



# Convention on the Rights of Persons with Disabilities

Distr.: General  
19 October 2020

Original: English  
English, Russian and Spanish only

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Andorra\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide updated information on:
  - (a) The current status of the Bill on urgent measures for the implementation of the Convention on the Rights of Persons with Disabilities, submitted to parliament in March 2017 (CRPD/C/AND/1, para. 29);<sup>1</sup>
  - (b) The measures taken to harmonize legislation, in particular the above-mentioned law, with the provisions of the Convention;
  - (c) The planned adoption of a new set of regulations governing the national evaluation commission (CONAVA), which establishes the criteria for assessing disability (para. 35).

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on the number of complaints received by the Raonador del Ciutadà (Ombudsman) since the expansion of its mandate in 2017 by virtue of Law No. 26/2017, and whether it includes the investigation of complaints related to discrimination of persons with disabilities and of disability-based discrimination. Please provide statistics disaggregated by sex, age, type of barrier encountered and sector in which the discrimination occurred, as well as on remedies and redress available, including monetary compensation.

##### Women with disabilities (art. 6)

3. Please provide updated information on:
  - (a) The measures described to amend the Criminal Code (Qualified Act No. 91/2010) (para. 52), in order to include victims with disabilities, and in particular to include terms in accordance with the human rights model of disability of the Convention;
  - (b) The measures taken to amend article 53 of the Criminal Code, and expedite the rehabilitation of victims of gender violence with disabilities;
  - (c) The measures taken to meet Goal 5, targets 5.2, 5.5 and 5.6, of the Sustainable Development Goals.

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\* Adopted by the pre-sessional working group at its fourteenth session (7–18 September 2020).

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.



**Children with disabilities (art. 7)**

4. Please provide updated information on:

(a) The measures taken to harmonize the terminology of the Criminal Code as it relates to children and to bring it into line with the Convention;

(b) The measures taken to ensure the participation of children with disabilities in the Children's Councils programme;

(c) Progress made in the drafting of a new children's act planned for 2017 (para. 63), and on measures taken to ensure a participatory process for children with disabilities;

(d) The measures taken to ensure that in situations in which the abuse or maltreatment of a child with disabilities might entail suspending or removing parental rights, the child will be placed in a foster family (para. 60).

**Awareness-raising (art. 8)**

5. Please provide information on the awareness-raising strategies adopted, and the results of the amendment to article 25 of the Act Guaranteeing the Rights of Persons with Disabilities on raising social awareness, and whether the campaigns, training, conferences and educational plans that are carried out with the aim of raising awareness in society adhere to the human rights model of disability of the Convention.

**Accessibility (art. 9)**

6. Please provide information on:

(a) Progress made in the amendments to the Accessibility Act in order to bring it into line with the Convention;

(b) The measures adopted to make public transport accessible and the results of the economic aid granted to adapt private vehicles;

(c) Accessibility of information transmitted electronically, electronic media and communication services.

**Situations of risk and humanitarian emergencies (art. 11)**

7. Please provide information on:

(a) Efforts to align the national disaster risk management policy with the Convention and the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) Steps taken to include persons with disabilities in civil protection action plans.

8. Please provide information about measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic. In particular, please advise on measures taken to:

(a) Provide persons with disabilities with accessible information concerning the scope of the pandemic and the prevention of the spread of the virus;

(b) Ensure continuous access to support and mainstream community services, including in-home care and personal assistance;

(c) Provide equal access to health care, including life-saving measures;

(d) Ensure that social benefits are guaranteed at all times.

**Equal recognition before the law (art. 12)**

9. Please provide updated information on progress made to amend the Qualified Act on Deprivation of Capacity and Guardianship Agencies (para. 100) with a view to repealing provisions limiting the legal capacity of persons with disabilities, in particular persons with

intellectual or psychosocial disabilities, and to establish a legislative framework based on supported decision-making.

**Access to justice (art. 13)**

10. Please provide information on measures taken to:

(a) Amend article 27 of the Penal Code, which excludes from liability certain individuals who are unable to understand the wrongfulness of the act owing to a mental disorder or impairment (para. 108), in order to adhere to the Convention and comply with Sustainable Development Goal 16, target 16.3, on ensuring equal access to justice for all;

(b) Provide training to officials of the judicial system on the provisions of the Convention with regard to access to justice of persons with disabilities.

**Liberty and security of the person (art. 14)**

11. Please provide information on:

(a) The number of persons with disabilities in detention, disaggregated by sex, age, impairment and reason for detention;

(b) Measures aimed at abolishing all laws that permit the deprivation of liberty of persons with disabilities on the basis of an alleged danger to themselves or to others, and measures aimed at prohibiting this practice;

(c) Progress towards bringing the Qualified Act on Deprivation of Capacity and Guardianship Agencies into line with article 14 of the Convention.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

12. Please provide information on measures taken to ensure monitoring and follow-up to prevent cases of torture or cruel, inhuman or degrading treatment or punishment, particularly for persons with psychosocial or intellectual disabilities who are still in psychiatric hospitals.

**Freedom from exploitation, violence and abuse (art. 16)**

13. Please provide information on:

(a) Progress made in the review and amendment of the Protocol for providing support and treatment to persons deemed to have “mental health problems” (para. 123);

(b) Measures taken to combat gender-based violence against women with disabilities, including sexual abuse and exploitation, particularly in domestic and institutional settings;

(c) The number of women and girls with disabilities who were victims of domestic violence during the confinement resulting from the COVID-19 pandemic, as well as the number of complaints received from women victims of domestic violence and the number of women who benefited from accessible shelters;

(d) The measures taken to review the protocols for early detection of cases of sexual abuse of children with disabilities, as indicated in the State party’s report (para. 61);

(e) Progress made in amending the protocols for care of victims of criminal offences to include persons with disabilities, especially women and girls with disabilities (para. 119).

**Protecting the integrity of the person (art. 17)**

14. Please provide information on measures taken to:

(a) Implement Law No. 40/2014 prohibiting forced sterilization, especially of women and girls with intellectual or psychosocial disabilities;

(b) Make available reliable disaggregated statistical data on the number of reported cases of violation of article 17 of the Convention;

(c) Ensure that the remedies put in place are available to persons with disabilities who are victims of forced sterilization, including the sanctions against perpetrators.

**Living independently and being included in the community (art. 19)**

15. Taking into consideration the Committee's general comment No. 5 (2017) on living independently and being included in the community, please provide information on:

(a) Plans for the adoption of a national strategy for de-institutionalization in line with the Convention, the timetable and budget allocations, and the involvement of organizations of persons with disabilities in its design and implementation;

(b) Financial allocations to support measures and action plans to promote independent living and inclusion in the community;

(c) The available services of primary care, home care and residential care, support services and personal assistance, technological entitlements and support referred to in the Social and Health Services Act, and whether they are free;

(d) The results achieved since the launch of the pilot programme to provide flats to support independent living (para. 138);

(e) The outcome of the pilot programme on personal assistance and the provision of counselling services and assistive devices, which was planned to be launched in 2017 (para. 139).

**Personal mobility (art. 20)**

16. Please provide information on:

(a) Measures taken to ensure accessibility and the removal of barriers in town planning, in premises for public use, and in housing, transportation, information and communication, in particular new communications technologies and systems (para. 142);

(b) Progress made in the revision of the Accessibility Act, which was planned for a period of two years.

**Freedom of expression and opinion, and access to information (art. 21)**

17. Please provide information regarding the outcome of the planned amendments to:

(a) The Accessibility Act, which included as one of its priorities the improvement of the communication system, especially in the public media and in access to information and communication technologies (para. 148);

(b) Article 23 (2) of the Act Guaranteeing the Rights of Persons with Disabilities, recognizing Catalan sign language as a language system, and also provide information regarding learning the language, knowledge of it and its use in relation to persons with hearing disabilities and deafblind people.

**Respect for home and the family (art. 23)**

18. Please provide information on the measures taken to amend the Qualified Marriage Act in order to bring it into line with the Convention (para. 157).

**Education (art. 24)**

19. Please provide information on:

(a) The progress made with regard to the proposals to amend the Act Guaranteeing the Rights of Persons with Disabilities and the Education Act to bring the national legislation on education into line with the Convention (para. 179);

(b) Measures taken to guarantee the right to inclusive education of persons with disabilities and to develop a fully inclusive education system;

(c) Measures taken to ensure full accessibility of school facilities and educational materials, equipment and services for students with disabilities;

(d) The number of children with disabilities enrolled in mainstream schools and in special schools or segregated educational institutions at different levels of education, as a proportion of the total number of children with disabilities attending the two types of educational settings and disaggregated by sex and national or ethnic origin;

(e) Measures taken during the COVID-19 pandemic to ensure that children with disabilities have access to accessible and inclusive distance education on an equal basis with others.

### **Health (art. 25)**

20. Please provide information on:

(a) The meaning of article 15 of the General Health Act, which identifies persons with disabilities as a high-risk population group that should be the object of special health programmes (para. 183);

(b) The amendments to the Bill on management and oversight of insurance and reinsurance, related to the prohibition of discrimination in health and life insurance, which were under consideration in parliament at the time of submission of the report (para. 187);

(c) Measures taken to ensure access to health-care facilities and services for persons with disabilities, and to ensure access to means of communication and equipment, and also provide information on measures to systematically train health personnel on the rights of persons with disabilities in accessing health care and services;

(d) Measures taken to ensure that persons with disabilities, in particular women and girls with disabilities, have access to sexual and reproductive health services on an equal basis with others;

(e) The number of persons with disabilities who have contracted COVID-19, disaggregated by places of residence, and the number of persons with disabilities who died from it.

### **Habilitation and rehabilitation (art. 26)**

21. Please provide detailed information on the available means for ensuring the necessary habilitation and rehabilitation for persons with disabilities (para. 189). Please also provide information on how persons with disabilities were able to access rehabilitation programmes remotely during the COVID-19 pandemic.

### **Work and employment (art. 27)**

22. Please provide information on:

(a) The amendments to Act No. 34/2008, on occupational safety and health at work, which are designed to ensure the protection of workers with disabilities from work-related risks (para. 203);

(b) Whether there has been an increase in the employment rate of persons with disabilities compared with the figure of 221 in 2016 (para. 196);

(c) The number of persons with disabilities that have obtained a job under the special plan set up by the Public Employment Service (para. 199) and through the strategy for job placement for people with disabilities for the period 2016–2019;

(d) Progress on the implementation of the network of inclusive businesses for the inclusion of persons with disabilities in the labour market (para. 201);

(e) The number of persons with disabilities who became unemployed as a result of the COVID-19 pandemic.

### **Adequate standard of living and social protection (art. 28)**

23. In addition to the information contained in paragraph 211 of the State party report, please provide updated information on:

(a) Whether the amendments to the Act Guaranteeing the Rights of Persons with Disabilities and the Social and Health Services Act concerning social and socio-health services, financial benefits, social security and retirement pension are already in force;

(b) The economic entitlements to ensure an adequate standard of living, including specific entitlements for disability (para. 215);

(c) The pension that persons with disabilities receive and whether it is sufficient to maintain an adequate standard of living and to pay for the additional expenses caused by disability;

(d) Measures taken or envisaged to monitor and mitigate the negative effects of the economic crisis following the COVID-19 pandemic on the standard of living of persons with disabilities.

#### **Participation in political and public life (art. 29)**

24. Please provide information on:

(a) The amendments to the Qualified Act on the Electoral System to guarantee the exercise of the right to vote by persons with disabilities (para. 220);

(b) Measures to ensure the full accessibility of electoral procedures, facilities and materials, including the provision of information in formats such as Easy Read, Braille and sign language;

(c) The number of persons with disabilities who are cadres in political parties, hold positions in parliament or participate in the Government of Andorra.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

25. Please provide information about the results of the Integra and Integra Plus programmes for the inclusion of children with disabilities in leisure time activities (para. 229).

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

26. Please provide information on whether the Department of Statistics and the Andorran Studies Institute have developed specific indicators on persons with disabilities, disaggregated by sex and disability, and if so, please provide the relevant data.

#### **International cooperation (art. 32)**

27. Please inform the Committee on measures taken to ensure compliance of the master plan for development cooperation on international projects (para. 235) with the Convention, and whether persons with disabilities, through their representative organizations, are effectively and meaningfully consulted and involved in decisions on international agreements. Please also provide information on the implementation of the 2030 Agenda for Sustainable Development.

#### **National implementation and monitoring (art. 33)**

28. Please provide information on measures that have been taken to establish an independent monitoring mechanism that is allocated resources from the State budget and is compatible with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) to supervise the implementation of the Convention. Please also indicate the measures that have been taken to ensure the involvement of persons with disabilities and their representative organizations in the mechanism's work.