry of Health, Social Welfare and the Family, the total number of doctors practising, in Andorra, in 2003, in the public and/or private sectors was 244, that is 350 doctors per 100,000 inhabitants. The number of primary care doctors was 32, that is to say 46 general practitioners per 100,000 inhabitants.

452. As regards doctors specializing in gynaecology and obstetrics, in 2003, Andorra had 7 gynaecologists in private practice and 9 providing hospital cover. There were also 15 paediatricians, 5 in private practice, the others being attached to the paediatrics/neonatal service of the country's hospital.

453. The total number of nurses and midwives was 215 (10 of them midwives), that is a ratio of 308 per 100,000 inhabitants.

454. There were 68 pharmacists, that is a ratio of 97 pharmacists per 100,000 inhabitants. In 2003, in Andorra, the number of inhabitants per pharmacy was 1,315, and there were 44 dentists, that is a ratio of 63 dentists per 100,000 inhabitants.⁴²

⁴² **Annex 28:** Increase in the number of hospital beds and health professionals at Nostra Senyora de Meritxell hospital covering the paediatrics service (2000–2004).

B.2. Health status of minors

455. The data set out in this report covers the period 2000 to 2004. As far as possible, they relate to children and young people from birth to the age of 17 but, in some cases, they relate to young people up to the age of 18 and over.

456. Because of Andorra's demographic features, it is necessary to group together the annual data over longer periods in order to obtain results that may be reliably used for the purposes of comparison. At present, the data on the birth and death rates are analysed and set out on a five-year basis.

457. This section sets out the data on the birth rate and the infant mortality rate, as well as the most pertinent data on morbidity: the health status of children, their poor health practices, their lifestyles and the use of preventive health-care services by young people aged 16 and 17.

458. This section also sets out the most significant data from the first survey of child health in Andorra (ENSAI04), which looked at children and young people up to the age of 16.

B.2.1. Essential statistics

* Birth rate

459. During the five-year periods covered (1996–2000, 1997–2001, 1998–2002 and 1999–2003), there were 3,686, 3,819, 3,900 and 3,877 births respectively, in Andorra, (approximately 51 per cent boys and 49 per cent girls). The birth rates were as follows: 11.29, 11.63, 11.81 and 11.59 per 1,000 inhabitants, respectively. All of the children were born in hospital, in Andorra or outside the country.

460. 29.5 per cent of the children born in Nostra Senyora de Meritxell hospital in 2003 were delivered by caesarean section, representing a rate of 295 caesareans per 1,000 live births.

* Birth types and birth weight

461. Tables 1, 2, 3 and 4 show the number of births by age of the mother, birth type (single or multiple), and, as regards total single births, birth weight and the number of weeks of gestation.

462. For the three five-year periods, 95 per cent of births were single births. About 6 per cent of those babies weighed less than 2,500 g and approximately 4.5 per cent of the births occurred before 37 weeks.⁴³

* Fertility rate

463. The fertility rate during the four five-year periods studied (1996–2000, 1997–2001, 1998–2002 and 1999–2003) is in the region of 42 per 1,000 women between the ages of 15 and 49 (graphs 2 and 4). For those four five-year periods, the 30–34 year-old age group had the highest fertility rate, followed by the 25–29 year-old age group (graph 2). Although the fertility rate of all age groups increased over the five-year periods studied, the group which saw the highest increase was that of the 30–34 year-olds, giving it the highest fertility rate.

⁴³ See the annexes:

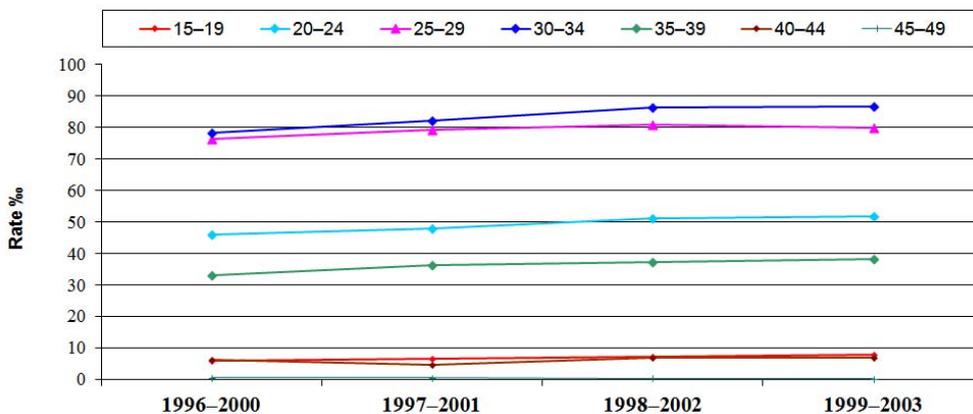
Annex 29: Number of births according to the mother's age and the birth type (1998–2002).

Annex 30: Number of births according to birth weight (1998–2002).

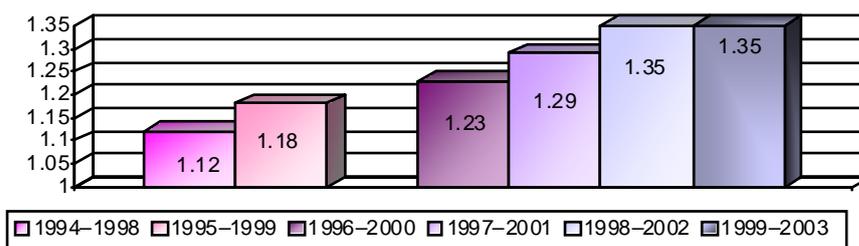
Annex 31: Number of births according to number of weeks of gestation (1998–2002).

464. The overall fertility rate, which indicates the average number of children for each woman of child-bearing age, has shown a gradual increase in recent years, the overall fertility rate for 1994–1998 being 1.12 children and for 1999–2003 1.35 children (graph 3).

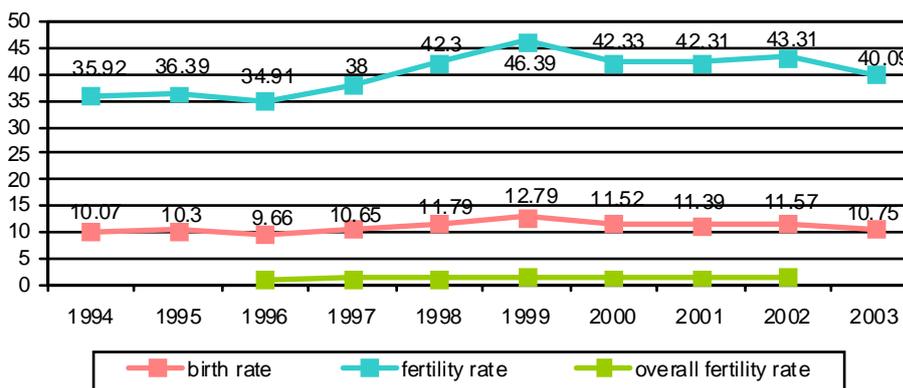
Graph 2 : Trend in the fertility rate by age group for the five-year periods between 1996 and 2003



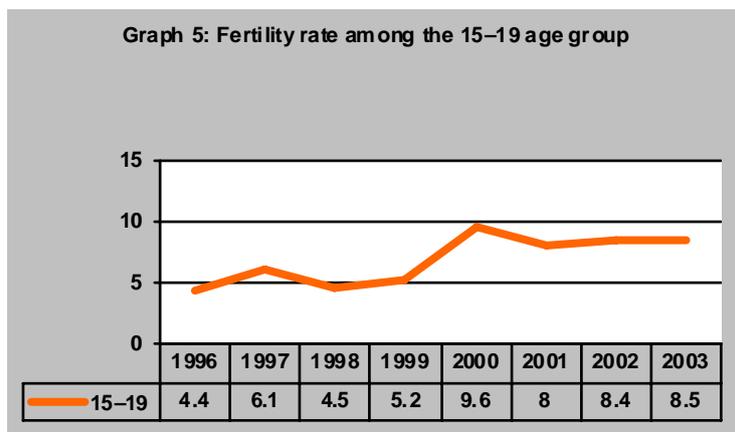
Graph 3 : Trend in the overall fertility rate for the five-year periods between 1996 and 2003



Graph 4 : Trend in the birth and fertility rates annually (1994-2003)

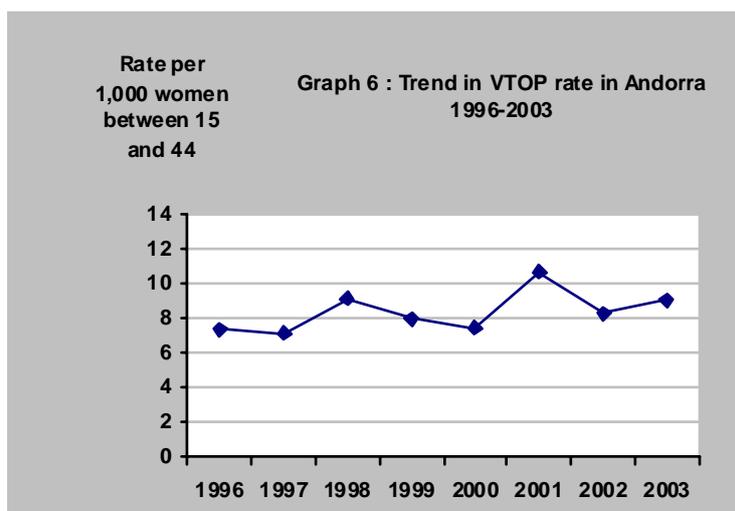


Number of births to women aged between 15 and 19



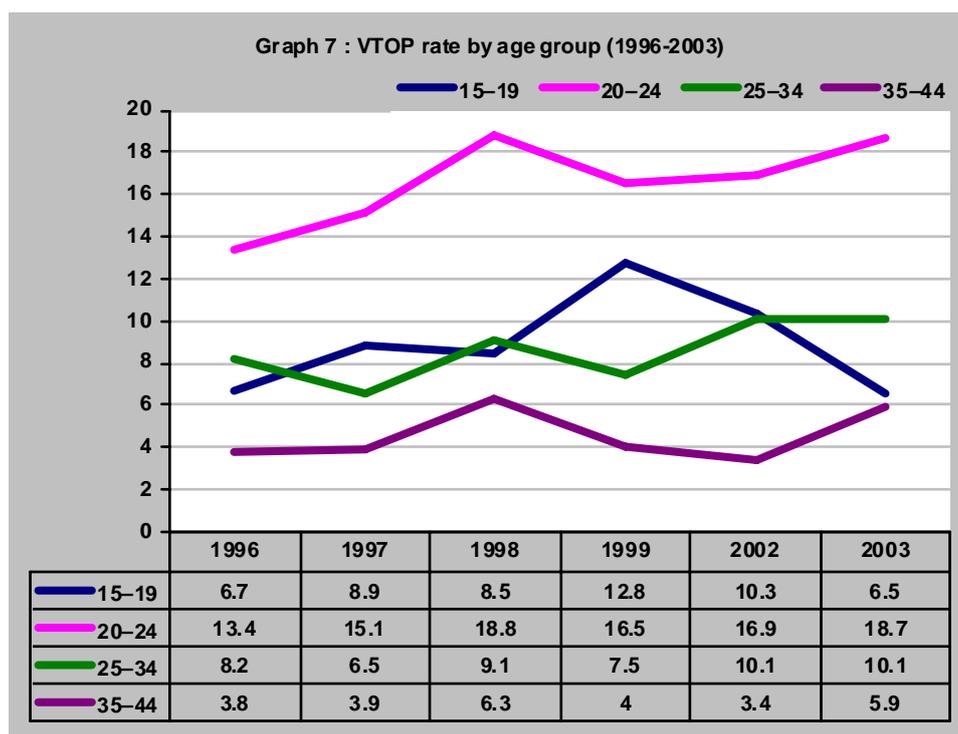
* Voluntary terminations of pregnancy (VTOPs) carried out in Catalonia by women aged between 15 and 44 residing in Andorra^{44 45}

465. Between 1996 and 2003, 8.4 per 1,000 women of child-bearing age underwent a voluntary termination of pregnancy in Catalonia. As graph 6 shows, that rate is slightly but constantly increasing.



⁴⁴ It was not possible to obtain data on women residing in Andorra who have had an abortion in other regions of Spain or in other countries.

⁴⁵ **Annex 32:** Number of voluntary terminations of pregnancy (1998–2002).



B.2.2. Mortality rate

* Infant mortality rate

466. The infant mortality rate is a particularly important public health indicator. A high infant mortality rate is indicative of deficiencies in the physical and socio-economic environment, nutrition, education or health-care provision for the population.

467. In Andorra, between 1999 and 2003, five children under the age of one died, representing an infant mortality rate of 1.3 deaths per 1,000 live births. The rates by gender are 0.5 boys per 1,000 live male births and 2.1 girls per 1,000 female live births.

468. Those deaths are distributed as follows: three occurred during the post-neonatal period and the other two during the neonatal period, representing rates of 0.8 and 0.5 deaths per 1,000 live births respectively.

* Perinatal mortality

469. Perinatal mortality is an important indicator that makes it possible to evaluate the effects of programmes and measures set in place to improve pregnancy outcomes. Between 1999 and 2003, the perinatal mortality rate in Andorra was 2.6 per 1,000 live births and still births weighing more than 1 kg or at more than 27 weeks.

470. Changes to the placenta, umbilical cord or membranes are the prime cause of perinatal mortality, followed by the infections that affect premature babies specifically.

* Mortality rate for the 1-17 year-old age group

471. Between 1999 and 2003, there were 10 deaths of children and young people between the ages of 1 and 17 (3 girls and 7 boys), accounting for 0.89 per cent of total deaths over that period (1,127 deaths) and a rate of 17.34 per 100,000 inhabitants.

472. The main cause of death was accidents (60 per cent of total deaths of children and young people between 1 and 17 years of age). The other causes were infectious diseases (1 boy between 1 and 4 years of age), tumours (1 boy and 1 girl between 5 and 9 years of age) and circulatory insufficiency (1 boy between 10 and 14 years of age).

B.2.3. Morbidity

473. The data on morbidity is taken from the following sources:

- (a) The mandatory report of notifiable diseases, regulated by law.⁴⁶
- (b) The minimum basic data (*Conjunts mínims bàsics des dades*—CMBD) concerning the sickness records of Nostra Senyora de Meritxell hospital and other data provided by that hospital.
- (c) The annual results of the schools health checks on pupils of specific ages, which are carried out systematically by the schools health service.

474. There are two methods of reporting notifiable diseases: a report providing the numerical data (number of cases without indication of age or gender) and a report by name which provides details of the patient. Some diseases require a numerical report. It is possible to obtain data on the age and gender of patients so that these diseases, such as influenza and vaccine-preventable diseases, may be the subject of a specific monitoring programme.

* Notifiable infectious diseases

- Diseases that must be notified on the basis of numerical values

475. The notifiable communicable diseases that have the greatest impact on the population are chickenpox and scarlet fever. Unfortunately, there are no data relating to children specifically. The data concern the population generally (see annex 33).

- Monitoring of HIV/AIDS

476. On 1 December 2003, a specific HIV-AIDS epidemiological monitoring programme was set up in the Principality of Andorra. As part of the project, a survey of the number of cases of infection by HIV/AIDS was carried out between 1997 and 2004. Just one case of HIV infection was identified among the under-18s.

- Programme for the prevention and control of tuberculosis

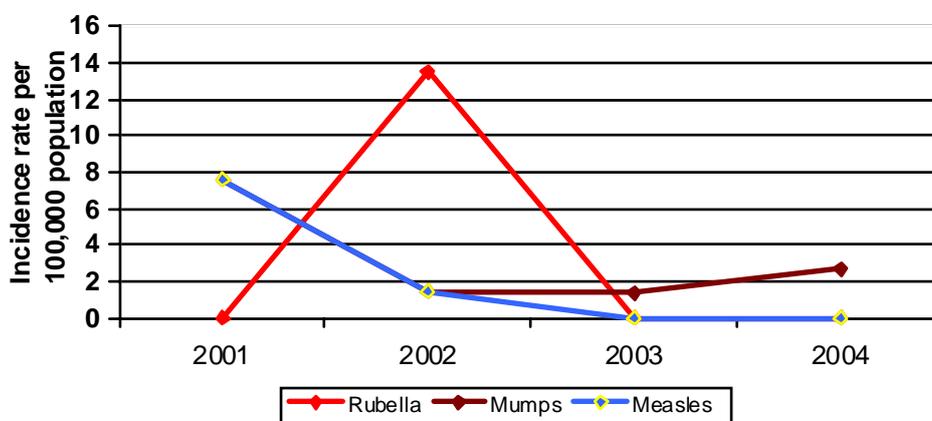
477. No case of tuberculosis among the under-18s was notified between 2001 and 2004. Every year, the schools health service screens 6 year-olds for tuberculosis.

- Vaccine-preventable infectious diseases

478. No case of poliomyelitis has been reported in Andorra for more than 50 years. In addition, the number of children infected by other vaccine-preventable diseases has fallen significantly and regularly; no cases of diphtheria, tetanus or whooping cough were reported during the years preceding the survey; finally, there has been a sharp fall in the number of children suffering from rubella, mumps and measles (graph 8).

⁴⁶ [Parliamentary] Act of 14 October 1983 on infectious and contagious diseases subject to a mandatory reporting requirement.

Graph 8: Incidence of measles, rubella and mumps per 100,000 population (1997–2000)



479. As a result of the maternal welfare programme offered by the Andorran Social Security Fund, which guarantees pregnant women the minimum checks needed to ensure a safe pregnancy, as well as the essential serological tests, no case of congenital rubella was reported during the years preceding the survey, nor of any other disease able to be prevented by vaccinating the mother.

480. In 1997, Spain saw a sharp increase in cases of meningococcal meningitis C. Faced with the threat of the disease being imported from Spain, the Government organized a vaccination campaign providing free vaccination for all of the country's children and adolescents. After the year 2000, another anti-meningococcal C vaccination campaign was conducted. Since 2001, that vaccination has been included in Andorra's systematic immunization schedule (see the immunization plan).

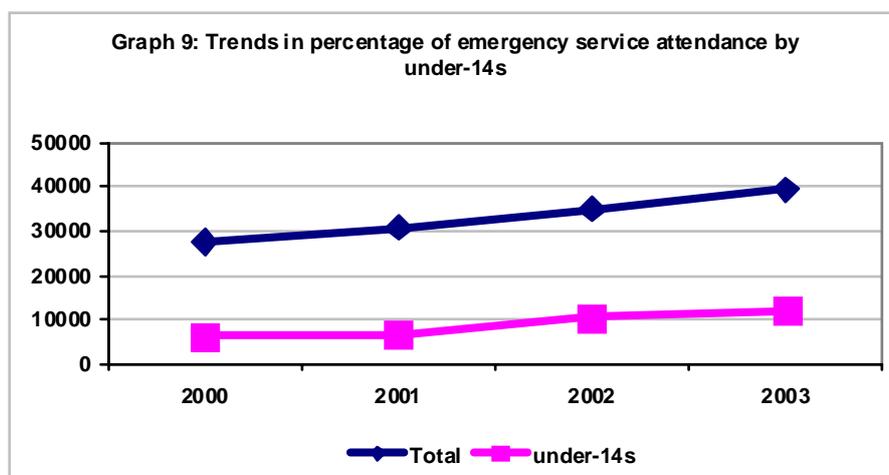
481. Between 2001 and 2004, a single case of serogroup B meningococcus (*Neisseria meningitidis*) was reported in a 5 year-old boy, representing a rate of 8.3 cases per 100,000 inhabitants.

- Hepatitis A

482. Between 2001 and 2004, two cases of hepatitis A among the under-18s were recorded, representing a rate of 15.23 cases per 100,000 inhabitants.⁴⁷

⁴⁷ **Annex 33:** Communicable diseases: number of cases and incidence of communicable diseases subject to mandatory notification; cases of meningococcal meningitis and hepatitis among the under-18s (2000–2004).

* Hospital morbidity



483. Between 2000 and 2003, the number of under-14s admitted to the casualty department of Nostra Senyora de Meritxell hospital increased by about 8 per cent. That increase was particularly evident as of 2002 and 2003.

- Hospital care: admissions

484. The data on hospital care for the under-14s are taken from the reports of the Andorran Health Service for the period 2000 to 2003; the data on adolescents between the ages of 14 and 17 come from the hospital's minimum basic data.

- Admissions to the paediatrics department (children under 14) and neonatal services

485. Annex 34 lists the number of admissions and average stay in the neonatal and paediatrics departments between 2000 and 2003.

- Most common pathologies among those admitted (children under 14)

486. The data set out below show the main causes for admission to the paediatrics and neonatal departments.

- Paediatrics (children under 14)

487. As shown in annex 34, the three main causes of admission to the paediatrics department are infectious diseases, particularly respiratory infections.

- Neonatal admissions (children under 14)

488. The main causes of neonatal hospital care are set out in two tables, one covering the period 2000–2001 and the other the period 2002–2003, as they do not use the same terminology to classify pathologies.

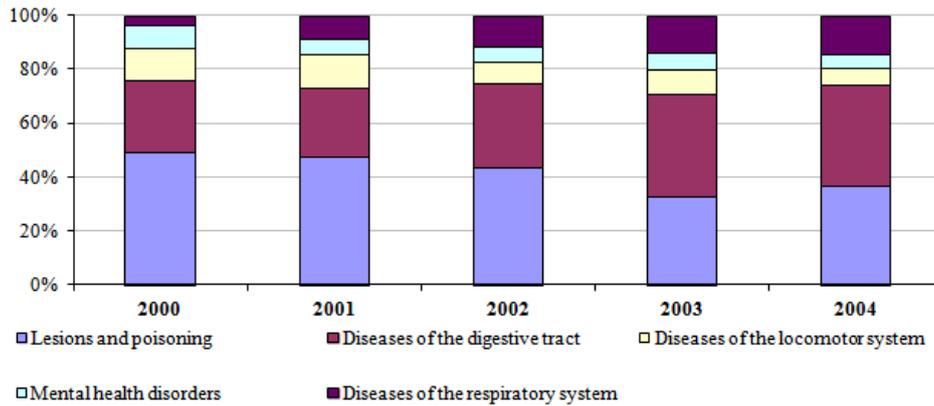
489. Tables 12 and 13 show that the infection most frequently requiring hospital care is hyperbilirubinaemia, whatever the terminology used to classify it. There is also a significant percentage of new-born babies requiring care because of their low birth weight or because they were born prematurely.

- Hospital care for young people between the ages of 14 and 17

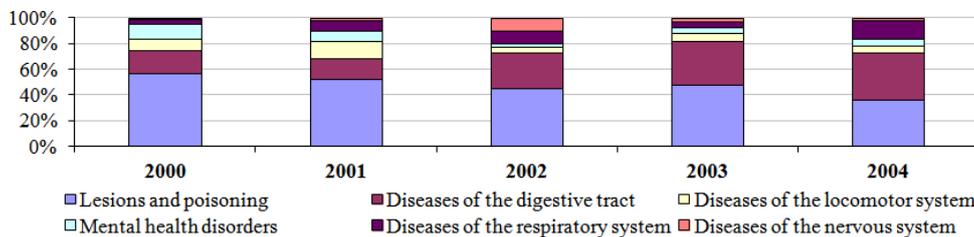
490. An analysis of all of the data on boys and girls between the ages of 14 and 17, without including the category of "other causes", indicates that the two most frequent causes of admission, over the whole of the reporting period, were, first, lesions and poisoning (99.9 per cent of which took the form of traumas resulting from accidents), followed by diseases of the

digestive tract. The pathologies most often seen in the latter category were general dental problems and acute appendicitis without peritonitis. Between 2000 and 2001, diseases of the locomotor system were the third most frequent cause of admission, whereas, from 2002, it was diseases of the respiratory system. Graph 11 shows the main causes of admission for this population group; graphs 12 and 13 show the same data broken down by gender.⁴⁸

Graph 11: Main causes of hospital admission among 14-17 year-olds (2000-2004)

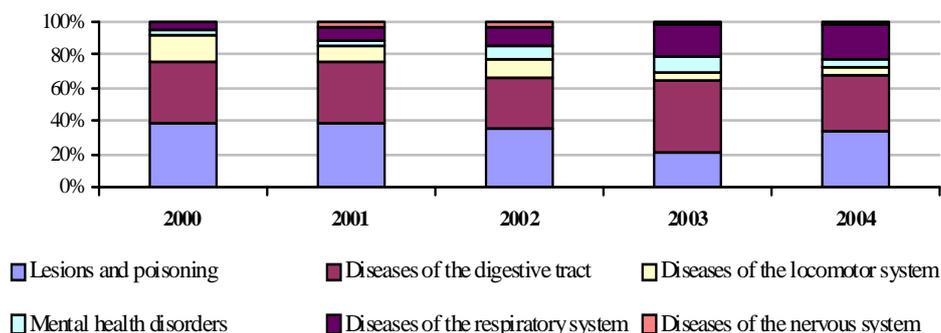


Graph 12: Main causes of hospital admissions for boys between 14-17 years (2000-2004)



⁴⁸ **Annex 34:** Hospital morbidity: attendance of under-14s in the casualty department, number of admissions to the paediatrics and neonatal services, main causes of admission (2000-2003).

Graph 13: Main causes of hospital admissions for girls between 14 and 17 years (2000–2004)



B.2.4. Data from the school health reports

491. The schools health service carries out medical checks in schools, where it conducts a number of screening programmes. The prevalence of problems identified by the service in 2001, 2002 and 2003 is illustrated below.⁴⁹

* Prevalence of the problems identified

492. The children exhibiting a problem were identified as a result of the screening carried out by the schools health service, and then referred to a professional to have the diagnosis confirmed and, if necessary, be treated. The schools health service is also responsible for following up such cases.⁵⁰

B.3. Health surveys: ENSA02 and ENSAI04

493. The second national survey on health in Andorra (ENSA02) was conducted, in 2002, and covered residents over the age of 15 who were not in institutions.

494. An initial survey of child health in Andorra (ENSAI04) was conducted, in 2004, among the under-16s. The survey analysed children's perception of health, the most frequent accidents among children, their weight, height, physical activity and preventive health-care for children (breast-feeding and vaccination, etc).

495. As part of this survey of their quality of life, children filled in the questionnaire entitled Child Health and Illness Profile (CHIP), a generic instrument for assessing health status by recording different aspects of health: (a) satisfaction with health and self-esteem; (b) physical and psychological well-being; (c) resistance or factors providing protection against health problems; (d) prevention of risk behaviour; and (e) academic performance and social background.

496. The conclusions of the survey are set out below. The most significant data are provided at annex 36.

⁴⁹ Source: reports of the Andorran Health Service from 2001, 2002 and 2003.

⁵⁰ **Annex 35:** Data from the schools health service (2000–2003).

B.3.1. Conclusions of the national survey on child health in Andorra (ENSAI04)

* Children's social environment

497. The family unit and type of accommodation constitute the family environment which to some extent determines children's level of well-being. Most children in Andorra live in families that are made up of two parents and a number of children (87.7 per cent), and 71 per cent of those families are made up of four or more people. As far as accommodation is concerned, 59.3 per cent is rented property, and 9 out of 10 children have their own bedroom.

498. The socio-economic level of the parents influences the family's social environment, largely determining the children's health status, their values and way of life and their effective use of health-care services, particularly preventive health-care services.

* Children's activities

499. The main activity for children is school. In Andorra, 67.9 per cent of children under 3 attend a day nursery or school; 25.3 per cent stay at home and, of that group, 60 per cent are cared for by their mother and 17 per cent by a child-minder. Of children at school, 38 per cent are enrolled in the Andorran system, 30 per cent in the French system, 18 per cent in a faith school and 12 per cent in the Spanish system. Four out of ten children walk to school and 34.5 per cent use school transport.

500. Almost 57 per cent of children between the age of 3 and 16 had skied regularly during the year preceding the survey, 46 per cent of them in the context of school activity. The under-6s ski regularly (26.8 per cent); children between the ages of 6 and 11 are those who ski most assiduously, while the over-11s ski occasionally. The children who ski most are those whose mothers are well educated and who belong to the most advantaged social classes.

501. Generally, 62 per cent of children between the ages of 3 and 16 engage in physical activity or sports during their leisure time, and that percentage rises among children aged 6 and over and those belonging to the most advantaged social classes. During the school year, 84 per cent of children practise a sport on a weekly basis. The preferred sports are swimming and gymnastics (boys and girls) and football (boys). Physical activity and sporting activity increases with age; it is more prevalent among children whose mothers are well educated and who belong to the most advantaged social classes. Lack of exercise is more common among the under-6s and children whose mothers have a low level of education and who belong to the least advantaged social classes.

502. Some 80 per cent of children between the ages of 3 and 16 watch television every day during their free time, and some 10.2 per cent watch television for three or more hours. About 15.6 per cent play computer games every day, and 5.5 per cent of them play for three or more hours.

* Children's health status

503. One of the survey's main objectives was to establish the health status of children in Andorra. In most cases, the perception of the health status of children in Andorra is good or very good (92.6 per cent); only 7.4 per cent of children's health is fair or poor. Generally speaking, children who do not participate in physical activity or sports on a weekly basis are less healthy than others. However, the converse may also be true: children in poor health will tend to engage less frequently in physical activity or sports.

504. Restricting the habitual practice of sports or physical activity for health reasons is another health status indicator. In the case of children between the ages of 2 and 16, 17.3 per cent had experienced some slight restriction on their activity (sometime being confined to

bed) during the two weeks preceding the survey, as a result of a cold, pharyngitis or influenza (56.2 per cent) or an accident (8.3 per cent). Restrictions resulting from a chronic health problem affected 4.2 per cent of children between the ages of 2 and 16.

505. A recurring health problem in childhood had affected or was affecting 61.6 per cent of children in Andorra. The most common problems were otitis, visual impairment, allergies and bronchitis.

506. Child obesity is a growing health problem in the developed world. In Andorra, 19.3 per cent of children aged 2 and over are overweight or obese. The problem is more common among the under-12s and children whose mothers have a low level of education and who belong to the least advantaged social classes (including both boys and girls). Children who engage in physical activity or sports tend to be less overweight and obese, depending on the type of sport they practise. Moreover, among the under-12s, obesity is twice as common among girls as among boys.

507 Two types of frequent health problems are accident-related. During the year preceding the survey, 17.4 per cent of children had had accidents resulting in a restriction of habitual activity and/or requiring health care. The most frequent types of accident involved falls or blows. In most cases, the children were cared for in an accident and emergency department. The number of lesions per accident increases with age and among children whose mothers have a low level of education and who belong to the least advantaged social classes.

508. Another assessment of children's quality of life and health status was made on the basis of an ENSAI04 questionnaire, entitled Child Health and Illness Profile (CHIP) which assesses different aspects of children's well-being and quality of life. The study shows that girls perform better in risk prevention and social functions. Children over 12, as well as those whose mothers have a low level of education and who belong to the least advantaged social classes, score less well in terms of resistance and protection factors and social functions, a pattern that is also seen among the most sedentary children.

* Utilization of health-care services

509. In Andorra, 99.9 per cent of children are entitled to health care and more than a third have access to supplementary health care (this type of cover is more common among small children, those whose mothers are well educated and who belong to the most advantaged social classes).

510. According to ENSAI04, the population is in favour of continuity and accessibility in primary health care for children. More than 97 per cent of children in Andorra have a regular paediatrician or family doctor, who will usually be affiliated to the social security fund and practising in Andorra. When they experience an urgent health problem, most children (84.2 per cent) are seen by their family doctor on the same day. Doctors are more readily available when practising in the private sector.

511. During the year preceding the survey, 96.1 per cent of children consulted a health professional, most often, a paediatrician or general practitioner, a dentist or ophthalmologist. The number of visits to specialists, such as dentists, ophthalmologists and ear, nose and throat specialists, increases with age; they are also more frequent among the most advantaged social classes. During the two weeks preceding the survey, 13.8 per cent of children consulted a health professional, one-fifth of them by way of preventive consultation. Health-care services were not used by 3.4 per cent of children because, even if they had a genuine health problem, in most cases, it was not serious. In addition, 5.8 per cent of children had been admitted to hospital during the year preceding the survey.

512. More than 50 per cent of children in Andorra had taken medicinal products in the two weeks preceding the survey—analgesics, vitamins, antibiotics and cough and cold remedies—52.1 per cent of them in the form of self-medication, while 6.4 per cent of children had taken natural or homeopathic remedies.

* Preventive health care for children

513. Two-thirds of children in Andorra have been breast-fed from birth for an average of 5.2 months. Both the number of babies who are breast-fed and the duration of breast-feeding are slightly higher among the younger generations.

514. There is further positive aspect of the primary health-care services, and that is the global nature of the services for children (preventive health care and medical checks). All children in Andorra have a vaccination card, and 99.1 per cent of them have been vaccinated regularly. During the year preceding the survey, 93.1 per cent of children had had at least one medical check-up (oral health, growth, blood pressure, spine, eyesight and hearing). Very young children are given checks on growth and hearing in particular, and older children, checks on oral health, eyesight and blood pressure.⁵¹

B.4. Preventive health care and health promotion for children and adolescents⁵²

B.4.1. Programme for mothers and children (PMI)

515. From 1999 and up the present, the number of women cared for under the programme has risen constantly. Coverage under the programme is in the region of 90 to 95 per cent, depending on the number of births annually. In 2002, a programme for monitoring healthy children was set up in the network of health centres. As a result, the programme altered the period during which newborn babies were monitored, limiting it to the first month of life, which explains the reduction in the total number of visits.

B.4.2. Programa del nen sa (Programme for monitoring healthy children)

516. In 2002, the primary care centres adopted a new programme for children called *Programa del nen sa* (Programme for monitoring healthy children), whose general objectives are as follows:

- To provide support and assistance to parents to help resolve their problems and answer their questions concerning their child's growth and development.
- To provide early screening of possible child health problems and redirect children to their paediatricians.
- To reduce the risk of accidents among children by improving parents' ability to prevent them.

517. The programme and methodology were implemented in a pilot project between 2002 and 2004, and are currently under review.

518. It should be pointed out that the programme does not have its own health-care resources: it is the nursing staff from the primary care centres that are responsible for its implementation.

⁵¹ **Annex 36:** Data from the National Survey of Child Health in Andorra (ENSAI04)

⁵² See paragraph B.6.5 of the first report to the Committee which provides basic information on the Programme for mothers and children, the hospital paediatrics service, the schools health service and Consulta Jove.

B.4.3. *Schools health service*

519. Currently, the schools health service carries out medical checks on all pupils at the ages of 4, 6 and 11 and on children who arrive in Andorra for the first time and are aged between 5 and 14. It checks the individual vaccination cards of those pupils and of children in day nurseries. The service is involved in various health prevention and promotion programmes of the Ministry of Health and Social Welfare, such as the Programme for the prevention and control of tuberculosis in Andorra, the immunization programme and the vaccination campaigns directed towards children and adolescents of school age.

520. Every year, the health checks and vaccination checks cover some 2,000 pupils. The primary aim is to identify, at an early stage, sensory problems, oral health problems and problems of the locomotor system. Children exhibiting such problems are steered towards their paediatrician or family doctor to have the diagnosis confirmed or rejected.

B.4.4. *Health education in schools*

521. Since 2002, the Ministry of Health and Social Welfare and the Ministry of Education, Culture, Young People and Sports have been coordinating all of the projects on health education in schools and all of the relevant activities in educational establishments. Thus, in the years preceding this report, the two ministries set in place a technical project to develop health education in schools, based on the philosophy of the European network of health-promoting schools, with a view to joining that project.

* Oral health

522. Aware of the importance of oral health, the Ministry of Health and Social Welfare included the prevention of dental caries among the priorities of health prevention and promotion projects in 2002. Consequently, in 2002, a proposal for the promotion of oral health among children, with the focus on health education, was put to the Ministry of Education, Culture, Young People and Sports, the representatives of Andorra's three education systems and the college of odontologists.

523. Following the proposal, a working group, made up of representatives from Andorra's three education systems and from the education and health ministries, prepared, for the 2002/03 school year, a teaching kit containing the guidelines to be distributed to the educational establishments and teachers, to ensure that the three education systems include the same oral health education, as standard, at nursery and primary level. Once assembled, the teaching kit was submitted to the college of odontologists, which approved it.

524. During the 2003/04 school year, a pilot version of the oral health project was rolled out in the nursery and primary schools of Andorra's three education systems. This made it possible to approve the project, while introducing a number of improvements, before its introduction into all of the Principality's educational establishments. The process of review and improvement took place during the 2004/05 school year.

* Personal hygiene

525. In order to pursue this form of cooperation in the field of health education, which began with the oral-health teaching kit, teachers in all of Andorra's educational establishments were consulted, during the 2003/04 school year, about the priority issues for health education, with a view to determining strategies for studying such issues with students.

526. Personal hygiene was flagged up as a priority issue. A second working group was set up, composed of representatives from Andorra's three education systems and the education and health ministries, and tasked with devising a teaching kit on personal hygiene containing the guidelines to be distributed to the educational establishments and teachers, to

ensure that the three education systems take the same approach to the subject, as part of the health education process.

* Procedure in the event of pediculosis at school

527. During the 2003/04 school year, the Ministry of Health and Social Welfare embarked on a study of the situation concerning pediculosis in Andorra. All of the relevant players took part in the study to agree on a common procedure for resolving the problem. Following consultations with teachers, parents and health professionals, a new procedure was introduced into educational establishments. Documentation providing information on pediculosis and the procedure to follow was prepared for the use of educational establishments, parents' associations and health professionals.

B.4.5. *Vaccination programme*

528. The immunization plan was introduced in Andorra in 1986, after the Government had approved the first compulsory and free immunization schedule for all children and adolescents up to the age of 16. Most vaccinations are given by paediatricians or in health centres. The rate of coverage is high.

529. During the five years preceding the preparation of this report, the vaccination rates for children aged 4 was in excess of 95 per cent for diphtheria, tetanus, whooping cough, poliomyelitis and the triple measles, mumps and rubella vaccine.

530. Since 2000, the schedule has been amended on several occasions, as a result of innovations in the field of vaccines and the Principality's epidemiology.

a. Introduction of the anti-meningococcal C conjugate vaccine

531. In 2000, the anti-meningococcal C conjugate vaccine was introduced into the compulsory vaccination schedule for children aged 5 and 6 months.

532. Between November 2000 and April 2001, a large-scale parallel vaccination campaign was conducted among children and young people between the ages of 7 months and 19 years to reduce the risk of infection.

533. As a result of the campaign, 71 per cent of children between 7 months and 5 years of age, 53.5 per cent of children between 6 and 16 years of age and 9 per cent of young people between 17 and 19 years of age have been vaccinated.

534. Subsequently, between November 2002 and February 2003, an extraordinary anti-meningococcal C vaccination campaign was carried out in an effort to vaccinate all children and adolescents between the ages of 7 months and 19 years who had not previously been vaccinated.

b. Modification of the anti-meningococcal C vaccination rules, substitution of acellular pertussis vaccine for whole-cell pertussis vaccine and the introduction of hexavalent vaccines

535. In February 2002, the compulsory immunization schedule was again modified as follows:

<i>Age at vaccination</i>	<i>Vaccines</i>
0 months	HB
2 months	DTPa+IPV+Hib+HB MCC
4 months	DTPa+IPV+Hib MCC
6 months	DTPa+IPV+Hib+HB MCC
15 months	DTPa+Hib OPV TV
5 years	DTPa/OPV TV
11 years	TV*
15 years	dTpa HB** 3 doses

* Until 2005

** Until 2014

HB: Hepatitis B

DTPa: Diphtheria, tetanus, acellular whooping cough

IPV: Poliomyelitis (administered by injection)

Hib: Haemophilus influenzae type B

OPV: Poliomyelitis (administered orally)

MCC: anti-meningococcal C conjugate

TV: Measles, mumps, rubella

dTpa: Diphtheria (adult), tetanus, acellular whooping cough (adult)

- c. Replacement of two doses of the oral poliovirus vaccine with the injectable vaccine

536. In accordance with the recommendations of the World Health Organization, oral poliovirus vaccine has been completely withdrawn from the compulsory immunization schedule and replaced by the injectable vaccine for children of 15 months and 5 years.

B.4.6. National Plan to Combat Addictions

537. As of 2001, an Inter-ministerial Commission, made up of representatives of the Ministries of Education, Culture, Young People and Sports, Justice, the Interior, Health and Social Welfare worked on preparing the National Plan to Combat Addictions. The plan received Government approval on 16 June 2004.

538. The National Plan to Combat Addictions defines drug addiction as a public health issue requiring joint action by the institutions, involving all of the relevant players in a spirit of consensus. The main principles of the plan are as follows:

- The treatment of addiction requires a comprehensive approach, combining prevention, care and the addict's reintegration.

- Currently, the so-called legal drugs, such as tobacco and alcohol, are considered to be equally addictive.
- Prevention is the essential strategy.
- Prevention consists of a raft of measures designed to modify personal, social and cultural factors likely to foster inappropriate drug consumption.
- Children and young people are identified as being particularly at risk; consequently, school and the family are the priority areas of action.
- Prevention must be based on education, as part of health education.
- In addition to the family, there are other areas to which particular attention must be paid, the working environment and the community, for instance, not forgetting the social communication media.
- There must be an emphasis on the need to prevent health-related and social problems linked to drug use. With that in mind, the plan lays down the objectives of screening and treatment linked to strategies for reducing harm and risk.
- Standardizing the care and treatment of drug addicts is absolutely vital. There must be no obstacle to access to care; it is also necessary to avoid duplicating services and resources in order to provide coordinated care.
- The plan places particular emphasis on measures and actions that make it possible to guarantee the reintegration of those individuals who wish to take advantage of this.
- Social participation is regarded as an essential tool in securing the success of the various measures.
- The plan places particular emphasis on training professionals working in teaching, health-care and social welfare, as they are the main players when it comes to measures of prevention, care and reintegration.

539. The plan therefore sets three areas for action: prevention, care and reintegration. All three areas have their own programmes, but those programmes must guarantee the coordination of the structures and measures in all three areas.

540. The programmes in the three areas, which were already in existence when the plan was approved and already incorporated some of its strategies, are as follows:

- Prevention (the two programmes below are directed towards young people between the ages of 14 and 16—the last age group for whom schooling is compulsory):
 - Socio-educational programme
 - Socio-educational adjustment programme.
- Care:
 - Programme of care for people suffering from alcohol dependency
 - Programme for heroin addicts without the use of drugs
 - Multiple addiction programme
 - Inter-hospital consultation programme (*interconsulta hospitalària*);
 - Out-patient programme
 - Methadone substitution programme

- Emergency social assistance for drug users
- Care for patients suffering from tobacco dependency.
- Reintegration:
 - Socio-professional training and integration programme
 - Programme of social and educational assistance in prisons
 - Monitoring programme for minors who are drug users.

541. The programmes in the three areas, which were to be drawn up or set in place after the National Plan to Combat Addictions was approved, are the following:

- Prevention:
 - Health and habit-forming drugs in young people
 - In-service training for teachers on drugs and drug addiction
 - Families and habit-forming substances
 - The world of work and habit-forming substances
 - The general population and habit-forming substances
 - Early detection
 - Raising media awareness in relation to the prevention of drug addiction.
- Care:
 - Early detection (emergency social assistance and primary health care)
 - Care for patients suffering from drug dependency.

542. After the plan was approved, it was agreed that the priority was to set in place programmes of prevention for children and young people, aimed at schools and the family. The Ministries of Education, Culture, Young People and Sports and of Health and Social Welfare have thus embarked on a joint project to put the various programmes into effect (see annex 40).⁵³

B.5. Programmes and studies of the Department of Food and Nutrition

B.5.1. Plan to monitor and supervise food distribution facilities

543. Since 2000, the Department of Food and Nutrition of the Ministry of Health, Social Welfare and the Family has had in place a plan to monitor and supervise all food distribution facilities. Since 2000, the plan has made it possible to carry out regular checks on all establishments that prepare and serve meals to children (basically schools and day nurseries), on which checks are carried out quarterly during the school year.

544. During the years preceding the preparation of this report, the Department of Food and Nutrition of the Ministry of Health, Social Welfare and the Family set up a range of projects designed to secure the optimum level of food security for Andorra's population. In

⁵³ **Annex 37:** Data on the activities of the Programme for mothers and children.

Annex 38: Sex-education workshops run by Consulta Jove in schools (2000–2004).

Annex 39: Data on participation in the oral health pilot project.

Annex 40: Data on vaccination coverage (2000–2004).

Annex 41: Programmes under the National Plan to Combat Addictions.

addition to monitoring and carrying out health checks on food distribution facilities, the concept of food security also encompasses ease of access to a constant supply of healthy food and/or foodstuffs.

B.5.2. Survey of nutrition in Andorra (ENA-04)

545. In 2004, the Department of Food and Nutrition conducted a specific study to evaluate the dietary habits of Andorra's population. The study is entitled *Enquesta Nutricional d'Andorra* (Survey of nutrition in Andorra)—ENA- 04.

546. The survey does not cover minors exclusively. Nonetheless, it has made it possible to obtain important information on the eating habits and trends among the different age groups, including 12–24 year-olds. The data obtained in relation to adolescents and young people show that their daily food intake is largely made up of vegetables, fruit, dairy products, meat and charcuterie.

547. As for the youngest children, their daily food intake consists mainly of high-energy products (cereals, Danish pastries, milk, meat, charcuterie, commercial fruit juices and cold drinks); it is, however, low in fish, fruit and vegetables.

548. For the time being, the conclusions that can be drawn are as follows:

- Andorra's population enjoys easy and constant access to a varied, secure and healthy food supply.
- The prevalence of overweight and obese individuals among adults and the elderly is increasing considerably.
- The eating habits of adolescents and young people are beginning to change. The consumption of high-energy foods is increasing, while the consumption of foodstuffs that are highly recommended for health (fruit and vegetables), by international bodies and the scientific community, is at a very low level.

549. Based on those measures and recent studies, which provide an extremely reliable and representative analysis of the current situation in Andorra, it will be necessary to determine the priority measures, particularly in regard to educating the population and promoting healthy lifestyles.

B.6. Reply to the recommendations in paragraphs 41 and 42

550. Every year, the Mental Health Service draws up a report on action taken and the numbers treated.

551. The psychiatric and psychological treatment provided by the Mental Health Service is paid for by the Andorran Social Security Fund, a body whose statutes provide for covering the full cost of treatment. The Welfare Services Department may ask the Mental Health Service to provide the treatment free of charge, if the insured person is unable to meet the costs as a result of financial difficulties. As a result of those arrangements, psychiatric and psychological treatment for adults and minors is guaranteed.

552. What follows provides replies to the other elements of the Committee's recommendation.

C. Social security and child-care services and establishments (art. 26 and art. 18, para. 3)

553. For more detailed information on child-care services, please see Chapter IV of this report. For more detailed information on the benefits provided by the Andorran Social Security Fund, please see paragraph B.6.1 of the first report to the Committee.

554. If a minor has no health-care cover and his or her parents are unable to meet medical expenses, those expenses may be met by the programme guaranteeing a minimum income and health-care cover. As mentioned earlier, when a minor with a disability does not have health-care cover, it is possible to ask the National Evaluation Commission for the Government to meet the costs of that cover.

D. Standard of living (art. 27, paras. 1–3)

D.1. Government programmes, social welfare benefits and measures of assistance⁵⁴

555. In 2002, the Emergency Welfare Services Department of the Ministry of Health, Social Welfare and the Family embarked on a process of internal restructuring with a view to allocating its social workers to the emergency welfare centres of each of the principal towns. Previously, those centres, which were attached to the Andorran Health Service, were staffed by health professionals, and by nursing staff in particular. The change has made it possible to improve the population's access to social welfare and medical services (users attend services in their place of residence); the change has also facilitated and encouraged interdisciplinary cooperation between the social welfare and health-care services.

556. For more detailed information on emergency social welfare provision, please see paragraphs B.5.3. and B.5.3.2 of the first report to the Committee.

D.1.1. Social welfare benefits

557. There has been no significant change since the first report to the Committee was drafted. Please see paragraph B.5.3.2 of that report.

D.1.2. Programme guaranteeing a minimum income and health-care cover

558. This programme guarantees a minimum income and health-care cover to individuals and families who are unable to cope with that kind of expenditure because they lack the necessary financial and personal resources.

D.1.3. Integration and socialization programme

559. The Ministry of Health, Social Welfare and the Family and the parish councils (local authorities) are joint contributors to this programme. The aim is to boost the integration of minors by getting them involved in extra-curricular activities and leisure activities during the school holidays. Thus, the programme helps families experiencing social and financial difficulties to meet the cost of these activities.

D.1.4. Social assistance for minors who have committed criminal offences

560. A programme, set in place jointly by the Emergency Welfare Services Department and the Department for Minors of the Ministry of Justice and the Interior, is designed to

⁵⁴ For fuller information, see paragraph B.5.3 of the first report to the Committee and Chapter IV of this report.

implement the Qualified Act on Juvenile Justice. The Emergency Welfare Services Department is involved in preparing the social worker's report, the social analysis of the minor and his or her family, monitoring the minor in relation to his or her social and family environment and monitoring the implementation of the measures ordered by the courts.

561. Chapter VIII of this report sets out in detail the action taken by the various parties when a minor is in conflict with the law.

D.1.5 Socio-professional training programme

562. The aim of the programme is to promote the professional integration of individuals with social difficulties, by helping them to access the labour market. It offers counselling, assistance and follow-up in order to prevent any social exclusion.

563. The programme's objectives, as specifically laid down for adolescents, are as follows:

- To offer adolescents experiencing difficulties the opportunity of acquiring work skills (the practical capabilities needed to enter the world of work).
- To facilitate the social and professional integration of young people belonging to groups that are marginal or at risk of social exclusion.
- To offer young people access to new forms of apprenticeship which enable them to become integrated into social, cultural and professional circles.
- To give young people professional prospects.
- To enhance the training and qualification of young people by broadening their academic/practical knowledge.
- To encourage social practices and capacity.
- To foster group work and exchanges within a social network.
- To boost self-esteem in order to improve the individual's personal satisfaction and facilitate more independent development.

564. To access the programme, young people must be between 14 and 17 years of age, however, young people aged 14 and 15 will be able to engage in a professional activity, but only in the school holidays.

565. In 2002, two new projects were set up as part of the socio-professional training programme, in cooperation with the ministry responsible for educational issues. The projects are geared towards adolescents who have failed to complete compulsory secondary level education, often because they fall below the requisite standard, and are forced to make the transition between school and working life based on a level of training that is too inadequate and/or inappropriate. The projects are called the Socio-educational adjustment project (PAS) and the Socio-educational project (SED). They are described in greater detail in Chapter VII on education.

566. The participation of adolescents in the programme, between 1999 and 2004, accounts for 34 per cent of cases of socio-vocational integration. Population growth among the under-18s during that period amounted to 108 per cent. Between 1999 and 2003, the

number of minors taking part in the programme gradually increased. Thirteen adolescents were given training under the programme in 1999 and 27 in 2003 (same number in 2004).⁵⁵

D.1.6. Programme of social assistance in prisons

567. The programme is directed towards minors held in prison and their families; it provides for intervention in case of social difficulties and seeks to facilitate integration within the community.

568. The programme offers:

- Guidance and information to the minor, monitoring of the minor from a social and family perspective and financial support.
- Preparatory training, working with professionals in the prison and from the emergency social welfare scheme.

D.1.7. Programme of social assistance for persons with a disability

569. See section A of this chapter.

D.1.8. Programme of social assistance to users of the Solà d'Enclar residence

570. Social assistance is offered to retired users of the Solà d'Enclar residence and their families. Social criteria are taken into consideration when applications for admission to the residence are made.

D.1.9. Assistance with rented accommodation

571. In order to promote and develop policies that make it possible to improve the conditions of access to and maintenance of housing, and pursuant to article 33 of the Constitution which recognizes the right to decent housing as a fundamental right, the Government set up by decree, on 16 June 2004, the Housing Department, which is attached to the Ministry of Housing, Youth, Higher Education and Research.

572. The Government has already taken a variety of measures designed to guarantee the right to housing, including the 1993 Act on Urban Property Rental, amended in 1999, and a programme for financing access to property in 1994.

573. The Decree setting up the Housing Department also set up an Inter-ministerial Housing Commission, made up of the director and representatives of that department, as well as representatives from other departments and services involved in housing policies. The commission is a technical consultative body to which the Housing Department can refer. The regulation of 27 October 2004 lays down its responsibilities and method of operation.

574. Government intervention on housing makes it possible to take action to deal with inefficiencies or market pressures that may exclude some citizens from the market, if they wish to find housing appropriate to their needs. The measures must guarantee Andorra's citizens, and especially the more vulnerable groups in the population, such as young people, the elderly, single-parent families and people with a disability, the right to access housing.

575. The Regulation on housing assistance defines, among other things: the purpose and scope of the assistance, the type of assistance, the rules on overlapping benefits, the

⁵⁵ **Annex 42:** Data on the Socio-vocational training programme (number of participants, age, gender and type of integration) (1999–2004).

requisite conditions, the documentation needed to be able obtain the benefit and the relevant administrative procedure.

576. It must be stressed that the supplementary second provision in the regulation stipulates that in the case of children at risk, applications may be made outside the time-limits and will be considered even if the requisite conditions are not met (minimum of seven years' legal, continuous and permanent residence in Andorra). Retired foreigners aged 59 and over are also not required to prove that they have resided and worked in Andorra for at least seven years before reaching the age of 60. However, residence in Andorra must always be legal and genuine.

577. Loans for independent housing for young people may be accorded concurrently with subsidies from the parish councils. Normal subsidies for rented accommodation may be paid concurrently with assistance from the parish councils and with the assistance for study accorded by the Government.

D.1.10. Assistance for study

578. Under the Qualified Act on Education, school attendance is compulsory and free of charge between the ages of 6 and 16, and this is possible thanks to the public educational establishments of the three education systems and the faith schools in Andorra.

579. On 28 June 2002, a new Student Support Act was adopted in order to facilitate access to study and training. The Act predates [sic] the Act of 30 November 1992 on grants. The data for the academic years preceding and following the application of the new Act on grants show a fall in applications for assistance for university study—that fall is the result of the application of more stringent criteria for access to assistance and an increase in the average amount accorded.

580. For the 2001/02 academic year, 934 applications for assistance were submitted and 780 approved, with the average sum of €495 awarded. For the 2002/03 academic year, 859 applications for assistance were submitted and 654 approved, with the average sum of €630 euros awarded.

581. The Act defines three types of assistance which are described below.

* System of grants

582. Pupils and students in nursery, primary, secondary, higher secondary (preparation for the baccalaureate) and vocational training may apply for full grants and grants to meet the costs of school materials, transport and school meal costs. The full grants cover the costs of school materials, transport, school meals and school skiing courses, from nursery school up to secondary level. Students in vocational training, higher secondary education (preparation for the baccalaureate) and non-university education abroad may also apply for a grant to cover travel or accommodation costs, for example.

583. In the case of children with special educational needs who have to travel to establishments in Spain and France, the Government meets the costs of education and, if the family is in financial difficulties, it may award a grant to cover the costs of school materials, travel, maintenance and accommodation.

584. Undergraduates and students in vocational training in distance-learning programmes may apply for a study grant (to cover the costs of enrolment in the establishment) and a grant for course materials. Students studying abroad may apply for a grant to cover travel, maintenance and accommodation costs. A grant incorporating a salary element is also available for undergraduates or students in vocational training who need the salary element in order to support their family.

* System of loans

585. The system of loans is designed to cover the costs of university study and vocational training. A sum is fixed annually to cover the costs of enrolment, residence, travel abroad, materials and maintenance. The repayment schedule and amounts are fixed in a contract.

* School prizes

586. The legislation also provides for school prizes (students who pass with distinction). The student who performs best at baccalaureate level in each of Andorra's education systems receives a national prize which includes a full grant to cover that student's higher education costs.

D.2. Housing assistance from the parish councils

* Canillo parish council

587. The Order of 17 June 2004 enables Canillo parish council to accord housing assistance to young people between the ages of 18 and 30, who no longer live with their parents, and to single-parent families able to prove they have been resident in the town for five years.

* La Massana parish council

588. La Massana parish council accords housing assistance to retired persons, young people, single-parent families and people with a disability who are able to prove that they have been resident in the town for five consecutive years.

* Sant Julià de Lòria parish council

589. The Regulation of 29 December 2004 enables Sant Julià de Lòria parish council to accord assistance for rented accommodation and for access to ownership to young people between the ages of 25 and 35, single-parent families and retired people who are able to prove that they have resided for more than five years in Andorra.

D.3. Economic indicators

590. According to the Research Department, attached to the Ministry of Finance, in the decade before this report was drawn up, the main economic indicators for the standard of living in Andorra showed a positive trend.

591. Average growth rate (gross domestic product—GDP) is 6.7 per cent, that is a significantly higher rate than France (+3.64 per cent) and a slightly lower rate than Spain (+7.2 per cent).

592. Trends on the labour market have also been positive. The number of people in employment has increased over the reference decade, at an average annual rate of 4.61 per cent; average pay increased by 4.65 per cent. The proportion of under-17s within total employee numbers has increased significantly since 1999, as a result of the inclusion, in the statistics of the Andorran Social Security Fund, of minors in employment (as a proportion of total employee numbers).

D.4. Survey of household budgets

593. Since 2001, the Government has conducted an annual survey of household budgets among families in Andorra in order to collate information on the nature and functions of household consumption, as well as socio-economic data reflecting the living conditions and characteristics of Andorran families.

594. The results of the survey are as follows:

- 54.01 per cent of Andorran families have children: of that number 68.08 per cent are Andorran, 12.76 per cent Spanish, 2.92 per cent French, 13.2 per cent Portuguese and 2.72 per cent of other nationalities.
- 52.19 per cent of children between 0 and 19 years live in a family of four: that is 49.62 per cent of children between 0 and 4 years, 52.22 per cent of children between 5 and 9 years, 56.85 per cent of children between 10 and 14 years and 49.85 per cent of young people between 15 and 19 years. A high percentage of children under 4 live in a three-person family.
- As far as housing is concerned, 35.97 per cent of children live in accommodation of between 71 and 90 m² and 27.35 per cent in accommodation of between 91 and 110 m². Rented accommodation is home to 67.4 per cent of children and 91.58 per cent in an apartment.
- The majority of families consist of a couple and two children (48.60 per cent of children between 0 and 19 years). Next come families consisting of a couple with one child (19.99 per cent), and then couples with three children (14.92 per cent).

Chapter VII. Education, leisure and cultural activities

A. Education, including vocational training and guidance (arts. 28, 29 and 31)

595. The basic legislative framework for education consists of the 1993 Constitution, the 1993 Qualified Act on Education and the 1994 Act on the Organization of Andorra's Education System. No amendment has been made to this legislative framework since the first report to the Committee was prepared. Accordingly, please see paragraph B7 of that report.

A.1. Reply to the recommendations in paragraphs 28 and 29

596. The Qualified Act on Education makes education compulsory from the ages of 6–16 for all Andorran children and foreign children legally resident in the Principality. The children of foreign parents with temporary work permits do not have legal residence in the Principality, given that there is no provision for family reunification in relation to work permits of this type. Every year, schools receive applications from temporary workers for the enrolment in school of children who are not legally resident in Andorra. Under Andorran legislation, it is not possible to accept these applications. The children concerned are, nevertheless, admitted to various schools in the Principality. Given the situation, and on the basis of article 28 of the Convention, the ministry with responsibility for education provided temporary school-enrolment certificates for the 2004/05 school year for the children of temporary foreign workers to cover the period of their parents' temporary work permits.

A.2. Students with special educational needs

597. It is important to mention that, based on the principle of fostering integration, the Qualified Act on Education provides for assistance for students with special educational needs. The Act construes special educational needs as needs arising as a result of learning difficulties due to disability of any kind and to situations of social and cultural disadvantage related to the student's personal or academic history or both.

598. There is a range of personalized measures to provide help for students with learning difficulties: personal assessment and monitoring arrangements, advice for teachers from the school's educational psychologist, the adaptation of the syllabus to the students' needs and the involvement of a remedial teacher.

599. Exceptionally gifted students also benefit from an action plan: personal assessment and monitoring arrangements, advice for teachers from the school's educational psychologist, expansion of the syllabus and the possibility of moving up a year, subject to authorization by the Inspection and Assessment Department of the Ministry of Education.

600. Children who enter a school during the school year benefit from a reception plan designed to counter difficulties experienced by students because of their late arrival.

601. Article 14 of the Act Guaranteeing the Rights of Persons with Disabilities of 17 October 2002 provides for students with disabilities to attend school in an integrated environment, and defines special education as educational support provided in an ordinary school environment.

A.2.1. *Socio-educational programme*

602. During the 2002/03 school year, the ministries responsible for education and social welfare began implementing a socio-educational programme for students failing at school and finding difficulty in adapting to a normal school education. Designed for students aged 14–16, the aims of the programme are as follows:

- To enable students to acquire basic competences linked to their social and vocational training and their studies.
- To give students the fundamental capacity to cope with the activities involved in daily life.
- Through business training, to give vocational guidance to students with a view to their entry into the labour market.

603. Students receive both educational and vocational training. In the educational context, students follow courses on both the core subjects and the content of the school syllabus, and work also on their social skills. The programme is staffed by teachers, social workers and business professionals who take charge of the students' vocational training. The work is carried out in small groups of a maximum of 12 young people.

604. During the 2002/03 school year, the programme took on 8 young people (7 male and 1 female); it worked with 10 young people in the 2003/04 school year.

A.2.2. *Department of Educational Psychology*

605. The Ministry of Education has a Department of Educational Psychology, consisting of educational psychologists who are responsible for drawing up and putting into practice personalized action and guidance plans for students in need of specific help. Led by a head of department, the unit has continued to expand, with the number of educational psychologists increasing from 5 for the 1999/00 school year to 11 for 2004/05. It also has remedial primary and secondary-school teachers who take responsibility for individual students. During the 1999/00 school year, the department had two remedial teachers at primary and one at secondary level; for the 2004/05 school year, those resources had increased to seven at primary and three at secondary level. During the 2004/05 school year, the departmental team was joined by a specialist educational psychologist.

A.2.3. *Assistance for schooling*

606. Financial assistance exists to facilitate access to education for children with special educational needs. These cover the costs of educational materials, transport and meals, and school skiing trips. Article 10 of the Student Support Act of 28 June 2002 provides for financial assistance to students with special educational needs, which makes it possible to cover school costs (materials, transport, maintenance, accommodation and fees for schooling abroad) at compulsory and pre-compulsory levels of education.

A.3. **Spanish and French education systems**

607. As set out in paragraph B.7 of the first report (and addendum) submitted to the Committee, the Spanish and French education systems are represented in Andorra. They are governed by the legislation of their respective States, with which Andorra has signed agreements designed to maintain the Principality's cultural diversity.

608. For fuller information on the French and Spanish education systems, please refer to paragraph B.7.2 of the first report (and addendum) submitted to the Committee in 2001.

609. It should be pointed out, however, that the Spanish education system is governed by the new Framework Act of 24 December 2002 on the Quality of Education. The Act recognizes the rights and duties of students and parents, and guarantees equality in the right to education. It underlines the importance of core subjects, of language, mathematics, improving written and oral expression, the study of foreign languages and developing the habit of reading. The Act also puts in place a high-quality system to provide equality of opportunity for all students, which can be adapted to the circumstances of individuals and their abilities, interests, needs and degree of maturity.

A.4. **Staff training**

610. The ministry with responsibility for education has a Department of Innovation, Research and Development tasked with promoting the training of teachers through training plans and processes for educational innovation and research, and for the management of teaching resources. Until 2001, the Department consisted of a single service responsible for teacher training and the management of human resources. Subsequently, two services were created, and the teacher training service has been transformed into the Department for In-service Training, responsible for planning and organizing training for professionals working in the field of education.

611. The Department for In-service Training essentially manages summer-school programmes and programmes of continuing professional training for teaching staff. Since the 2003/04 school year, the activities that it has organized have been open to the general public.

A.4.1. *Summer School*

612. The object of the Summer School is to meet the expectations of teaching professionals who wish to perfect their skills and extend their knowledge. It takes place over a week and offers about 50 courses on various subjects, including physical and natural sciences, social sciences, art, musical and physical education, language, communication and mathematics. Twenty-one Summer Schools have been held up to 2005. Between 1999 and 2004, 2,356 people enrolled in one of the 262 training courses on offer.

A.4.2. *In-service training*

613. The object of the in-service training courses organized during the school year is to meet the demand for training from teaching professionals. The courses seek to enrich the

quality of teaching and to respond to current needs. Between 1998 and 2005, 4,653 people enrolled in one of the 417 training courses on offer.

A.5. Schooling costs and financial assistance

614. The Qualified Act on Education stipulates that school attendance is compulsory between the ages of 6–16 and is free in State schools. Free schooling is guaranteed at all non-university levels, in the State school establishments of the three education systems and the faith schools.

615. There are no official data on the costs to their families of children's school attendance. However, as indicated at V,B, school attendance is free and there is a system of financial assistance. Other occasional costs, such as school trips, can be covered by the ministry responsible for social welfare, through financial assistance arrangements designed for the purpose.

616. By way of illustration, a family with one child at nursery or primary school which does not apply for or receive financial assistance, would spend €120 a year on school transport and €3.25 a month on school meals (approximate figures for 2005).

617. With a child in secondary education, a family would have to spend €60 a year on consumables, €25 a year for school transport if the child was in the first, second or third year and €30 a year if that child was in the fourth year. The cost of school meals is €8.25 a month. Children at upper secondary level (preparing for the baccalaureate) in the Spanish system would spend €0 a year on school transport in the first year and €60 a year in the second.

A.6. Schools and numbers of places

618. The number of students increased from 9,276 for the 1999/00 school year to 10,467 for the 2004/05 school year, an increase of 12.83 per cent.

619. The distribution of these students between the education systems also changed, with the three systems sharing the school population more evenly. During the 1999/00 school year, the French education system accounted for 38.66 per cent of the school population, the Spanish education system 37.84 per cent and the Andorran education system 23.51 per cent. During the 2004/05 school year, the French education system accounted for 34.8 per cent of the school population, the Spanish education system 33.51 per cent and the Andorran education system 31.69 per cent.

620. The Government bears the construction and maintenance costs of all buildings in the Andorran education system and of the buildings used for nursery and primary teaching in the Spanish and French education systems, as well as the costs of maintaining the buildings of the faith schools attached to the Spanish education system.

621. The Andorran education system encourages proximity between nursery and primary schools and their pupils. Accordingly, the Government has carried out major building programmes to ensure that the principal town of each parish has both a nursery and a primary school. This has also made it possible to increase the number of places available in both types of school, rising from 2,125 places in 1999 to 2,675 in 2004, a 25.88 per cent increase.

622. The three secondary schools in the Andorran education system are at Encamp, Ordino and Andorra la Vella. The only school at upper secondary level (preparation for the baccalaureate) is at la Margineda, in Andorra la Vella. The opening of new secondary schools has made it possible to increase the numbers of places available from 330 in 1999 to 742 in 2004, a 124.84 per cent increase. The number of post-compulsory school places

has also increased: the number of places for vocational education has increased from 30 to 200 and for upper secondary education (preparation for the baccalaureate) from 200 to 325.

623. Several schools were opened in the Andorran education system between 2000 and 2004: two nursery and primary schools at Encamp and Ordino, a new upper secondary school (preparation for the baccalaureate) at la Margineda (Andorra la Vella), new premises for the social and educational adaptation programme and a new vocational school at Aixovall.

624. The French education system retained the same number of schools and available places between 1999 and 2004. The nursery and primary schools are located in the principal towns. The Comte de Foix Lycée (Andorra la Vella) provides secondary education, upper secondary education (preparation for the baccalaureate) and vocational education.

625. The Spanish education system consists of three faith schools (two at Andorra la Vella and one at Escaldes-Engordany) and State schools attached to the Spanish ministry responsible for education. In 2001, a new private school, providing education from nursery to post-compulsory level, was created at La Massana.

626. The number of places in the Spanish education system remains stable. During the 2003/04 school year, the Spanish system embarked on a process of geographical reorganization to concentrate primary and secondary students in four principal towns: Encamp, la Massana, Andorra la Vella and Sant Julià de Lòria. The Spanish education system provides secondary courses and upper secondary courses (preparation for the baccalaureate) at the la Margineda Institute.

A.7. Staff numbers

627. Staff numbers (teaching staff, non-teaching educational staff, directors and principals, heads of department, caretakers and maintenance staff) in the three systems also increased between 1999 and 2004. Numbers increased from 377 to 409 for the French education system, from 372 to 423 for the Spanish education system and from 344 to 674 for the Andorran education system.

628. There has been a 37.78 per cent overall increase in staff numbers over the three education systems. The costs of the increase have largely been borne by the Government, as it bears all of the staff costs of the Andorran schools, of non-teaching educational staff, caretaking and maintenance staff in the nursery and primary schools of the French and Spanish State systems and of staff teaching subjects specifically relating to Andorra in the French and Spanish education systems. The Government also contributes, via subsidies, a proportion of the staff costs of faith schools in the Spanish system.

629. Staff numbers in the French education system remain stable in nursery and primary schools and have increased significantly in the establishment providing secondary and post-compulsory education.

630. In the Spanish education system, numbers increased in the faith schools and as a result of the creation of a private school. In contrast, staff numbers in the State schools fell in response to a number of factors, including a reduction in the number of students enrolling in them.

631. Staff numbers in the Andorran education system accounted for 31.47 per cent of total staff numbers in 1999 and 44.75 per cent in 2004, although the system caters for a third of the Principality's school population. A special feature of the Andorran system is that it has two primary teachers per class. The overall increase in human resources also relates back to the creation of the Andorran education system in 1982, and its subsequent development (through the creation of secondary schools) to provide places for students who began their schooling in the Andorran system's nursery and primary schools. The increase in staff numbers is due also to the constant growth in the school population (about 10 per cent annually).

A.8. Secondary education

632. Upper secondary education (preparation for the baccalaureate) began in the Andorran system in 1995/96. It offers three educational pathways which are defined in the Act on the Organization of Andorra's Education System.

- Technology and science, providing access to higher studies in engineering, architecture, the exact sciences, biology, physics and chemistry.
- Human and linguistic sciences, providing preparation for higher studies in philology, history and psychology.
- Economic and social sciences, providing access to higher studies in business subjects.

633. As a response to growing social demand and the need to provide greater diversity in the Andorran baccalaureate, a new pathway in upper secondary education, "Arts and communications", was created by decree in 2004, so that students opting for this pathway were no longer compelled to pursue their studies abroad.

A.9. Vocational training

634. Until 2004, vocational training in Andorra consisted either of training at school in an educational setting, or of apprenticeship largely served in an undertaking. In 2004, new arrangements for vocational training were put in place. They include theoretical training in school, and practical training courses in an undertaking, supervised by a technical and vocational tutor based in the school.

635. The training takes three years and extends over two levels of training. The first two years are preparation for the Diploma of Vocational Training, and the third year is preparation for the vocational baccalaureate, which is due to be put in place at the start of the 2006/07 school year. The first vocational training pathway available, for the 2004/05 school year, is the health and social pathway. Courses on micro-computing and networks are also provided.

636. Implementation of the new vocational training arrangements has required a new training establishment to be built to cater for training in current and future specialist areas.

637. The University of Andorra offers second-level vocational training in office computing and business sciences. It offers higher vocational training in management computing and in administration and finance, leading to an advanced vocational diploma.

638. Schools in the Spanish education system provide compulsory secondary education, upper secondary education (preparation for the baccalaureate) and vocational training for administrative assistants. The French education system provides school education at all levels, and vocational training in administration, electronics and the hotel industry.

A.10. Certificate of Secondary Education (*Graduat de segona ensenyança*)

639. To facilitate access to education and training for those who have not been able to pursue their studies or who have abandoned them, the Government has created a Certificate of Secondary Education (*graduat en segona ensenyança*). Students apply as independent candidates, and must be over 16 and legally resident in the Principality.

A.11. Baccalaureate for independent candidates

640. In 2002, Andorra created the baccalaureate for independent candidates, which opens up new vocational and educational perspectives for individuals who, having completed their basic training, wish to go on to higher education or to vocational or university studies.

A.12. Higher Education

641. The University of Andorra (Universitat d'Andorra), created by the Universities Act of 20 August 1997, consists of the University School of Nursing (Escola Universitària d'Infermeria), the School of Information Technology and Management (Escola d'Informàtica i de Gestió), the Virtual Studies Centre (Centre d'Estudis Virtuals) and the Open University (Extensió Universitària).

642. The School of Nursing has been providing nursing courses since the 1988/89 academic year. The three years of study lead to the award of a first degree in this area of health care.

643. The School of Information Technology and Management has been providing courses since the 1988/89 academic year in two areas of study: information technology and business communications and management. It offers training at two levels: advanced vocational level, extending over two academic years, and degree level, extending over three academic years.

644. The advanced vocational course is open to individuals who do not hold the baccalaureate or who have studied in the vocational training system.

645. The Virtual Studies Centre began operation in 1997/98, in conjunction with the Open University of Catalonia (Spain). Its aim is to facilitate access to university studies. The Centre makes it possible to pursue studies without being subject to constraints of time or distance, and to access a wide range of higher education courses.

646. The areas of study offered are: business sciences, information technology for management and information systems, tourism, multi-media, Catalan language studies, psychology, human sciences, law, information technology, documentation, educational psychology, business administration and leadership, political and administrative sciences, employment sciences, audio-visual communications, market studies and commercial techniques and telecommunications.

647. The Virtual Studies Centre also offers continuing training and access to university for the over-25s.

648. Through the Open University, the University of Andorra is making continuing training possible for individuals who are in employment following their university studies, based on face-to-face or distance-learning over the internet. It essentially offers two third-level courses dealing, among other subjects, with the new information technologies, construction management, law and health. It also offers virtual training in conjunction with other universities in Catalonia and the Balearic Islands (Spain).

A.13. Measures to facilitate access to higher education

649. To facilitate access to higher education, the post-compulsory training on offer (upper secondary education and vocational training) has been broadened since the 2004/05 academic year.

650. A new baccalaureate in Arts and Communications has been added to the existing areas of study, permitting access to university courses or vocational education in art, journalism, cinema and audio-visual studies and multi-media. It also helps students to gain access to employment in the audio-visual communications sector.

651. Vocational training has been restructured: training lasts for three academic years, over two levels. The first two years are accredited by the award of a certificate of vocational training and the final year by a vocational baccalaureate.

652. The first area of vocational training to be launched was health and social training. It responds to a need within the community for young, qualified staff in this sector. The training prepares young people for recruitment to social and medical services and centres, specializing in care for the elderly, and for persons with disabilities or suffering from health problems. Once this three-year training period is completed, students can gain access to higher studies at university level.

653. The baccalaureate for independent students was created in 2002 and facilitates access to higher education. Success in the examination for this baccalaureate gives candidates access to university or higher vocational courses. The purpose is to offer individuals who have not been able to pursue their studies the opportunity to gain a baccalaureate diploma.

654. The Ministry of Education is one of the sponsors of the Associate Centre of the National University for Distance Learning of the See of Urgell (Spain). It contributes to promoting and developing distance learning at university level through annual financial subsidies amounting, in the 2005–2006 academic year, to €69,900.

655. The Decree reducing university fees for large families, approved by the Government in 2003, allows families with three or more children the benefit of a 50 per cent reduction in tuition, administration and secretariat fees at the University of Andorra.

656. To help with accommodation for students undertaking higher education in Toulouse (France), an agreement has been signed with the Regional Student Welfare Office (CROUS) of the Toulouse Academy, which offers accommodation services to students, reserving 10 rooms each year for students from Andorra.

A.14. Educational and vocational information and guidance⁵⁶

657. The Andorran education system offers guidance in schools, from nursery level right through to post-compulsory education.

658. Educational and vocational guidance includes a range of educational activities, the ultimate aim of which is to help individuals gain a better understanding of themselves, to make them aware of the training and vocational opportunities that are available, and to equip them to take decisions on their future employment.

659. During the last year of secondary education and during post-compulsory education, students take part in meetings and open days at the University of Andorra and other universities in Spain and France. Every year, employees and former students give presentations about the courses that they took or are taking, the entry qualifications required, the application process and the prospects for employment, and answer students' questions.

660. The Centre for Educational and Vocational Guidance, tasked with providing information and documentation, was set up in 2004. The Centre coordinates and encourages collaboration with schools and the services and institutions involved, in order to maximize activity educational and vocational guidance and to meet the genuine needs of the Principality.

661. The Centre offers information and documentation on different training and employment options, both in hard copy and in electronic format via a network connection. Users consult this information on a self-service basis, but may ask for help from one of the counsellors. The Centre also runs training modules for users, to help support them and

⁵⁶ For fuller information, see paragraphs B.7.4 and B.7.4 (a) of the previous report to the Committee.

facilitate their entry into the world of work. The training covers such subjects as how to draft a curriculum vitae and how a recruitment interview works.

662. The Centre also has an area reserved for educational psychologists and specialist vocational advisors: this is a meeting and working area, equipped with computers, a resource centre for educational psychology and specialist documentation and bibliographical resources.

A.15. Main difficulties encountered by students in the pursuit of their studies

663. In Andorra, education is compulsory between the ages of 6–16. On successfully completing compulsory studies, students are awarded a Certificate of Secondary Education (*graduat de segona ensenyança*).

<i>School year</i>	<i>Number</i>	<i>Percentage</i>
1998/99	2 out of 63	3.17
1999/00	2 out of 73	2.74
2000/01	6 out of 46	13.00
2001/02	3 out of 56	5.35
2002/03	1 out of 57	1.75
2003/04	1 out of 61	1.64

664. The main causes of failure at school include lack of motivation, the rejection of educational institutions and programmes, cognitive and behavioural problems, and problems resulting from students' personal and family situations.

665. The measures taken to tackle failure at school, and its most common direct consequence, absenteeism, are based on a personalized approach to action with the minor concerned (the adaptation of teaching programmes by an educational psychologist, the application of specific programmes and actions such as open classes, or the inclusion of the student in a socio-educational programme or a programme of socio-educational adaptation).

666. Young people generally fail to pursue their studies in Andorra because they are leaving the country or giving up academic studies. Other, though much less common, reasons include study abroad (essentially in France and Spain) and illness.

A.16. Health education in schools

667. The Ministry of Education and Ministry of Health take part in all programmes of health education in schools. The most significant programmes are described in the following paragraphs.

A.16.1. Oral health project

668. This project is described at paragraph B.4.4 of this report.

A.16.2. *Projet XAEPS (Xarxa Andorrana d'Escoles Promotores de la Salut, the Andorran Schools Health Promotion Network)*

669. The main objective of this project is to coordinate and implement various health projects, in keeping with the specific needs of each school. The aims are as follows:

- Optimizing the use of the resources made available to schools for carrying out health projects.

- Coordination, follow-up and guidance by specialists in different aspects of health.
- Standardization of the messages to be conveyed to the population.

A.16.3. *National Plan to Combat Addictions*

670. This project is described in paragraph B.4.4 of this report.

A.17. Government budget for education

671. The following table sets out (in euros) the Government's budget for education.

<i>Year</i>	<i>Budget for education</i>	<i>Government budget</i>	<i>Percentage</i>
1999	25 703 764.75	191 702 492.64	13.41
2000	29 152 490.38	235 577 830.98	12.37
2001	30 914 905.62	381 736 328.01	8.10
2002	32 957 238.10	260 829 556.85	12.64
2003	34 042 232.11	270 379 599.18	12.59
2004	33 994 248.38	289 836 025.93	11.73

A.18. Measures to promote international cooperation on education

672. Please see section I, C of this report, which sets out in detail the Andorran Government's various projects and programmes for international cooperation.

A.19. Cooperation with civil-society organizations and the NGOs

673. The Ministry of Education regularly cooperates with various NGOs and national and international civil-society organizations. It works regularly with bodies including UNESCO, UNICEF, the Council of Europe and the Red Cross.⁵⁷

674. The Ministry of Education consistently cooperates and is in dialogue with parents' associations from Andorra's three education systems. It promotes, and takes account of, the participation of these associations in educational activities, such as education days, and in drawing up proposals for training. See Chapter V of this report concerning action on parental guidance.

675. While the Convention on the Rights of the Child does not itself form part of the syllabus, both staff training and activities with the children take place each year and are tailored to deal with specific issues. During the years preceding the preparation of this report, particular attention was paid to discrimination, whatever reason for that discrimination, to guaranteeing basic social and health needs, to the right to free expression, to the right to form one's own opinion and to participate in social life, and to the right to leisure and to engage in cultural activities.

B. The aims of education (art. 29)⁵⁸

676. Some objectives of the Andorran education system refer directly to action taken in the context of article 29 of the Convention. The objectives of tolerance, respect, equality

⁵⁷ See annex 43.

⁵⁸ For more detailed information, see paragraph B.7.2 of the first report to the Committee.

and solidarity are also given prominence in all daily school activities and during excursions organized by schools.

677. One of the objectives of the Andorran education system is to produce human beings who are discerning, tolerant and creative and who participate in Andorran society. To give effect to the declaration and the programmes adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001, secondary and upper secondary schools cover issues such as violence, discrimination, democracy, civic engagement and so on. Every year, students choose a topic to deal with: the objective is to encourage group working and discussion. For two days, the school day is organized differently and school work is done in workshop format. Each student chooses the workshop in which he or she wishes to take part.

678. Events and educational activities rejecting all forms of violence and intolerance are organized frequently, and are followed by discussion.

C. Rest, leisure and cultural activities (art. 31)

C.1. Activities at national level

C.1.1. Sports

679. In 2001, the Council of Europe's Steering Committee for the Development of Sport informed the Government of Andorra that it wished to evaluate the practice of school sport in Europe, through questionnaires addressed to physical education teachers in schools.

680. The ministry responsible launched a project to study the sporting habits of Andorra's school population, which also allowed students to express their ideas and preferences about participation in sports and the time spent on physical activities outside school hours. The objective of this study project is to propose initiatives reflecting the needs of the school population.

681. The study on the sporting habits of the school population in Andorra was published in 2002. It analyses students' attitudes and motivation and their participation in sports in school and outside school, sets out their views and describes sports facilities and spaces. It culminates in final conclusions and recommendations to parents, schools, federations, clubs and public authorities.

682. The Government has always given special attention to encouraging engagement in sport from early childhood, as expressed in legislative form by the Sport Act of 30 June 1998 and the Regulation of 12 July 2000 on assistance for sport.

683. The Sport Act provides that the ministry responsible for sport must be able to encourage programmes and activities which are consistent with the criteria and guidelines laid down in the State's sports policy. In its statement of grounds, the Act indicates that sport and sportsmen and -women receive special recognition and special treatment, and provides for assistance for children, young people, people with disabilities and the elderly.

684. Article 13 of the regulation which expands upon the Act specifically provides for assistance for sports programmes for young people of school age. The objective is to make the right to sport a reality for the whole school population.

C.1.2. Department for Youth

685. The Department for Youth⁵⁹ has carried out various projects and activities designed for children and adolescents.

686. Since 2002, the Government has been providing subsidies, via the Department for Youth, to private, not-for-profit organizations and to natural persons who are Andorran or resident in Andorra and who are active in the Principality in offering activities for young people and in disseminating information relevant to their interests.

687. The subsidies are used for publicizing associations, for financing participation by young people, for international exchanges between young people, for supporting information and advice services and for supporting projects and initiatives to foster integration in the social and employment fields. The budget earmarked for these subsidies is €24,000.

688. During the 2004/05 school year, the Government created “Premis joventut” (Youth Prizes) for young people aged 16–20. The prizes are awarded for studies on Andorra in any field. Two pieces of research, carried out by one or more students, are awarded prizes. There are two categories of research: one in science and technology and the other in human or social sciences. For each study awarded a prize, €600 goes to the authors and €250 to their teachers.

689. In 2006, Punt Jove (Youth Contact Point), a service for helping, counselling, supporting and energizing young people, was created.

690. The Department for Youth also takes part in creating and organizing the youth policies of the Working Community of the Pyrenees, an inter-regional organization for cross-boundary cooperation seeking to make the Pyrenees a region for cooperation and the promotion of knowledge. The Community consists of three French regions (Aquitaine, Languedoc-Roussillon and Midi-Pyrénées), of four Spanish autonomous communities (Aragon, Catalonia, Euskadi and Navarre) and of the Principality of Andorra.

691. The Working Community of the Pyrenees is an initiative for cooperation on youth policy, among other issues. It encourages study visits, meetings between politicians, experts in youth issues and representatives of institutions for the young, courses, exchanges and festivals. It is supported by the European Union’s Interreg III programme.

C.1.3. Department of Culture

692. In 2002, the Department of Culture of the Ministry of Foreign Affairs, Culture and Cooperation set out a strategy for action in the field of culture, which includes improving levels of reading among the Andorran population through a national plan to encourage reading. In 2004 and 2005, the Department undertook a study of all sectors in the Principality relevant to books and reading.

693. Priority action in relation to children and parents, aimed at improving the reading habits of the population and encouraging reading in a family setting, will be put in place during 2006 through the “Born to Read” programme, which has already been put into practice in other countries such as Italy and the United Kingdom. The programme’s objective is to involve all people concerned with children in the Principality, with a view to encouraging a taste for reading from the earliest months of life.

⁵⁹ See paragraph B.9 of the first report to the Committee.

C.1.4. Central Library

694. Since 2000, the Government's Central Library has defined as priorities the UNESCO objectives for creating and encouraging the habit of reading among children from the earliest age, support for oral tradition and the stimulation of children's imagination and creativity.

695. Since 1986, the Library has had a space specially designed for children and young people up to the age of 16, and a librarian specially allocated to this space. Between 2000 and 2004, the Public Library recorded an average of 5,200 child and adolescent users a year, representing 20 per cent of the library's users. The lending service lends about 4,200 items a year, 32 per cent of them in Catalan. The items involved are essentially children's books for the under-6s and comic strips.

696. The Central Library also offers play activities, for example "L'hora del conte" (story-telling hour), handicraft workshops and celebrations of traditional festivals. Jointly with the Ministry of Education and Vocational Training, it organizes visits for students to places of interest, along with the Christmas story competition and the "Sant Jordi" short story-telling competition for children and adolescents, aimed at stimulating literary creation from the earliest age. The numbers taking part in these competitions have continued to grow, thanks to the efforts devoted to publicizing and promoting them.

697. The principal town of each parish has a library within its territory. They often organize joint activities with the Central Library to encourage children and adolescents to read.

698. The budget for the acquisition of children's material (€5,000 in 2005) is about 20 per cent of the total budget.

C.1.5. Department of Museums and Monuments

699. The Department of Museums and Monuments of the Department of Culture has begun setting up educational workshops in the national museums. This is part of a proactive educational programme for the national museums; subjects of the workshops include the collections, and art and artists, starting with activities based on exploring sensory perceptions and on self-expression via the visual arts.

700. The International Heritage Photographic Experience project for young people aged 14–16 encourages exploration of the cultural and natural heritage through photography, and 21 European countries or regions are taking part in the initiative. Winners have the opportunity to meet one another at the headquarters of the Council of Europe, which presents them with a certificate.

C.1.6. Language policy service

701. The Language Policy Service organizes campaigns in Catalan on games and toys during the Christmas holidays. In 2000, it issued 10,000 catalogues entitled *Tria i juga, en català* (Pick and Play, in Catalan), with information on games available in Catalan.

702. It also mounted an exhibition of games, entitled *Lúdic, mostra interactiva de jocs en català* (*Lúdic*, an interactive demonstration of games in Catalan), in collaboration with the Consortium for Language Standardization of Catalonia (Spain). The exhibition attracted 1,152 visitors, and brought together all sorts of educational games that children could join in with. With the Consortium for Language Standardization of Catalonia, the Language Policy Service took part in publishing the ring-binder of games, *Joc de Jocs* (Compendium of Games), to familiarize children with popular and traditional games.

703. In conjunction with Andorra Televisió, the theatre of the parish of Andorra la Vella and a shopping centre in the Principality, the Language Policy Service runs a contest for television screenplays, aimed at promoting knowledge of Catalan and open to young people aged 12–18.

704. Finally, in 2003, the Service created the portal www.jovesapiens.ad to provide information about games and other cultural products in the Principality's official language, and encourage the use of new technologies by young people.

C.1.7. National Archives of Andorra

705. In 2001, in conjunction with the Ministry of Education, the National Archives of Andorra, which are attached to the Department of Culture, created a programme for secondary school students, aimed at introducing them to the documentary heritage of the Archives and the social function that the service provides.

C.2. Activities of the parish councils

706. The administrations at both national and parish level promote different services to enable children and adolescents to occupy their free time creatively, while fostering their general development in ways that respect human values. Administrations at both levels are jointly involved in developing the Integra programme⁶⁰ and in subsidizing grants for leisure activities and other one-off activities at national level, such as organized cultural activities, conferences, themed days and exhibitions.

707. As the local administrations closest to citizens, the parish councils organize and operate numerous services and activities in the social field and, in association with Government action, those activities are designed to create a social network able to respond to the needs and interests of the population.

708. The parish councils have seen their personal assistance programmes expand significantly, including those for children and adolescents. The growth in services and resources for personal assistance has called for the creation of specialist parish departments, most of them attached to the Department of Social Affairs. This Department manages, among other services, those devoted to children and adolescents. Mention should also be made of the creation of a Department for Children and Youth in one of the parishes.

709. The range of leisure activities on offer has been extended in parallel with the creation and improvement of infrastructure and spaces where activities involving children take place, be they facilities offering activities led by an organizer, or spaces for sports or play (parks, squares, sports pitches, libraries, etc).

710. The activities for children and adolescents are organized outside school hours, and are designed to provide space for informal education. These leisure activities allow children to develop by taking an interest in sport, culture, the arts, dance, literature, etc.

711. The parish councils are responsible for regulating the operation of the leisure spaces and the activities that they provide, and for recruiting and training the staff allocated to them, who must have qualifications appropriate to the job (generally university degrees or vocational training qualifications).

712. The parishes encourage the staff who provide these services to undertake continuing training and develop their skills. Essentially, they provide training relevant to the development, care and education of children. This includes training as leisure supervisors

⁶⁰ See annex VI.A of this report.

and on associated subjects (nutrition, first aid, accident prevention, emotional education, child protection, etc.).

713. The parishes take children's views increasingly into account in organizing the activities in which children themselves play the main part; they also offer activities which encourage the joint participation of children and parents in leisure facilities.

714. The parish councils are increasingly aware of the fact that they need to put participative arrangements in place to allow them to establish the views of children and adolescents concerning the responsibilities of the parishes and the services that they provide.

715. For fuller information on the participation of children and adolescents in the parish councils and the various activities in place at that level, please see section III. D of this report. The parish councils of Canillo, la Massana and Escaldes-Engordany have already put arrangements in place for establishing the views of children and encouraging them to participate.

716. Leisure activities organized by the parish councils are either free or subsidized by the parish councils themselves, so that they can be accessed by the whole population. It is also possible to apply for a grant to cover costs which are not subsidized by the councils.

717. The growth in the number of activities for children and of the number of places Available has led to a significant rise in the parish councils' spending in this area.

C.2.1. Canillo parish council

718. Canillo parish council offers services and activities to children essentially through its Social Committee and its Culture and Sports Committee.

719. The Social Committee manages the day nursery and the leisure centre, which provide leisure activities for children aged 3–13, in term-time (outside school hours) and in the school holidays.

720. The activities of the outdoor centre focus on play, education, culture, sport and learning about the natural history of the neighbourhood.

721. The Culture and Sports Committee manages the library and the school of art. The school of art was created in 1998 and began by offering painting and drawing workshops, and subsequently activities in English, music and rhythmic gymnastics. During the 2004/05 school year, it worked with 112 children.

722. The creation of new courses and the growth in the number of places called for the provision of a new games space of 290 square metres. The aim of the existing and planned future activities is to provide a satisfactory response to the interests and motivation of those taking part. At present, Canillo is studying a project for the creation of services and spaces for 12–17 year-olds.

C.2.2. Encamp parish council

723. Encamp parish council offers services and projects for children and adolescents through its Culture and Social Affairs Committee and its Sports Committee.

724. The Culture and Social Affairs Committee manages all the cultural and games activities provided for the population. It pays particular attention to children and adolescents, to whom it devotes 40 per cent of its budget. The activities that it organizes are aimed at drawing attention to topical subjects which have a bearing on society and the promotion of certain values.

725. The Committee runs two day nurseries, two leisure centres and two libraries, at Encamp and Pas de la Casa.

726. The leisure centre offers activities for children aged 3–6 during the school year and the school holidays. During the 2004/05 school year, it catered for 95 children. The centre at Pas de la Casa worked with 84 children in 2004.

727. The parish of Encamp has two libraries, one at Encamp and the other at Pas de la Casa. The library at Encamp has a children's room, the staff of which encourage children to take an interest in books and stories from the earliest age. Throughout the year, the two libraries organize activities for children: story-telling for the youngest, competitions, celebrations, guided visits in schools, etc.

728. The Sports Department offers a large number of activities for the whole population, the majority of them aimed also at children and young people. It also organizes other activities aimed specifically at children and adolescents (swimming, athletics, basketball, aerobics, rhythmic, aquatic and artistic gymnastics, judo, karate, taekwondo, volleyball, hip-hop, Sevillanas dancing, table-tennis and handball).

C.2.3. *Ordino parish council*

729. Ordino parish council organizes activities for children and adolescents through its Department of Education, Culture and Social Welfare and its Sports Department.

730. The Department of Education, Culture and Social Welfare has created the school of music, the school of art, the library, the leisure activity centre and two day nurseries. The second day nursery was opened in 2004 in response to demand.

731. The leisure centre offers activities outside school hours for children of various ages: during the summer holidays, it puts on all-day play activities for children aged 3–4.

732. Children aged 4–14 are able to take part in leisure activities during the holidays. These activities are provided for the children of Ordino and La Massana. A special feature of the two towns is that the services and activities organized by one are also open also to the residents of the other. This allows them to share spaces and infrastructure, including Ordino's parish swimming pool, which is used by the people of La Massana for swimming and other pool activities. Sharing activities and facilities enables more activities to be offered, resources to be used more cost-effectively and good relations and links between the people of the two towns to be promoted.

733. About 35 per cent of the budget of the Department of Culture is allocated to projects for children.

734. The Sports Department of Ordino parish council was created in 2001. It organizes activities for the whole of the population, including children. It gives financial support to the Ordino-Arcalis Ski Sports Club and the athletics federation to develop activities for children. It also contributes to financing the Borrufa Trophy (a ski competition for children from Andorra and other countries).

C.2.4. *La Massana parish council*

735. The departments of La Massana parish council which offer most programmes and services for children and adolescents are the Department of Tourism and the Department of Social Affairs and Sport.

736. The library, the school of art, the school of music and the outdoor centre come under auspices of the Department of Tourism and culture.

737. The library has recently moved, enabling the accommodation to be expanded and the facilities improved. A space reserved for the youngest children has been created, where workshops, celebrations and story-telling take place. The aim of all these activities is to encourage reading from early childhood. The numbers participating in play activities has increased: they are attracted by the books, but also by the activities on offer.

738. La Massana has a day nursery. Out-of-school activities for children aged 6–12 are: judo, basketball, football, artistic gymnastics, English and visual arts. They were first provided in 1992.

739. Since 1993, the parish councils of La Massana and Ordino have been jointly organizing the “Esports d’Estiu” (Summer Sports). Thirty per cent of the places available in La Massana are made available to the children of Ordino. Activities take place both at La Massana and Ordino: Ordino makes its swimming-pool and football pitch available.

740. La Massana is hoping to change the location of the outdoor centre to increase the space available and work with more children. The centre opened during the 2004/05 school year 2004 and offers 29 places for children aged 6–12. The town is also planning to create a space for adolescents aged 13–17.

C.2.5. *Andorra la Vella parish council*

741. The Committees which offer most activities and programmes for children and adolescents are the Administration, Human Resources, Social Affairs and Finance Committee and the Sports, Services and Public Works Committee. In 2004, the former set up a Department of Social Affairs which puts in place programmes designed for the population as a whole. The department is responsible for most services and activities for children and adolescents.

742. Andorra la Vella has two day nurseries; the second was opened in 2003.

743. The town also has two leisure centres for children. The first caters for children aged 6–12 during the school year and the school holidays and has up to 130 places.

744. The second organizes activities during the summer holidays for children aged 3–5 and can cater for up to 55 children. During the school year, the centre also offers activities outside school hours and during the holidays. The Patronat de Dames de Nostra Senyora de Meritxell is responsible for its operation and organization.

745. The parish council also organizes holiday camps for children aged 6–14: there are two sessions, each lasting two weeks, during the summer, one session during the Easter holidays and one camping trip.

746. In 2005, the Department of Social Affairs created a Youth Service for young people aged 13–30. The aim is to help young people by promoting their general development and participation, by giving them access to information and by helping them to live alongside others.

747. The Department runs two main projects. The “*Artèria*” (Artery) project promotes young artists, gives them space in which to work and the opportunity to gain a reputation. The “*Enllaç*” (Link) project is all about generating enthusiasm and providing information about subjects that interest the young, including training, accommodation, associations, culture, sport, the environment, leisure and travel.

748. Andorra la Vella parish council organizes children's' activities for which other Departments take responsibility. The Department of Culture runs the theatre, the Andorran Institute of Musical Studies and the School of Art. These three services provide children, from early childhood, with training in drama, music and the visual arts.

749. Andorra la Vella parish council also offers sports activities via the Sports Department, which is attached to the Sports, Services and Public Works Committee. The Department offers children the opportunity to learn and participate in various sports with qualified professionals, throughout the school year. During the summer, it organizes sports schools for children aged 4–14. It also offers one-week residential courses in certain sports: ice hockey, rhythmic gymnastics, figure skating, judo, football, sailing, adventure sports, etc.

C.2.6. *Sant Julià de Lòria parish council*

750. Sant Julià de Lòria parish council provides various services for children and adolescents. In some instances, the funds are allocated to independent businesses and managed by them, with the parish council providing economic and technical support. In other cases, the parish council provides the whole service.

751. The parish council conducted an analytical and diagnostic review of children's leisure time in Sant Julià de Lòria. It then issued a (triptych) information leaflet on the subject, and produced a table showing leisure organizations and professionals.

752. Some projects and services for children and adolescents come under the Department of Social Affairs and Citizen Participation. The department has worked on setting up a new day nursery in the town and delivered the following projects for children and adolescents: “Estiu Jove” (Summer for young people), “Voluntariat a la Gossera” (Volunteering at the pound) and “Hora Temps Deures” (Homework time).

753. The “Estiu Jove” (Summer for young people) project is designed for the education of adolescents aged 12–17 in their leisure time.

754. Set up in 2003, the “Voluntariat a la Gossera” (Volunteering at the dog pound) project promotes the socialization of young people aged 14–17. It encourages civic responsibility and educates young people, as it involves them in looking after stray dogs at the pound and providing them with a high standard of care. The project is run in conjunction with the Government

755. The “Hora Temps Deures” (Homework time) project is for children aged 7–14 whose families are in crisis or who are without a family, and who need individual support in their studies.

756. In 2003, a new day nursery with a maximum of 44 places opened in Sant Julià de Lòria for children aged from 4–36 months.

757. Sant Julià de Lòria runs a play-based school for children aged between 3 and 12. This is a facility for play and out-of-school activities which is open during the school year and the holidays. Each year, 232 children enrol.

758. The Department of Social Affairs and Citizen Participation informally encourages the young people that it works with to tell the parish council what they want and what they are interested in; there is no formal, organized procedure for this. So far, young people have made their wishes known intermittently.

759. Since 2004, the budget of the Department of Social Affairs and Citizen Participation has increased considerably, with the aim of supporting social projects designed to provide a service to citizens and to improve their living conditions.

760. The Sports Department runs a holiday centre project for children aged 3–14, to provide them with sports and leisure activities during the school holidays.

761. The Sports Department encourages participation in Alpine skiing and a range of snow-sports activities for children at nursery and primary level in the three education systems.

762. A wide range of sports and leisure activities is on offer at the parish sports centre. The activities are organized and run by an association set up by the parish council. Indoor football, rhythmic gymnastics, basketball, swimming and synchronized swimming, aqua-gym, karate, taekwondo, judo, gymnastics and aerobics are offered to encourage people to take physical exercise. A total of 492 children and adolescents have enrolled for one of these activities.

763. Financial support from the parish council enabled the association *Grup d'Esplai Lauredià* to be set up in 2004: this is a youth association which organizes camping in the mountains during the summer holidays for young people aged 3–14.

764. The school of art, the children's academy of performing arts, the library and various cultural and arts workshop operate under the auspices of the parish's Department of Culture, as does the theatre workshop for young people aged 8–17.

765. The library holds workshops of various kinds during the school holidays.

766. The Department of Culture also organizes a number of activities to mark cultural and traditional festivals, and a number of competitions. Those held most regularly are the bookmark competition and the story-telling competition.

767. The Department is responsible also for the school of art, which offers painting, drawing, pottery and other classes for children aged 3–17.

768. The main aim of the activities of Sant Julià de Lòria parish council in relation to children and adolescents is to create services to assist young children and adolescents, and especially those who find it difficult to integrate into society. The parish council also supports various parents' associations and organizations in order to promote and create resources for leisure activities.

C.2.7. *Escaldes-Engordany parish council*

769. Escaldes-Engordany parish council created the Children and Youth Department in 2004 to bring together all the spaces, services and projects designed for children from birth to the age of 17. The Department is responsible for meeting the needs of children, adolescents and their families.

770. The Children and Youth Department comprises two parish day nurseries, a leisure facility, a games library, a youth club and a facility for providing assistance to parents.

771. The main function of the youth club and the games library is to meet the demand for out-of-school activities for children and adolescents. The parish has seen an increase in the demand for and the use of these services.

772. The leisure facility deals with all the main activities and information which have social relevance. The aim is to inform students and make them aware of what is happening around them. It offers leisure activities for children aged 3–12 and can cater for up to 53 children.

773. The games library is for children aged 6–12. It is a space where children can meet, form relationships with other groups of the same age, play games and join in leisure workshops. During the 2004/05 school year, 64 children enrolled at the games library, and it worked with about 20 children a day.

774. The youth club is a meeting-place for adolescents aged 12–17. Its objective is to promote the social, educational and cultural opportunities available for leisure time, to encourage young people to communicate and participate and to teach them respect for others. The permanent activities are workshops, conferences, competitions, rambling, outings and celebrations: board-games and computers are available to users. The club also

allows young people access to information and advice that can help resolve their concerns and problems.

775. From the outset, decisions about the club's decoration and the arrangement of space have been taken by the young people who use it, and they also set the rules. The objective of the youth club is also to encourage young people to participate, to think with discernment and to develop responsible attitudes, by stressing values such as respect for others.

776. In 2003, the parish found that the youth club had become a refuge for many young people who had dropped out of their studies or who were finding it difficult to integrate into working life. Understanding this made it possible to design and implement, as a priority, a project to take all necessary measures for the reintegration of the young people concerned into working life: vocational support and guidance, help with drafting CVs, preparation for job interviews and the installation of a notice board advertising job vacancies.

777. The Sports Department of Escaldes-Engordany parish council encourages training and the practice of sport throughout the year and especially during the summer, when children and adolescents have most free time. The Department encourages training in sports such as tennis, football, basketball, climbing, athletics, swimming, and other pool-based activities such as aerodance and keep-fit.

778. During the summer holidays, it organizes the "Esports d'Estiu" (Summer Sports), the aim of which is to give children the opportunity and the taste for getting involved in a variety of new sports activities while making new friends, and to help them find out about nature through play. These activities are for children aged 3–13. During the summer, young people who join can take part in water sports, tennis, badminton, dance, keep-fit, chess, climbing, team sports and Corporal Expression sessions.

779. The Department runs a snow school to encourage children to learn about snow and the mountain environment. The school is based at the Rabassa snow-sports area at Sant Julià de Lòria and provides cross-country skiing and other leisure snow activities (snowshoe hiking, luge, igloo-building, mountain-rescue activities with members of the fire service and dogs, etc.).

780. Escaldes-Engordany parish has various sports facilities: two all-purpose sports centres for competitive sport and school and leisure sports activities, indoor swimming-pools, an athletics ground and a climbing wall. All of these facilities and installations are used by federations, clubs and schools and also host cultural events and celebrations.

781. The schools of art and dance and the library come under the Department of Culture of the parish council. The activities of the two schools are also designed for the population as a whole, and offer activities specifically for children and adolescents. The parish library has a children's area, with material for children and adolescents, literature workshops and celebrations. It also organizes visits from schools to familiarize children with the children's area.

782. The Department of Culture also organizes cultural events and celebrations for all ages.

783. The Environment Department and the Government ran the environmental education project, "*Vall del Madriu, Aigua i Paisatge*" (The Madriu Valley, Waterways and Countryside) during the 2002/03 and 2003/04 school years. In the first year, 508 children took part and, in the second, 851 children.

784. As for more immediate priority projects for children and adolescents, the parish council intends to continue to support and further develop the parish Youth Council, and to provide means and avenues for participation by young people. It also wishes to build a new day nursery, a multi-media library and new premises for the youth club.

785. In 2004, the parishes took part in the World Youth Festival at Barcelona, selecting a university student from the principal town of each of the parishes.⁶¹

Chapter VIII. Special protection measures

A. Children in crisis

A.1. Refugee children (art. 22)

A.2. Children affect by armed conflict (art. 38), describing in particular the measures taken to promote physical and psychological recovery and social reintegration (art. 39)

786. In Andorra, there are no minors in the situations depicted by articles 22 and 38.

B. Children in conflict with the law

B.1. Administration of juvenile justice (art. 40)

B.1.1. Reply to the recommendations in paragraphs 45 and 46

Juvenile justice

787. The Qualified Act on Juvenile Justice covers minors aged between 12 and 16 who have committed a breach of the Criminal Code. Under the Act, minors aged 12 are not considered to be criminally responsible. The Act may be applied to minors of between 16 and 18 years who are regarded as being criminally responsible.

788. It is for the Ministry of Justice and the Interior to ensure that the measures taken in respect of a minor are implemented as well as possible, and to do so by setting in place all of the necessary resources. For that purpose, the Act stipulates that the minor must be subject to monitoring and that the judicial authorities must be kept regularly informed of this.

789. It should also be pointed out that the judicial procedure specific to minors was discussed when the Protocol on Action to Protect Children at Risk was drafted. There are a whole range of recommendations which are currently still being studied; the aim, however, is to bring them into effect as soon as possible.

790. It is thus possible to provide the resources for assistance to minors and their families throughout the judicial procedure, so as to ensure that they can access the counselling and assistance needed in the various fields (including legal, psychological and social assistance). The assistance falls under the joint jurisdiction of the justice system and the Department for Minors of the Ministry of Justice and the Interior.

⁶¹ **Annex 44:** Data on programmes and activities for children's leisure time in the different parishes.

B.2. Children deprived of liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))**B.2.1. Reply to the recommendations in paragraphs 43 and 44**

791. Act 8/2003 of 12 June 2003 on Employment Contracts lays down the conditions in which a minor has the right to work; it guarantees the right to education and protection of the rights of the child.

792. Article 79 of the Act regulates the employment of minors. Their rights are protected by articles 80 and 81 which limit minor's working hours. In addition, the Act contains a specific chapter on contracts of apprenticeship for minors (Title III, Chapter 1, arts. 83 to 89).

793. Finally, article 2 of the Act on contracts of employment, entitled "Exclusions", regulates work in the family context. According to article 2, although the employment of minors in the family context is not caught by the Act, article 70 (dismissal of the employee), article 80 (hours of work) and article 82 (limitation on working hours) apply to this form of employment.

B.2.2. *Development of the Department for Minors*

794. As stated in paragraph B.10 of the first report drawn up by Andorra on the Convention on the Rights of the Child, the Ministry of Justice and the Interior set up, on 19 November 1999, a Department for Minors. The department consists of a director, a part-time psychologist and a social worker from the Ministry of Health, Social Welfare and the Family.

795. During the years preceding the preparation of this second report, the department experienced a continuing increase in the number of cases dealt with. Between 1999 and 2004, there was an increase of 166.66 per cent, which will give rise, in the short term, to an increase in human resources and/or additional hours for the various professionals involved, in order to guarantee a flexible response that meets the deadlines set by the department.

796. Since the entry into force of the Qualified Act on Juvenile Justice of 19 November 1999, the Department for Minors had dealt with a total of 135 children (up until 2004): in the case of 31 of those children (22.96 per cent), the "*Batllia*" (judge) asked for a psychological evaluation (pursuant to art. 2, para. 3, of the Qualified Act on Juvenile Justice); a further 96 (71.11 per cent) underwent psychosocial monitoring (along with their families), pursuant to article 20, paragraph 1, according to which the judge may refrain from bringing legal proceedings in certain cases. Seven minors aged 12 (5.18 per cent) were made subject to monitoring (pursuant to art. 3 which stipulates that criminal responsibility may not be attributed to under-12s); only one case resulted in the enforcement of a court order.

797. We should also mention seven cases in which minors aged 12 were subject to monitoring, and that the number of requests by the "*Batllia*" (judge) in relation to cases of that nature, fell between 2003 and 2004.

798. Please see annex 45 for more detailed information on minors dealt with by the Department for Minors. The data relate to the cases dealt with between 1999 and 2004 and include personal details of the child, information on the offence and educational, professional and psychological data, as well as social and family-related data.

B.2.3. *Programmes of the Department for Minors*

799. The Department for Minors operates the following programmes:

- * Closed-case monitoring programme (minors against whom no legal proceedings have been brought)
 - 800. Under article 20 of the Qualified Act on Juvenile Justice, after consulting the Public Prosecutor's Office, the investigating judge may decide not to institute proceedings against a minor under the age of 18, if the offences committed may be put right within an educational and family environment. The investigating judge must notify the juvenile court judge, for information, and the technical services of the Ministry of Justice and the Interior, to ensure that they provide follow-up.
 - 801. Pursuant to article 20, the Department for Minors of the Ministry of Justice and the Interior steps in once it receives the decision of the investigating judge closing the case, and obtains the minor's personal and family details and his or her judicial history.
 - First stage: informing the minor and his or her family, assessment and identification of risks
 - 802. Once the minor and the minor's family have been properly informed of the reasons for the action of the Department for Minors, the Department undertakes an initial assessment of the personal and family situation and educational history of the minor and the minor's environment.
 - 803. If no significant risk factor is identified, and if the family satisfies the appropriate conditions for fulfilling its educational role and caring for the child, the Department provides appropriate information to enable the family to apply the educational or special measures that will enable the minor to resolve his or her problems. If the family so wishes, the intervention of the Department for Minors will stop there.
 - 804. However, in all cases in which it identifies a risk and a possibility of re-offending, the Department for Minors will monitor the minor, even if the family unit is properly structured and satisfies the requirements for appropriate intervention. It is also possible to obtain a more extensive psychological evaluation of the child.
 - Intermediate stage: monitoring and guidance
 - 805. The Department for Minors draws up intervention strategies to be followed and a personalized "road map", in order to avoid exacerbating conflict, improve relations and encourage the positive aspects of the minor's family and environment.
 - Final stage: end of monitoring and of the preventive measures set in place in the light of the minor's development
 - 806. The Department assesses the minor's development and the adequacy of the relevant "road map". If it considers that the "road map" has failed to secure the anticipated results, it may propose a new "road map" to the minor and his or her family and can request the intervention of the Child Welfare Department of the Ministry of Health, Social Welfare and the Family, if the minor is at risk. Where necessary, the Child Welfare Department may be asked to intervene at any stage in the procedure.
- * Programme of community measures
 - Legal framework and target group
- 807. The purpose of the programme is to lend substance to community service measures and set in place non-custodial supervision with pastoral assistance (provided for by the Qualified Act on Juvenile Justice, approved by Andorra's Parliament at its session of

22 April 1999). The Act applies to children over 12 and under 18 who have committed a criminal offence; all of the measures for which the Act provides may also be applied by the courts to young people between the ages of 18 and 21.

- Role of the Department for Minors

808. Under the Qualified Act on Juvenile Justice, the Department for Minors has responsibilities for assessing the minor's psychological situation and his or her social and family circumstances, during the pre-trial procedure and during the process of monitoring the measures imposed by the courts on a minor covered by the Act, under the supervision of the juvenile court judge and the Public Prosecutor's Office.

- Cooperation agreements

809. The Ministry of Justice and the Interior has entered into cooperation agreements with those public institutions (the parish councils and NGOs, etc) which are able appropriately to facilitate the enforcement of judicial measures.

- Method of intervention

810. The Department for Minors steps in when it receives the court order, which has become final and which must state the duration of the measure and, if necessary, the educational measures set in place and the rules of conduct which the minor is supposed to observe.

- Non-custodial supervision and description of the community service measures

811. The initial stage involves studying and assessing the case. For a maximum of two months, the Department for Minors must talk to the minor and his or her family in order to assess the minor's personal and family circumstances, education history and environment, as well as his or her shortcomings and needs. It must work with the institutions or professionals who are dealing with the minor or have done so in the past.

812. It also prepares a "road map" which sets out the educational measures best-suited to the minor's needs.

813. Within two months at the latest, the Department for Minors must submit a report covering social and educational issues to the juvenile court judge and the Public Prosecutor's Office.

814. The second stage involves monitoring the case. Once it has obtained the agreement of the juvenile court judge, the Department for Minors sets in place the personalized educational programme, and does so in such a way as to involve and give a sense of responsibility to the minor throughout the procedure, and to offer the minor all the help he or she needs to fulfil the undertakings entered into.

815. Every quarter, the Department for Minors draws up a report, which it passes on to the juvenile court judge and the Public Prosecutor's Office, on the minor's compliance with the undertakings entered into, his or her personal, family and social development and whether or not the minor attended the mandatory discussions with the Department's professionals.

816. As far as the final stage is concerned, once the measure imposed has been implemented in its entirety, the juvenile court judge and the Public Prosecutor's Office receive a final report on social and educational issues, which assesses the intervention, establishes, among other things, whether the undertakings entered into were complied with, and sets out the minor's development and current situation.

- Community service

817. Community service is regulated by article 27, paragraph 2(b) and article 47, paragraph 3(I.6^a) of the Qualified Act on Juvenile Justice. Pursuant to those provisions, the minimum duration of a community service order is 30 hours and the maximum duration 150 hours. In the case of reparatory measures proposed by the juvenile court judge, the maximum duration is 120 hours.

(a) Description of the measure

818. Community service consists of an activity carried out by the minor, for the benefit of the community or of vulnerable people. The aim is to give the minor a sense of responsibility for his or her actions, as well as an appreciation of the damage and harm caused.

(b) Method of intervention

819. The Department for Minors of the Ministry of Justice and the Interior steps in when it receives the court order; it then contacts the social workers from the Ministry of Health and Social Welfare

- Initial stage

820. The Department for Minors of the Ministry of Justice and the Interior talks with the minor and the minor's family in order to identify the activity best suited to the minor. Finally, the minor, the minor's legal representative, the representative of the institution where the community service will be performed and the representative of the Department for Minors of the Ministry of Justice and the Interior sign a community service document.

- Monitoring stage

821. Once the Department for Minors has received the agreement of the juvenile court judge, the minor begins the agreed activity and is monitored by Government professionals.

- Final stage

822. Once the community service is completed, the beneficiary institution draws up an assessment report on the work done and transmits it to the Department for Minors. A final report is also submitted to the juvenile court judge and the Public Prosecutor's Office.

B.2.4. Measures enforced by the Department for Minors

* Placement in a secure facility

823. The Department for Minors has monitored a minor placed in a secure facility in Spain. It monitored the minor in cooperation with the facility (every quarter) and with the family (on a monthly basis).

* Community service

824. The Department for Minors suggests the activity that the child should undertake to the juvenile court judge who must approve the proposal, after consulting the Public Prosecutor's Office.

825. The measure is enforced in cooperation with the parish council of the minor's town of residence, pursuant to the Cooperation Protocol that the Ministry of Justice and the Interior has signed with Andorra's parish councils.

826. Up until 2004, the Department for Minors had enforced a total of two community service orders. Both were implemented at Sant Julià de Lòria: one of the minors helped out at the town's sports centre and the other did the same at the library of the Cultural and Congress Centre.

* Non-custodial supervision with pastoral assistance

827. The minor must follow a programme of socio-educational activities and abide by rules of conduct, determined on an individual case basis, subject to close supervision, for a maximum of two years and within a six-month time-limit.

828. The Department for Minors also sets in place assistance and control measures; it encourages the minor to take part in activities which make it possible to improve his or her level of education. In order to achieve this, the Department asks for the help of public and private bodies capable of caring appropriately for minors (including, for example, schools, parish councils, private enterprises and NGOs).

829. The Department for Minors must submit a quarterly report to the juvenile court judge and to the Public Prosecutor's Office concerning developments in the minor's conduct and whether or not the minor has complied with the rules of conduct that he or she is required to observe.

B.2.5. Police service

830. As set out in paragraph B.2 of the first report to the Committee, the police service of the Principality of Andorra includes a minors' section which is part of the criminal investigation department. The main purpose is to conduct investigations designed to prevent and/or lead to the prosecution of offences involving minors, whether those minors are victims or offenders. Until 2004, the section was staffed by two police officers.

831. Once it is notified of an offence involving a minor, and regardless of whether the minor is the offender or the victim, the police service carries out the requisite inquiries and investigations. If it proves necessary to accord the minor protection, the police service will place the minor in the La Gavernera Children's Residential Centre. Where appropriate, the police service may also call in a doctor or psychologist.

832. If an offence has been committed against a minor, the police service will take all necessary measures to arrest the persons responsible and, if appropriate, bring them before the courts.

833. If the child is charged, his or her rights to personal integrity, personal and family privacy and his or her image are guaranteed. The child's identity may not be made public. The language used to talk to children is clear, simple and appropriate to their age, to ensure that they understand and avoid any possibility of confusion. If an offender who is a minor is interviewed, it is mandatory for the parents or legal guardian and lawyer to be present; if the child is under 12, a psychologist must also be present.

834. Children may not be kept in isolation; they may be held on remand for no more than 24 hours, and the family must be informed.

835. Every year, the minors' section of the police service organizes conferences on prevention in schools and provides children with information and advice through its website.

836. At an international level, the section cooperates closely with the minors' sections of other countries' police services, including those of neighbouring countries, the International Criminal Police Organization (INTERPOL) and other national central bureaux.⁶²

⁶² **Annex 46:** Data concerning detention and the reasons for detention (1999–2004).

Annex 47: Measures concerning minors and activities carried out by minors (1999–2004).

B.3. Conviction of young offenders, in particular the prohibition of capital punishment and life imprisonment (article 37(a))

837. As indicated throughout this report, capital punishment and life imprisonment do not form part of Andorra's Criminal Code.

B.4. Physical and psychological recovery and social reintegration (art. 39)

838. See Chapter V of this report.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

C.1. Economic exploitation, including child labour (art. 32)

839. The Labour Inspectorate was set up on 24 July 1984. It is made up of seven inspectors, three of whom deal with safety, one director and one administrative assistant. The Inspectorate may act of its own initiative or in response to complaints. The same applies when it is checking and monitoring the application of the rules on the employment of minors and apprentices.

840. In principle, any complaint must be made by the child's legal representative. However, if the minor complains of alleged infringements, the Labour Inspectorate acts of its own initiative. For the purposes of monitoring the application of the rules on the employment of minors, the Labour Inspectorate acts of its own initiative in the following cases:

(a) Where minors are being employed, the Labour Inspectorate automatically monitors the working conditions, regardless of whether there has been an allegation of an infringement.

(b) The police service and the Labour Inspectorate work together to check on alleged irregularities in regard to the employment of minors or illegal work.

(c) The Labour Inspectorate cooperates with the Andorran Social Security Fund and the Immigration Service to uncover alleged irregularities in relation to authorized contracts.

(d) The Labour Inspectorate sets its annual priorities for action to enable it to take action systematically in relation to a variety of problems, such as the employment of minors, accidents at work and contributions to the Andorran Social Security Fund.

841. During the last quarter of 2001, throughout 2002 and during the first quarter of 2003, one of the Labour Inspectorate's priority objectives was to monitor the agreed conditions of employment in the authorized contracts for minors and apprentices. During the last six months of 2003 and throughout 2004, one of its priority objectives was to circulate legislative amendments, including those relating to child labour.

842. Under the Act on Employment Contracts, it is mandatory for both the undertaking and the minor's legal representative to authenticate the employment contract, using the official form; the contract must be authorized by the Labour Inspectorate.

843. The Labour Inspectorate is the administrative body which authorizes or rejects employment contracts for minors. It is also responsible for checking and monitoring the application of labour legislation.

844. With a view to the entry into force of Act 8/2003 of 12 June 2003 on Employment Contracts and the legislative amendments which the Act entails, the Labour Inspectorate drew up a programme to circulate the new legislation. During October and November 2003,

it organized 18 presentations to introduce the Act to 512 attendees, representing a total of 324 enterprises from various sectors of activity.⁶³

C.2. Drug abuse (art. 33)

845. Please see paragraph B.4.6 of Chapter VI on the establishment of the National Plan to Combat Addictions.

C.3. Sexual exploitation and sexual violence (art. 34)

846. Please see Chapter VI.

C.4. The sale, trafficking and abduction of children (art. 35)

847. This problem has not been identified in Andorra.

C.5. Other forms of exploitation (art. 36)

848. The Government has not recorded any other form of exploitation in Andorra.

D. Children belonging to a minority or an indigenous group (art. 30)

849. Please see Chapters VI and VII which refer to minors from immigrant groups.

E. Children living or working on the street (art. 39)

850. This is a problem that has never been identified in Andorra. In all cases, the Ministry of Health, Social Welfare and the Family, as well as the institutions that intervene in relation to children, take the most appropriate preventive measures to ensure that it is not an issue that arises.

Addendum to the second report (2005–2008)

Chapter I. General measures of implementation

A. Withdrawal of reservations

A.1. Reply to the recommendations in paragraphs 10 and 11

851. In this addendum to the report, Andorra is able to confirm that, in conformity with the Committee's recommendations of 28 December 2005, it has been announced that declaration B, made at the time of ratification of the Convention and relating to articles 7 and 8 thereof, has been withdrawn.

⁶³ **Annex 48:** Data concerning the Labour Inspectorate of the Department of Employment (1999–2004).

B. Alignment of national legislation with the Convention (art. 4)

B.2. Treaties, conventions and general legislation

B.2.1. International treaties

852. On 25 July 2005, the European Convention on Mutual Assistance in Criminal Matters, adopted in Strasbourg on 20 April 1959, came into force in Andorra.

853. On 22 September 2006, Andorra acceded to the International Covenant on Civil and Political Rights and its Optional Protocol, both adopted on 16 December 1966 at New York, and to the Second Optional Protocol, adopted at New York on 15 December 1989.

854. On 26 October 2006, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted at New York on 10 December 1984, came into force in Andorra.

B.2.3. Qualified acts

* Qualified Act 4/2005 of 21 February 2005 on Stable Conjugal Partnerships

855. Qualified Act 4/2005 of 21 February 2005 on Stable Conjugal Partnerships was enacted at the beginning of 2005. It is a genuinely new development in the Andorran legal system. Setting out with the intention of distinguishing between a marriage and a stable conjugal partnership, Andorra concluded that it was necessary to provide a legal framework for stable conjugal partnerships and to define rights and obligations for the two partners in such a relationship. This legal framework had become necessary in response to social realities in Andorra. Up to 2005, stable conjugal partnerships (made up of two people wishing permanently to live together) had been subject to certain forms of discrimination resulting in injustice and inequity. The Act establishes that a stable conjugal partnership consists of two people who have reached the age of majority or are emancipated minors, whatever their gender.

856. The Act regulates the personal and inheritance relations between the partners in a stable relationship and gives them rights equivalent to those of persons in a civil marriage as regards social protection, immigration, employment law and public services. It also defines the inheritance rights of a surviving partner. In addition, it creates a register of stable conjugal partnerships attached to the registration service for births, marriages and deaths.

857. Finally, the Act establishes that, for the purposes of the Qualified Act on Immigration of 14 May 2002, stable conjugal partnerships are equivalent to marriage (art. 13).

* Qualified Act 9/2005 of 21 February 2005 on the Criminal Code

858. This Act constitutes a major reform of the Andorran criminal justice system; it has a direct bearing on offences involving minors. The age of criminal responsibility is increased (from 16 to 18 years). The penalties provided for in the Criminal Code and the Code of Criminal Procedure are not applicable to under-18s. The penalties applicable to them are those provided for by the Qualified Act on Juvenile Justice of 29 April 1999. This Act introduced a special form of treatment for minors implementing article 40 of the Convention in Andorra's system of substantive law. It establishes that minors aged 12 are not criminally responsible and, consequently, are presumed to be incapable of breaking the criminal law.

859. For certain types of offences (sexual offences against minors or connected with child-trafficking, for example) the principle of the territoriality of the criminal law ceases to apply. In addition, the Act lays down a differential approach to penalties, which are

increased when the victims are minors. The new Andorran criminal law introduces the passive personality principle, which allows jurisdiction to be attributed to the Andorran judicial authorities in the case of offences committed abroad if the victim has Andorran nationality. It is also laid down that Andorran criminal law is to apply to any offence or attempted offence by a person of Andorran nationality outside the territory of the Principality of Andorra.

860. Seeking to align Andorra's criminal law with the international commitments that Andorra has entered into on human rights, the new Criminal Code introduces and defines two new offences of torture by an authority or public official (arts. 110, 111 and 112). No separate arrangements apply for these offences where the victims are minors. If, however, the victim is a minor, aggravating circumstances must be taken into account in assessing criminal responsibility if the victim is particularly vulnerable because of his or her age, or where there is an abuse of authority, of a superior position or of trust.

861. Legislation dealing with offences against sexual freedoms has been fundamentally recast: the law draws a distinction between offences committed against adults and those committed against minors and persons lacking legal capacity. Pursuant to the Stockholm Declaration of August 1996, the Joint Action to Combat Trafficking in Human Beings and Sexual Exploitation of Children, adopted by the Council of the European Union on 24 February 1997, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 25 May 2000, the Criminal Code introduces new rules on child pornography, prostitution and on trafficking in and the exploitation of children.

862. Article 147 prohibits and punishes any sexual activity with a child below the age of 14 years. The penalties are more severe where the perpetrator is a relative in the ascending or descending line or a brother of the minor, or where he or she exercises family authority over the minor. Article 148 prohibits and punishes the same activities when committed on young persons aged between 14 and 18 as a result of an abuse of a superior position. The penalties are, however, considerably less severe.

863. Articles 151 and 152 of the Criminal Code provide penalties in respect of any person who promotes, favours or fosters the prostitution of a minor or a person lacking legal capacity. The penalties are increased where the offence is committed by persons in a position of family authority or guardianship. Similarly, anyone who profits sexually from the prostitution of a minor or a person lacking legal capacity is liable to imprisonment. In relation to offences of pornography involving minors and persons lacking legal capacity, and the incitement of minors or persons lacking legal capacity to perform sexual acts, the new Code aims to take a more protective approach than its predecessor. It provides specifically for the definition and punishment of an offence of acquiring images of minors or persons lacking legal capacity with the intention of producing pornographic material, the use of minors or persons lacking legal capacity for the purposes of pornography and exhibitionism, the possession and distribution of pornographic material involving minors and persons lacking legal capacity, and the distribution, sale and exhibition of pornographic material to minors or persons lacking legal capacity.

864. Mention should be made of the restriction on the right of minors to seek, receive and distribute information or ideas which could pose a threat to their morals or health. Article 157 of the new Criminal Code restricts and regulates access to pornography and its distribution.

865. Finally, it should also be mentioned that, in order to combat the economic exploitation of children, the new Criminal Code defines as offences the use of minors or persons lacking legal capacity for begging and the act of profiting from begging (art. 169).

866. Title VIII of the new Criminal Code, headed “Offences against Family Relationships”, defines a number of actions, for example leading a minor astray (art. 162) or inciting a minor to leave the family home (art. 163), as offences, in order to safeguard the right of children not to be separated from their parents. It also defines as offences illegal adoption, the illegal confinement of a minor and abandonment of the family. In addition, article 164 of the new Criminal Code defines trafficking in children for the purpose of altering their filiation as an offence, providing for criminal-law penalties against the person who receives the minor and the person who acts as intermediary. Where the acts concerned have a profit motive, penalties are increased.

867. Article 168 defines as an offence the failure of a relative in the ascending or descending line or of a spouse in their duty to provide assistance: a prosecution can be brought by the injured party, except when the latter is a minor or lacks legal capacity. Similarly, a person who neglects a minor or a person with a disability is punishable by imprisonment; the penalties are increased when the neglect puts the life of the minor or person with a disability in danger.

868. Article 427 defines obstructing the enforcement of judicial decisions as an offence; article 509 defines as a lesser criminal offence the obstruction, without just cause, by a parent or person having custody of a minor of the judicially-determined visiting rights of a person not having custody.

869. Penalties are provided against the forgery and alteration by individuals or public officials of public documents (information recorded in a public register, volume or file), and against the use or sale of forged or altered documents (arts. 437 and 438). The same penalty applies to the forgery or alteration of documents concerning the filiation or adoption of a child. The new Criminal Code provides that a case may be brought by the minor's legal representative and by the Public Prosecutor's Office against the unlawful acquisition or use of a minor's personal data.

* Qualified Act 10/2005 of 21 February 2005 amending the Code of Criminal Procedure

870. As a consequence of the adoption of the new Criminal Code, criminal procedure has also undergone profound reform. Accordingly, both the Code of Criminal Procedure and the Qualified Act on Juvenile Justice have been amended.

871. This new legislation introduces some new provisions, such as the possibility of extending, exceptionally, pre-trial detention in cases where the offences committed (for example the illegal confinement or trafficking of children, or their procurement for prostitution) call for special treatment. It also deals with child pornography and provides the authorities with new means of combating it.

872. Finally, as regards the compensation of victims, article 118 of the Code of Criminal Procedure expressly provides that, at any point during an action for damages, arson or deliberate or negligent acts harmful to the physical integrity of a person, the *Battle* (judge) or court, as appropriate, may, at the request of one of the parties, award the victim, or the victim's financial dependants, a payment chargeable to the accused and to the parties with civil liability.

B.2.5. Ministerial regulations and decrees

* Regulation of 30 March 2005 on assistance with rented housing

873. This regulation puts in place two programmes of housing assistance: one for young people under 30 years of age, and a more general programme of rental assistance for individuals or families satisfying certain criteria.

874. The regulation pays particular attention to children and adolescents at risk: in its second additional provision, it actually exempts children and adolescents from the conditions laid down for access to financial assistance for housing.

- * Regulation of 6 April 2005 on the establishment and operation of the National Children's Commission

875. This regulation establishes and determines the membership, aims and working arrangements of the National Children's Commission and establishes a number of different, relevant working groups.

- * Regulation of 27 April 2005 on childcare (day-care) facilities

876. This regulation replaces the previous regulation on day-care facilities. It lays down requirements concerning certain aspects of childcare, such as the determination of responsibilities, the qualifications required, equipment and facilities, limitations on numbers of places, etc. The new regulation introduces a new classification for childcare: it sets and supplements the minimum compulsory requirements for staff and facilities to be met by centres involved in childcare provision.

877. It specifies the responsibilities of all those concerned (including the public authorities and staff) with the aim of improving childcare services. The objective of the new regulation is to improve the implementation of the provisions of article 18, paragraph 3, of the Convention, by securing for children and working parents an entitlement to childcare services in conditions which make it possible for their rights to be guaranteed. It also seeks to give effect to the commitments that Andorra has entered into in the context of the Convention on the Elimination of All Forms of Discrimination against Women, by promoting services which allow parents to combine their family obligations with their work responsibilities and public life.

878. The new regulation applies to all public and private establishments which offer a childcare service. It distinguishes three types of service:

- Standard service: a continuous and regular service
- Out-of-school service: a continuous and regular service outside school hours and schedules, intended for schoolchildren; and
- Ad-hoc service: a service, which may be either continuous or temporary, providing care for children either for sustained periods or on an occasional basis (in ski resorts, cultural centres, hotel accommodation, etc.).

879. Childcare facilities and services provided by businesses for their employees are also subject to the regulation. In contrast, services in the form of unsupervised play spaces or installations are not subject to the regulation, and this must be clearly signposted at the locations concerned.

880. The regulation specifies standard, compulsory minimum safety, educational, teaching and environmental requirements to be met by care facilities of all kinds, along with the particular minimum requirements appropriate to each type of facility. It also stipulates the professional and health requirements for the managerial and teaching and auxiliary staff and determines the child to care-delivery staff ratios. Article 23 specifically provides that day-care facilities must respect the rights of the children in their care, and take responsibility for ensuring that the care arrangements provided for them are appropriate. It requires childcare establishments to produce internal rules and a teaching project and plan, approved by the relevant ministry.

* Regulation of 29 November 2006 on adoptions

881. This regulation repeals in its entirety the Regulation of 10 June 1998 on adoptions. In accordance with the recommendations of the Secretariat of the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, the regulation introduces a number of new features in the interests of adoptive families and, more particularly, minors.

882. For example, it changes the accreditation process to make it simpler and less bureaucratic for families, while establishing guarantees sufficient to ensure the suitability of adoptive parents. In addition, it eliminates a number of costs, which previously fell on families, such as the costs of authentication and of apostille certificates from the Ministry of Foreign Affairs, or of psychological examinations to establish suitability, which will now be carried out without charge by psychologists from the adoption service.

883. Finally, the regulation prohibits informal adoption in Andorra. Since it came into force, all adoptions must take place through the Andorran central authority,⁶⁴ or through non-profit-making organizations that it has accredited.

E. Available resources and access (art. 41)

E.1. Reply to the recommendations in paragraphs 12 and 13

* National Children's Commission

884. The National Children's Commission is a national technical body responsible for analysing, assessing and developing proposals in relation to children's issues.

885. The Regulation of 6 April 2005 on the establishment and operation of the National Children's Commission provides that it must be composed of a high-ranking member of the ministry responsible for social welfare, and of senior professionals from the ministries with responsibility for social welfare, health, education, youth, justice and internal affairs. It also provides for the participation of technical staff from the parish councils, from certain professional colleges and of a representative from the National Youth Forum of Andorra (once the forum has been set-up).

886. The Commission is responsible for ensuring that the various instruments which deal with child protection, such as the Convention on the Rights of the Child and the Protocol on Action to Protect Children at Risk, are implemented, and for monitoring the application of these instruments and the recommendations of the Committee on the Rights of the Child.

887. A new parliament began work in mid-2005 and has set up a Ministry of Health, Social Welfare and the Family. This new Ministry is taking over all of the responsibilities and functions of its predecessor.

888. The new Ministry is made up of two directorates: the Directorate of Health and the Directorate of Social Welfare and the Family. The latter is taking over all of the responsibilities and functions of the State Secretariat for the Family and the State Secretariat for Social Welfare under the previous Government.

889. At present, most of the functions of the National Youth Commission are being exercised by the Technical Commission for Assistance to Minors.

⁶⁴ Ministry of Health, Social Welfare, the Family and Housing.

* National Plan of Action for Children

890. In 2006, the Ministry of Health, Social Welfare and the Family launched a project to secure the participation of the whole of Andorran society in the preparation of a National Social Welfare Plan dealing with various subjects, including some relevant to children.

891. It became clear from the outset that it was going to be necessary to prepare a national plan of action for children. The process has been under way since October 2006. The plan follows the guidance contained in the document "A World fit for Children", drafted during the UN Special Session on Children in 2002. The aim is to set policies on children for the medium and long term, within the framework of Government action.

892. The main themes are promoting healthy living, access to a high-quality education and protecting children against abuse, exploitation and violence. The report deals, in a cross-cutting manner, with other matters connected with legislation, data collection, training and, above all, the participation of children.

893. The Plan provides for the participation of both public and private bodies with the aim of gaining a comprehensive vision of the situation of children in Andorra and their future needs. The UNICEF National Committee for Andorra is also providing technical assistance in drafting the final document.

E.2. Reply to the Committee's recommendations in paragraphs 14 and 15

894. Working with the University of Alcalà, the Ibero-american Federation of Ombudsmen (IFO) organized a seminar at Cartagena de Indias in Colombia to look into the human rights situation in various countries, including children's and adolescents' rights, and related issues, and to draft a report.

895. The *Raonador del Ciutadà* (Ombudsman) of Andorra has also drafted a report, dated 30 April 2005, to provide other countries with information on the situation of children and adolescents in the Principality of Andorra. The report was published in November 2005.

F. Independent national human rights institution

896. An Andorran institute for human rights is in the process of being set up.

G. The dissemination of the principles and provisions of the Convention, and of national reports

G.2. Programmes and actions for the dissemination of the Convention on the Rights of the Child and of the Committee's recommendations to Andorra

* 2005

897. From September to December 2005, the UNICEF National Committee for Andorra organized a postgraduate course entitled "The Rights of the Child and Development" to train professional staff on the Convention on the Rights of the Child. This special training was organized in collaboration with the University Institute for the Needs and Rights of Children and Adolescents of the Autonomous University of Madrid, and the University of Andorra. The aim was to offer training and analysis to provide more detailed knowledge of and publicize the Convention, and to influence development and cooperation policies.

898. The course lasted 130 hours and was aimed at professionals in both the private and public sectors working with and for children, including educationalists, primary school

teachers, health professionals, psychologists, social workers and professionals in the justice system.

899. A budget of €3,260 was allocated for this training. The costs were borne 55 per cent by an Andorran financial institution and 45 per cent by the ministries responsible for education, social welfare, the family and cooperation. There were 30 places, and the course fee was €300.

900. Since 2006, campaigns to promote the Convention have focused on specific rights. There have been two: one, in 2006, on the right of minors to a family; and another, in 2007, on the right not to be discriminated against. A campaign on the right to leisure is in preparation for 2008.

Chapter II. Definition of the child

A. Definition of the child in Andorran legislation

A.10. Criminal responsibility

901. As mentioned in Chapter I of this report, the new Criminal Code raises the age of criminal responsibility from 16 to 18 years of age.

A.13. Capital punishment and life imprisonment

902. There is no provision for the death penalty or life imprisonment under the new Criminal Code.

Chapter III. General principles

A. Application of the principles of the Convention to domestic legislation

A.1. Reply to the recommendations in paragraphs 26 and 27

903. Please see paragraph B.2.3 of this report, which refers to the Qualified Act on Stable Conjugal Partnerships and to the new Criminal Code.

D. Respect for the views of the child (art. 12)

D.1. Reply to the recommendations in paragraphs 31 and 32

** Punt Jove (Youth Contact Point)*

904. This meeting point for young people was established in 2005 by the Ministry of Housing, Youth, Higher Education and Research. It is a free public service aimed at young people between the ages of 14 and 29, offering information, advice and assistance on various subjects, including sex education, international travel, drugs, health, employment and housing. Any young person can contact the centre by email or a free telephone helpline. The centre regularly carries out surveys on its website.

** National Youth Forum of Andorra*

905. On 17 May 2007, Parliament passed Act 11/2007 establishing the National Youth Forum of Andorra. The aim of the Forum is to give young people the opportunity to express themselves, to have policy debates which are all the more valuable because they reflect the

views of the young, to motivate young people to take part in international forums and activities and to promote values such as peace, tolerance and respect for the environment. Under the Act, all citizens between the ages of 16 and 29 can participate in the Forum.

906. The first meeting of the assembly of the Youth Forum took place on 21 February 2008. The association subsequently welcomed representatives from the Council of Associations.

907. The first activities of the Forum included presentations on the association to youth councils from regions neighbouring Andorra, and hosting, in Andorra, a meeting of youth councils from the Pyrenees, under the auspices of the Working Community of the Pyrenees.

* National Plan for Youth (*Pla Nacional de Joventut*)

908. During the two years preceding the preparation of this addendum, the Secretary of State for Youth and Sport produced a National Plan for Youth, the purpose of which is to define, promote and coordinate policies for young people. It defines the main objectives and activities in relation to housing, participation by young people, gender-equality, independence for young people, social cohesion, cooperation and solidarity. It has been drawn up in collaboration with the political parties, leaders of youth associations, Government officials and representatives of student associations. It is expected to be formally approved shortly.

* Youth Survey

909. In 2006, the Andorran Centre for Sociological Research carried out a survey of Andorran youth for the Government, in which 1,036 young people between the ages of 16 and 19 took part. The survey included a range of questions on matters including study, entry to the labour market, family and sexuality.

910. The most striking results were that the majority of young people in Andorra are economically active (66 per cent), that more than 40 per cent are no longer living with their parents and that 74 per cent are satisfied with the life they are leading. Among the negative aspects, the survey has established that only 13 per cent of young people belong to an organization or association.

Chapter IV. Civil rights and freedoms

A. Name and nationality (art. 7)

911. Please see paragraph B.2.3 of Chapter I, which sets out new developments in the Criminal Code and the arrangements for dealing with the offences of trafficking and neglect of children and of forgery and alteration of official documents.

C. Freedom of expression (art. 13)

912. Please see paragraph B.2.3 of Chapter I, which describes the restrictions that apply to the right of minors to seek, receive and distribute information or ideas which could pose a threat to their morals or health, including restrictions on access to and the distribution of pornography, which are regulated by article 157 and related articles of the new Criminal Code.

E. Freedom of association and freedom of peaceful assembly (art. 15)

913. Mention should be made of the amendments to the Qualified Act on Associations of 15 December 2000. In December 2007, article 33 was amended to raise the maximum age for membership of youth associations from 25 to 29 years.

F. Protection of privacy (art. 16)

914. The new Criminal Code defines as an offence the unlawful acquisition and use of computerized personal data. This new development is the direct consequence of the enactment of Qualified Act 15/2003 of 18 December 2003 on Personal Data Protection. The Act regulates the handling of personal data by the public authorities and by private individuals, so as to protect the rights of individuals

915. Where the victims are minors, the new Criminal Code provides that offences of this type may be reported both by the minor's legal representative and by the Public Prosecutor's Office. The new Criminal Code contains no significant new developments in relation to the definition of acts involving the violation of domestic privacy: penalties are laid down for the offence of entering and remaining in another's home against the occupant's wishes.

916. As regards the placement of minors in conflict with the law, an annex to La Comella prison is currently under construction. It will be reserved exclusively for young offenders. This facility is expected to be fully completed by late 2009.

G. Access to appropriate information (art. 17)**G.4. Promoting the production and distribution of children's books**

* National plan to promote reading

917. One of the priority measures affecting children and their parents was the introduction, during 2006, of the "Born to Read" programme, which had already been introduced in other countries, such as Italy and the United Kingdom, with the aim of improving the reading habits of the population and encouraging reading in the family environment. The objective of the programme is to get everyone in the country who looks after children involved, so as to encourage a taste for reading from the very first months of life, and to create an emotional bond between adults and children based on books. The hope is that this will contribute to the satisfactory development of children, both emotionally and intellectually, with reading providing a basic tool fostering all aspects of their growth.

H. The right not to be subjected to torture or other inhuman, cruel or degrading treatment or punishment (art. 37(a))

918. Paragraph B.2.3 in Chapter I refers to the reform of the Criminal Code, including the definition of new offences, one of which is torture (arts. 110, 111 and 112).

Chapter V. Family environment and alternative care

A. Parental guidance (art. 5)

919. The new legislative developments in this area are Qualified Act 9/2005 of 21 February 2005 on the Criminal Code and Qualified Act 4/2005 of 21 February 2005 on Stable Conjugal Partnerships, which are described in detail in the Chapter I.

A.4. Regulation of 27 April 2005 on childcare (day-care) facilities

920. This new regulation, amending the previous regulation, introduces a new classification for childcare establishments: it sets and supplements the minimum compulsory requirements for staff and facilities to be met by centres involved in childcare provision.

B. Parental responsibilities (art. 18, paras. 1 and 2)

B.1. Reply to the recommendations in paragraphs 35 and 36

921. The Centre for Sociological Research has conducted two surveys, one on single-parent families, and the other on single-parent families and reconciling family and working life.

* Family composition in Andorra (2005)

922. The first survey concludes that six per cent of families in Andorra are single-parent families. The countries with the highest percentages of single-parent families are Ireland, Belgium and the United Kingdom. The percentage in Spain is slightly higher than in Andorra. The countries with the lowest percentages of single-parent families are Sweden and Finland.

923. Most single-parent families are made up of separated or divorced women and their children who are minors. The fact that, in the majority of these families, the "head of household" is a woman often creates financial difficulties, reflecting the pay inequalities between men and women.

* Sociological survey of children and reconciling family and working life in Andorra (2006)

924. This study was published in 2006 and was conducted by the Centre for Sociological Research in conjunction with the Ministry of Health, Social Welfare and the Family and Andorran women's associations. One of the main objectives of the survey was to establish the real circumstances of this population sector, in order to make it possible consider appropriate projects and measures.

925. The survey made it possible to identify the difficulties encountered by single-parent families, especially the parent, partly as a result of the reduction in the family budget consequent on there being just one parent. Dependence on a single income generates a degree of insecurity, particularly since a very large part of household income goes on housing costs. This situation is exacerbated when single-parent families have no extended family within the country, as is often the case, even if they receive support from this quarter (financial or emotional support and/or help with childcare).

926. The survey revealed a general lack of information about institutions and about the resources that exist, adding to the sense of disorientation. Women find it difficult being dependent on the social services, despite recognizing the importance of such services (in

providing not only welfare benefits, but also, and above all, managing selective activities and services and providing guidance and information). Moreover, in many of the families concerned, being a single parent is only one problem among many others.

927. The survey produced proposals for six [sic] major and inter-related aspects in this area:

1. Transcending stereotypes.
2. Reconciling family and working life.
3. Ensuring access to both initial and continuing training.
4. Supporting couples in the process of separation.
5. Sustaining social networks.
6. Promoting access to community services, and good quality in such services.
7. Guaranteeing the necessary levels of income.

The survey is available on the website of the Centre for Sociological Research at the following address: <http://www.iea.ad/cres>.

B.2. Legal obligations of parents

928. The new 2005 Criminal Code defines the acts which constitute a breach of parents' legal obligations. Please see paragraph B.2.3 of Chapter I.

B.4. Reply to the recommendations in paragraphs 37 and 38

Childcare services for the children of working parents

929. The new regulation on childcare facilities was passed on 27 April 2005. It regulates the various forms of childcare, taking account of the particular features of each. Please see paragraph B.2.5 of Chapter I for a detailed account of the new regulation.

B.5. Social welfare benefits and programmes

* Programme for Children at Risk⁶⁵

930. This programme has been modified to make intervention more effective in cases where children are at risk. The changes concern both external cooperation (with other services) and internal cooperation (coordinating closely with the Emergency Welfare Services Department).

931. At an internal level, the different phases of intervention have been defined and the functions of social workers and psychologists, who work as a team, specified.

932. The phases of intervention are as follows:

1. Reception
2. Investigation
3. Psychological and social diagnosis and proposed intervention
4. Delivery of the intervention, and implementation of the "road map"
5. Final evaluation and closure.

⁶⁵ At present, this programme is run by the EEPI (Equip Especialitzat de Protecció a la Infància), a specialist child protection team.

* Fostering programme

933. In 2005, the professionals involved in this programme decided that there was a need to redefine and restructure it to take account of the following:

- Family assessment and monitoring procedures and criteria, documentation and time-limits.
- Procedures for monitoring the minors concerned in conjunction with the professional staff of the Programme for Children at Risk and the La Gavernera Children's Residential Centre.
- Information and training for foster-families.
- Definition of the different forms of foster care.
- Definition of the responsibilities of the professionals who are required to intervene.
- Recruiting foster-families by designing and implementing awareness-raising campaigns.
- Updating the foster-family network.
- Creating a meeting-space to facilitate contact between biological and foster-families, where such meetings are judged necessary for the welfare of minors.

C. Separation from parents (art. 9)

C.1. Parental authority

934. Title VIII of the new Criminal Code, "Offences against Family Relationships", defines various forms of conduct to protect the right of children not to be separated from their parents, for example leading a minor astray (art. 162) or inciting a minor to leave the family home (art. 163). For more detailed information, please see paragraph B.2.3.

D. Family Reunification (art. 10)

935. Qualified Act 4/2005 of 21 February 2005 on Stable Conjugal Partnerships establishes that, for the purposes of the Qualified Act on Immigration, stable conjugal relationships are comparable to marriages (art. 13).

E. Recovery of maintenance for the child (art. 27, para. 4)

936. One of the most striking new features of the new Criminal Code is that it defines an offence of obstructing the enforcement of judicial decisions, including by failing to comply with judicial decisions on the custody of minors or on the payment of maintenance (art. 427).

G. Adoption (art. 21)

937. From a legislative perspective, it should be pointed out that the new Criminal Code defines as an offence trafficking in children with a view to altering their filiation; it provides penalties of imprisonment for between 3 months and 3 years, which are also applicable to persons who have acted as an intermediary.

G.2. Developments in Andorra on inter-country adoption

938. To improve inter-country procedures and the further monitoring of dossiers in the child's country of origin, the Government of Andorra gave its approval, in 2005, for these procedures to be conducted in cooperation with Entitats Collaboradores a l'Adopció Internacional (Organizations Authorized for Inter-country Adoption). In December 2005, an international call for applications for accreditation as inter-country adoption organizations was issued.

939. At the moment, there is one approved organization in Andorra, ASEFA, which forwards dossiers to Colombia and the Dominican Republic. In addition, Andorran families send dossiers to the Philippines and Peru. In March 2008, Andorra signed a cooperation protocol with the Slovak Republic, although, as yet, no adoption procedure has been undertaken with that country.

940. It should also be mentioned that staff numbers in the adoption service have been increased to improve the service provided to minors and adoptive families. The service, formerly comprising a social worker and a psychologist, has been joined by a second psychologist and a specialist in international relations.

H. Illicit transfer and non-return (art. 11)

941. Please see paragraph B.2.3 of Chapter I, which covers, among other things, the new 2005 Criminal Code.

I. Child abuse or neglect, including physical and psychological rehabilitation and social reintegration (arts. 19 and 39)

- * Creation of the support team for women who are the victims of domestic violence

942. This team was set up in 2006 by the Ministry of Health, Social Welfare, the Family and Housing. It is made up of professionals in various disciplines who provide free counselling, support and treatment in complete confidence to women who have been subjected to physical, psychological or sexual violence at the hands of their partner. The team also offers financial assistance to those who need it. A free telephone help-line is available 24/7. These services are also available to child victims of such violence.

943. A seminar is currently being prepared for the purpose of re-establishing and strengthening bonds between mothers who have been victims of violence and their children.

Chapter VI. Basic health and welfare**B. Health and the health services (art. 24)****B.2. Health status of minors**

- * Follow-up, monitoring and prevention of HIV/AIDS

944. In 2006, the Ministry of Health, the UNICEF National Committee for Andorra, the youth departments of the parish councils and *Punt Jove* (Youth Contact Point) began organizing public campaigns to prevent HIV infection among young people, aimed at informing them about the main characteristics of the disease. The primary aim is to provide professionals who work with young people with tools to help them provide information to

and counsel young people. Each year, the campaign targets a new audience. In 2007, it was aimed at sports instructors; it is next planned to target school parents' associations, leisure activity supervisors and schools. A website has also been developed on the subject, aimed essentially at adolescents.

B.4. Preventive health care and health promotion for children and adolescents

- * The National Strategy for Nutrition, Sport and Health

945. In 2007, with support from a private foundation, the Ministry of Health put in place a national strategy for nutrition, sport and health. Its main aim is to promote healthy eating habits and increase participation in sport. The starting point for the strategy, based on studies and recommendations by the World Health Organization, was a survey of eating habits carried out in 2004 and 2005 among citizens aged between 15 and 75 years.

946. The strategy is divided into three parts: communication, information and education, and public health and social welfare projects. Implementation of the strategy began with a campaign to promote physical activity and healthy eating habits. The Ministry of Health, in conjunction with other Ministries such as Education and Sport, has developed a number of channels of information (leaflets and posters, for example) to explain the food pyramid and the exercise pyramid. Other activities are planned, including the evaluation and modification of school syllabuses.

D. Standard of living (art. 27, paras. 1–3)

D.1. Government programmes, social welfare benefits and measures of assistance

D.1.9. Assistance with rented housing

947. One of the first acts of the Housing Department, in conjunction with the Inter-ministerial Commission, was to establish housing-assistance measures (regulation of 30 March 2005). The measures are:

- * Independent-housing loans for young people. The loans are for young people aged 18–30 and must be repaid with interest. The aim is to reduce the financial burden involved in moving to new accommodation.
- * Regular support payments: there are measures of financial assistance to provide help for families in financial difficulties. The most vulnerable population groups, in greatest need of assistance, are single-parent families, persons with a disability, the elderly and young people.

948. The first call for applications for housing assistance was made in 2005 (with a closing date of 6 May 2005); 180 applications were received.

D.2. Rental assistance measures at parish level

949. In the parish of Andorra la Vella, the regulation of 25 May 2005 establishes a system of financial benefits for residents of the town (families, children, young people and the elderly). The benefits may be either indirect or direct. Indirect benefits take the form of a reduction in charges for a social service provided by the parish. Direct benefits take the form of financial assistance, in one or more instalments, which makes it possible to cover the costs of certain needs of beneficiaries, to encourage their independence and to guarantee their fundamental rights.

Chapter VIII. Special protection measures

B. Children in conflict with the law

B.1. The juvenile justice system (art. 40)

B.1.1. Reply to the recommendations in paragraphs 45 and 46

950. It is appropriate to draw attention here to the adoption of Qualified Act 9/2005 of 21 February 2005 on the Criminal Code and the partial amendment of the Qualified Act on Juvenile Justice. Please see paragraph B.2.3 in Chapter I.

B.2. Children deprived of liberty, including children subject to any form of detention, imprisonment or placement in a custodial setting (art. 37 (b), (c) and (d))

B.2.5. Police service

951. The number of police officers assigned to the minors' section has continued to rise and now stands at five.

B.3. Conviction of young offenders, and in particular the prohibition of capital punishment and life imprisonment (art. 37(a))

952. As indicated earlier in this report, on 22 December 2006 the International Covenant on Civil and Political Rights and its Optional Protocol, adopted on 16 December 1966 at New York, and its Second Optional Protocol (for the abolition of the death penalty), adopted at New York on 15 December 1989, came into force in Andorra. They entered into force three months after the deposit of the instrument of accession (22 September 2006).

953. In addition, as stated on a number of occasions in this report, the death penalty is prohibited in Andorra and the new Criminal Code does not provide for life imprisonment.

C. Children in situations of exploitation, including their physical and psychological rehabilitation and social reintegration

C.1. Economic exploitation, including child labour (art. 32)

954. One of the new provisions under the new Criminal Code is that it defines as offences the use of minors or persons lacking legal capacity for begging and profiting from begging (art. 169).

C.3. Sexual exploitation and sexual violence (art. 34)

955. The legislation governing offences against sexual freedom underwent major reform with the introduction of the new Criminal Code in late 2005. The legislation covers the conclusions of the Stockholm Declaration of August 1996, the guidelines under the Joint Action adopted by the European Union on 24 February 1997 and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography of 25 May 2000. Please see paragraph B.2.3 in Chapter I, covering, among other things, the new Criminal Code.

C.4. Sale, trafficking and abduction (art. 35)

956. Please see the report on the new 2005 Criminal Code, provided as an addendum to the report of July 2004 on the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography, Chapter III of which includes an analysis of the Protocol's impact in Andorra.
