



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
5 November 2013

English only

**Committee on the Elimination of Discrimination
against Women
Fifty-sixth session**

Summary record of the 1165th meeting*

Held at the Palais des Nations, Geneva, on Friday, 4 October 2013, at 10 a.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(*continued*)

Combined second and third periodic reports of Andorra

* No summary record was issued for the 1164th meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second and third periodic reports of Andorra (CEDAW/C/AND/2-3; CEDAW/C/AND/Q/2-3, Corr.1 and Add.1)

1. *At the invitation of the Chairperson the delegation of Andorra took places at the Committee table.*
2. **Mr. Villaverde** (Andorra) said that, since submitting its initial report, Andorra had signed a number of key international human rights instruments. Notably, on 22 February 2013, Andorra had signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and a bill outlining the amendments to the Criminal Code needed for ratification had been submitted to parliament and should be adopted during the current session. A bill to combat gender-based violence would be drafted by 2015 to address a range of issues including prevention, spousal and child maintenance and legal aid. In follow-up to recommendations by several United Nations treaty bodies, the Government had adopted in April 2013 legislation on public statistics, pursuant to which the Statistics Department had become the authority on planning, unifying, coordinating and managing national statistics.
3. Despite budgetary cutbacks, the Government had maintained, and even increased, its social spending. A significant fiscal reform was under way, with the introduction of an array of new taxes to support long-term social policies. As a result, the Welfare Department of the Ministry of Health and Welfare had been restructured around three thematic areas, to be coordinated by the Information Systems and Social Planning Unit. The Unit would also be responsible for developing unified data-collection and reporting methods. In addition, the Interdisciplinary Team on Gender Violence had been moved to the primary social care sector, thereby increasing its scope and the number of social workers involved in identifying, treating and preventing violence.
4. The State Secretariat for Equality had been established in April 2010 in order to concentrate all equality policies under a single entity. The bill on social and health services was currently before parliament and, once adopted, would strengthen the rights and obligations of Andorran citizens. The bill provided for the establishment of a national welfare commission which would be composed of representatives of all the relevant government departments and municipal authorities. Once set up, the commission would drive and coordinate the implementation of the national action plan on equality.
5. Work was ongoing between the education facilities and the relevant ministries on a framework for health education in schools. Preventing abusive relationships was a priority under the framework and would be tackled from a variety of angles, such as developing life skills. The Ministry of Health and Welfare ran workshops on sexual and emotional health where experts worked directly with students. The Ministry, in cooperation with the Advisory Council on Infectious Diseases, was examining the possibility of introducing free, compulsory vaccination of girls against human papillomavirus.
6. A strategic plan to improve human rights education was being implemented at the secondary level, which made gender equality a cross-cutting topic in all subjects. The plan would be evaluated at the end of the 2013/14 academic year. Andorra had a longstanding policy of providing students, especially those with disabilities, with the individualized help they needed. The Government was particularly mindful of girls with disabilities who, more often than boys, saw their schooling curtailed. Teachers worked closely with parents to ensure that such girls fulfilled their academic and productive potential. The education budget had been increased by 5 per cent in 2012.

7. The country's small size and population implied that government services were in direct contact with social welfare professionals, making it possible to tackle issues of inequality swiftly and effectively and take emergency measures to protect the rights of victims of ill-treatment or abuse. Although the number of cases had fallen markedly, the Government was aware that significant cultural change was still needed to reduce gender discrepancies, especially at home and in the workplace.

Articles 1 to 3

8. **Ms. Pomeranzi** commended the State party on amending the law on marriage, as had been recommended in the previous concluding observations, and on the substantial participation of women in the latest elections. However, she pointed out that the report did not follow the Committee's guidelines, making it difficult to appreciate progress. She asked why the State party did not have a specific law on discrimination.

9. **Ms. Pimentel** asked why, 15 years after the State party had ratified the Convention, the Constitutional Court still had not invoked it in a single case, and how the State party could be certain that that was indicative of a lack of discrimination in the country. She asked whether the Government was planning a law on substantive equality that addressed gender discrimination in a cross-cutting manner and suggested that a law on violence that provided for preventive, investigative, prosecutorial and punitive measures would also be advisable. She requested additional information about the Ombudsman, specifically whether it could receive complaints, transmit information to parliament and interact with the judiciary. Pointing out that lawyers did not appear to receive human rights education during or after their studies, she asked whether the idea of partnering with France or Spain to provide such training might be considered.

10. **Ms. Pomeranzi** requested further information about the rationale behind changes to the national machinery for the advancement of women, in particular the transfer of the responsibility for gender equality to the Ministry of Health and Welfare. She also wished to know more about how the national action plan on equality would be implemented.

11. **Ms. Cascales** (Andorra) replied that, although there was no specific anti-discrimination law, the issue was covered in the legislation on each domain, such as the Labour Code, the Education Act and the Administrative Regulations. There were no gender discrimination cases before the Constitutional Court because any such cases tended to be settled either out of court or in the relevant specialized court. The Ombudsman could not intercede in court cases but it did receive complaints which it then directed to the appropriate authority.

12. **Ms. Cornella** (Andorra) said that lawyers did have access to human rights training in neighbouring France and Spain. Furthermore, courses on human rights were taught at the Faculty of Law of the University of Andorra and were open to all students.

13. **Ms. Bareiro-Bobadilla** said that, in the absence of a study on the matter, the State party should not presume to know the reasons why women did not bring complaints of discrimination before the courts. The lack of complaints was in no way evidence of a lack of discrimination.

14. **Ms. Pimentel**, pointing out that the delegation's replies regarding human rights training were vague, asked what steps were being taken to educate legal professionals and the general public about the Convention.

15. **Ms. Pires** asked whether the women's rights mandate of the Ministry of Health and Welfare provided for coordination with other ministries and parish councils. She requested updated information on the Ministry's budget.

16. **Ms. Pomeranzi** reiterated her questions regarding the national machinery for the advancement of women and the implementation of the national action plan, and asked what steps remained for the State party to ratify the Istanbul Convention. She said that she failed to understand why it appeared so difficult for the State party to take specific action on gender discrimination.

17. **Ms. Pimentel** said she feared that entrusting women's rights to the Ministry of Health and Welfare implied that the State party failed to grasp the scope of the issue.

18. **Mr. Villaverde** (Andorra) said that the National Equality Commission had been established in 2010 to draw up a national action plan on equality, which had been completed. The implementation of the plan had since been taken over by the Advisory Council on Health and Welfare but, in light of the overhaul of the health and social security system, the Council had not had the means of bringing such an ambitious plan to fruition. He explained that welfare in Andorra was a very broad and all-encompassing concept and that a number of bodies would be tasked with implementing the plan, with the Ministry of Health and Welfare serving as coordinator.

19. **Ms. Cascales** (Andorra) acknowledged that no research had been done into why women were reluctant to file complaints of discrimination, but insisted that all legal guarantees were in place and that lawyers were aware of all available remedies if women chose to do so. The courts had not yet invoked the Convention, but had referred to other international instruments in their decisions.

20. **Mr. Forner** (Andorra) said that the introduction of human rights education in areas other than law had been slow and gradual. However, a course was planned for 18 and 19 October 2013 in which the presiding judge of the Constitutional Court would take part. The Ministry of Health and Welfare was working closely with the parishes and municipalities, in keeping with each level of government's jurisdictional sphere. Recalling the fiscal history of Andorra, he said that the current Government had been the first to set up a taxation system; the process of adequately financing social policies would therefore take time and initial evaluations would hopefully be completed before the next periodic report.

Articles 4 to 6

21. **Ms. Neubauer** asked whether the Government had considered, or planned to introduce, any temporary special measures to ensure substantive gender equality.

22. **Ms. Hayashi** asked about the scope of the mandate of the interdisciplinary team, and whether it assisted victims of rape, sexual harassment, stalking or other forms of violence. She asked how the new draft legislation planned to address the lack of a specific definition of gender-based violence in the Criminal Code. In the light of recent austerity measures, she enquired about budgetary resources allocated to combating violence against women, stressing that it was important to maintain an appropriate level of funding. She understood that there were no provisions for the ex officio or mandatory arrest of perpetrators who violated restraining orders. How would the new legislation on gender-based violence address that issue?

23. **Ms. Jahan** said that the report provided little information on trafficking in women and forced prostitution, making it difficult for the Committee to understand the scale of the problem. The fact that no cases of trafficking had been identified did not necessarily mean that the problem did not exist, and she urged the State party to carry out systematic research into the matter. Was the Government taking any preventive measures, especially in view of the fact that Andorra depended on the tourism industry, and had open borders? The Criminal Code did not specifically refer to trafficking in women nor did it include the offence of human trafficking. What measures were being taken to address those legislative shortcomings? Did the Government plan to introduce comprehensive legislation to cover all

aspects of trafficking, and to incorporate a gender perspective? What progress had been made with regard to the report of the interministerial commission on bringing the Criminal Code into line with the State party's international commitments? Given that the State party had acceded to the Council of Europe Convention on Action against Trafficking in Human Beings, she asked what measures had been taken to implement its obligations under the Convention, including the creation of a national coordination mechanism. The State party seemed to rely heavily on civil society to identify possible victims of trafficking, and she urged it to improve coordination between State agencies and civil society. She expressed concern about the possible forced deportation of trafficking victims on account of inadequate identification procedures and the absence of asylum procedures.

24. Noting that prostitution was illegal in Andorra, she expressed concern that the problem might be driven underground, thus preventing women trapped into forced prostitution from obtaining legal redress or seeking medical assistance. She asked whether there was regular monitoring of night clubs and the tourist industry as a whole.

25. **Mr. Forner** (Andorra) said that any cases of trafficking or prostitution would have come to the attention of the authorities, as Andorra was a small, close-knit community. While prevention was indeed better than cure, a lack of resources and the absence of any identified cases of trafficking or prostitution meant that the Government had other priorities. The Criminal Code was regularly amended in order to bring it into line with international treaties signed by the State party; moreover, under article 3 of the Constitution, judges were able to refer directly to international treaty provisions in their rulings. He agreed that a clear definition of gender-based violence was necessary, but stressed that the necessary legislative provisions already existed, and the review of the Criminal Code would address any legislative shortcomings.

26. **Ms. Cascales** (Andorra) said that, in the lead-up to the visit to Andorra by experts from the Council of Europe in November, the Government was reviewing the issue of trafficking, in order to address the lack of clear legislation. While she agreed that an absence of recorded trafficking cases did not necessarily mean that no such cases existed, the support and information network available meant that women in such situations were unlikely to be overlooked, and the authorities handled a very small volume of people and cases. She added that the Government always tried to find specific solutions to concrete problems, and action would be taken, if and when necessary.

27. With regard to residence permits and asylum procedures, she noted that the concept of asylum did not exist under domestic legislation, but stressed that the authorities did not deport persons who were not legally resident in Andorra.

28. **Mr. Villaverde** (Andorra), while agreeing that specific instruments and studies were necessary, stressed that, given the limited resources available, the Government tried to respond to specific problems and situations, taking into account the small size of the country and its population.

29. **Ms. Cornella** (Andorra) said that the Criminal Code covered all forms of violence against women, and no proof of repeated violence or injury was necessary. Any form of violence could be prosecuted, and aggravating factors, for example if the victim required medical treatment, were also taken into account. Restraining orders could be issued as a temporary preventive measure by a court, for example, as a condition for a suspect being granted bail, as an additional punishment, or as a condition relating to a suspended sentence. Although there had been very few cases of non-compliance, persons who violated a restraining order would be sent to prison.

30. Although there was no specific definition of trafficking in domestic legislation, related offences were covered by the Criminal Code, and the courts were always able to try such cases. She highlighted the independent status of the Office of the Public Prosecutor.

31. **Mr. Villaverde** (Andorra) said that the comprehensive care provided to women victims of sexual violence also covered victims of other types of violence. Welfare budget allocations had not been affected by the crisis. The services provided by the interdisciplinary team had been expanded, and the response of the authorities was not restricted by the recent economic difficulties.

32. With regard to the gender pay gap, previous measures taken had focused on corporate social responsibility and efforts to improve employees' work-life balance. However, he stressed that enterprises operating in Andorra, the majority of which were small-scale companies, were currently simply focusing on remaining in business and avoiding redundancies. As the Government was trying to help employers to overcome the economic crisis and respond to immediate problems, such as unemployment, the implementation of measures relating to the gender-equality plan had temporarily become a lower priority.

33. **The Chairperson**, speaking in her capacity as an expert, pointed out that prostitution and trafficking were global problems, possibly exacerbated by the recent economic crisis and immigration. Although the State party had indicated that no cases of trafficking had been identified, the lack of a legal basis for action could nevertheless pose problems. She encouraged the State party to take a multisectoral approach to women's rights.

34. **Ms. Pomeranzi** said that, even in a country as small as Andorra, it was not always easy to monitor borders and to police national territory, particularly in view of problems such as trafficking and prostitution and the importance of the tourism industry. She wished to know about any special temporary measures implemented, as she was concerned about the welfare-based instead of gender-based approach the State party was taking and the prevalence of gender stereotypes and patriarchal attitudes.

35. **Ms. Jahan** said that while she understood the challenges the State party faced, the fact that a problem had never been identified did not mean that it did not exist, and she encouraged the State party to carry out systematic, in-depth studies on prostitution and trafficking, focusing on the tourism and leisure industry, particularly in view of the potential impact of the recent crisis. She requested further information on prostitution, and reiterated her concern that prostitution might be conducted underground.

36. **Ms. Hayashi** asked what the new law to combat gender-based violence would add to current legislation, given that the delegation asserted that all forms of violence against women were already covered by current legislation. Would the new law fill the gap between domestic legislation and international standards?

37. **Ms. Schulz** said that the State party should examine the most recent report of Liechtenstein, which had indicated that although no cases of human trafficking had been reported, the Government had taken a proactive and preventive approach and adopted various measures so that cases would be easily identified if they arose, including through awareness-raising activities for the police and other parties concerned.

38. **Mr. Forner** (Andorra) said that the police did monitor night clubs and although it was possible that prostitution was conducted underground it would be difficult for it to go unreported for any length of time because of the close relationship between the police and local communities. Prostitution was prohibited by law and the social services were ready to assist women who were affected. More could of course be done and he welcomed the suggestion of following the example of Liechtenstein, with whom Andorra already worked on other matters.

39. **Mr. Villaverde** (Andorra) said that current legislation on gender-based violence was sufficient at the legal level; however the new legislation would add value in terms of

preventive and educational measures. He would welcome the Committee's recommendations regarding stereotypes and attitudes.

40. **Mr. Forner** (Andorra) said that the bill to combat gender-based violence was currently being drafted and information regarding its content would be available the following year.

41. **The Chairperson** urged the delegation to answer the question regarding stereotypes.

42. **Mr. Forner** (Andorra) said that it was difficult for Andorran society to develop because it had been isolated for many years. The drafting of the Constitution in 1993 had represented a significant effort towards changing attitudes, but traditional values were still prevalent. Nevertheless, Andorran society was evolving very quickly, as reflected, *inter alia*, by the high numbers of women working in government administration, although it was difficult to find women at ministerial level. Much remained to be done and the Government would welcome appropriate recommendations by the Committee, which was part of the dialogue. However, he must emphasize that the delegation was better placed than the Committee to explain the current situation in Andorra.

43. **The Chairperson** reassured the delegation that the Committee was fully capable of examining the situation in the State party.

Articles 7 to 9

44. **Ms. Pires**, while commending the State party for not only achieving but exceeding parity in parliament, said that the data included in the responses to the list of issues (CEDAW/C/AND/Q/2-3/Add.1) indicated that parity did not exist in other areas of public and political life, especially in decision-making positions. She asked whether the State party had conducted an analysis of the reasons for the disparity and whether any special measures were envisioned to address them. She asked why it was difficult to find women capable of serving as ministers, whether there were special measures to increase the number of women in senior positions in the judiciary and whether discussions had taken place on maintaining parity in parliament. Had the option of special temporary measures been considered?

45. She asked whether there had been any analysis in the number and type of bills tabled by women, how women had contributed to legislative reviews and what the role of women parliamentarians was in the reforms relating to the ratification of the Istanbul Convention and in the deliberations on the implementation of the Convention under examination. She was pleased that the delegation included a female member of parliament and would welcome comments from her, as well as updated information on women's participation in a range of organizations, such as trade unions, the foreign service and international institutions.

46. **Mr. Forner** (Andorra) said that he had stated there were problems with the availability of women, not their capability; in Andorra it was hard to find both men and women willing to enter politics. There were more women than men in the Ministry of Foreign Affairs and Institutional Relations and both directors were women, as were two ambassadors and a former Minister for Foreign Affairs. There were also more women than men on parish councils; however in general it was still a struggle to achieve parity. The increased participation of women had caused a change of mentality in parliament, which was now more active in the law-making process, and women's issues were now more important. Furthermore, many women had leading roles in the Council of Europe.

47. **Ms. Riberaygua** (Andorra), a member of parliament, said that there were eight legislative commissions, four of which were chaired by women. There was also a working

group on women's issues that examined how women's participation in economic and political life could be increased. Four of the five delegations that represented Andorra in international organizations were headed by women.

48. **Ms. Cascales** (Andorra) said that despite the lack of a specific policy, there were more female judges than male judges in the courts, thanks to higher levels of education among women, leading to greater opportunities. Access to employment in the upper courts was through a competitive exam and thus posts were generally filled by the most capable candidates; it was hoped that those vacancies would increasingly be filled by women.

49. **Ms. Marti** (Andorra) said that the majority of people working for the Ministry of Education and Youth were women, who occupied posts at all levels, including those of Director-General and Minister of Education and Youth.

50. **Ms. Pires** asked what specific measures were being taken to address the underrepresentation of women in public and political life.

51. **Ms. Bareiro-Bobadilla**, noting that there were no NGOs present at the meeting, asked to what extent they had participated in the preparation of the report.

52. **Mr. Villaverde** (Andorra) said that the Government was in regular contact with different NGOs working in areas of women's rights and tried to cooperate with them as much as possible. They had participated in the preparation of the report and the responses to the list of issues and their constructive criticism was always taken into account. Sometimes they worked autonomously and at other times with the Government on its programmes. Even though they were not present at the meeting they would be following the event with interest.

53. **Mr. Forner** (Andorra) said that the Government would welcome recommendations from the Committee concerning the underrepresentation of women in public and political life. It might be useful to establish mechanisms obliging political parties to review numbers of female candidates. NGOs had been heavily involved in the country's initial report and, for various reasons, to a lesser extent in the second, perhaps because they felt reassured that things were moving in the right direction.

54. **Ms. Pimentel** asked in which areas NGOs worked and what demands they made.

55. **Mr. Villaverde** (Andorra) said that NGOs worked to protect women against discrimination, and proposed programmes, such as the establishment of information points for women, for which the Government provided human and financial resources. They also provided constructive criticism of the Government's actions.

56. **Ms. Pimentel** asked whether any NGOs worked on reproductive and sexual rights.

57. **Mr. Villaverde** (Andorra) said that the matter was not currently addressed by any NGO.

Articles 10 to 14

58. **Ms. Gbedemah**, commending the State party for the importance it attached to education, requested clarification regarding the initiatives mentioned in the report involving workshops for adolescents and information campaigns to prevent risky behaviour in women, and asked how the trainers and education authorities concerned cooperated to ensure quality and consistency in the training delivered. She asked what plans there were to include the gender perspective in teacher training. She requested statistics on the pass and repetition rates for primary education, disaggregated by area, as well as information on women who did not complete primary education. While welcoming the increase in vocational training for girls, she enquired about policies to ensure that there was no difference in the types of courses followed by men and women. She wondered why twice as

many boys as girls benefited from initiatives for children with disabilities and whether it might be a result of the negative attitudes towards girls and women with disabilities in the State party, identified by the Committee on the Rights of the Child. She requested information on the children of migrant workers and measures taken to address the unequal participation in sports by women.

59. **Mr. Bruun** said that the State party's failure to join the International Labour Organization meant that it was difficult to assess whether it fulfilled its obligations under article 11 of the Convention and asked why Andorra was not a member. The report contained both astonishing denials of problems and recognition of some serious issues without a clear vision of how to deal with them. For example, the report claimed that discrimination in the workplace did not exist; that was unlikely to be true. Nevertheless, the report referred to severe double discrimination towards the lowest paid women, especially domestic workers. He asked how that problem was being addressed and how the principle of equal pay for work of equal value was upheld. Simply prohibiting discrimination was not enough. Concerns had also been voiced within the framework of the Council of Europe about sexual discrimination cases because the burden of proof lay with the victim. He asked whether any cases of sexual harassment in the workplace had been reported, and how such cases were handled. What role did the National Equality Commission play with regard to employment and what steps had been taken to provide women with disabilities with vocational training?

The meeting rose at 1 p.m.