



International Covenant on Civil and Political Rights

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Human Rights Committee

Initial report submitted by Andorra under article 40 of the Covenant, due in 2025*, **

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* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CCPR/C/AND/QPR/1).



A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**Reply to the issues raised in paragraph 1 of the list of issues prior to reporting
(CCPR/C/AND/QPR/1)**

1. The Principality of Andorra adopted its first Constitution in 1993 and was thereby recognized internationally as a fully fledged State governed by the rule of law. Since then, Andorra has successively ratified and implemented the various international and regional agreements and conventions on the rule of law, democracy and human rights. Andorra also became a member of 28 international organizations, including those that defend human rights and democracy, such as the United Nations and the Council of Europe. This legislative work and the implementation of these conventions and agreements represent a considerable effort for a country with a very small territory whose current population is 87,663. Nevertheless, this process of adapting to international law and transposing recommendations and the content of international conventions into Andorran legislation is considered a priority for strengthening democracy, human rights and the rule of law in Andorra.

2. Accordingly, Andorra has adopted a number of laws – which will be cited in the present report – on women's rights; measures to combat gender-based violence, violence and sexual abuse against children, discrimination, corruption and trafficking in persons; and protection of the rights of persons with disabilities, among others.

3. The laws and conventions adopted or ratified by Andorra over the past 10 years include but are not limited to the following:

- Qualified Act No. 14/2019 of 15 February 2019 on the Rights of Children and Adolescents.
- Approval by the parliament (Consell General), on 26 May 2022, of the accession of Andorra to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- Act No. 27/2017 of 30 November 2017 on Urgent Measures for the Implementation of the Convention on the Rights of Persons with Disabilities.
- Act No. 13/2019 of 15 February 2019 on Equal Treatment and Non-Discrimination.
- Act No. 6/2022 of 31 March 2022 on the Effective Implementation of the Right to Equal Treatment and Opportunities and Non-Discrimination between Women and Men.
- Act No. 1/2015 of 15 January 2015 on the Eradication of Gender-based Violence and Domestic Violence.
- Act No. 4/2018 of 22 March 2018 on Temporary and Transitional Protection on Humanitarian Grounds.
- Approval by the parliament, on 26 May 2016, of the accession of Andorra to the Convention on Cybercrime and the Additional Protocol thereto concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.
- Ratification in 2023 of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine.
- Accession in November 2024 to the three Protocols Additional to the Geneva Conventions of 1949 on international humanitarian law, namely Protocol I, relating to the Protection of Victims of International Armed Conflicts, of 8 June 1977; Protocol II, relating to the Protection of Victims of Non-International Armed Conflicts, of 8 June 1977; and Protocol III, relating to the Adoption of an Additional Distinctive Emblem, of 8 December 2005.

- Act No. 8/2023 of 30 January 2023 on the Regulations Governing Popular Legislative Initiatives. The Act defines popular participation as the right of citizens to intervene, directly or indirectly, in public policies by submitting proposals or suggestions for consideration and consensus-building. This mechanism is a cornerstone of the democratic system.
- Act No. 16/2024 of 7 November 2024 on the Raonador del Ciutadà (Ombudsman). Since its entry into force in 1998, the Act on the Establishment and Work of the Ombudsman has been amended several times, mainly to broaden the Ombudsman's mandate. In 2010, on the recommendation of the Parliamentary Assembly of the Council of Europe, the parliament decided to amend the Act to empower the Ombudsman to protect the rights of the child. In 2017 the Act was again amended to introduce recommendations from the United Nations Committee on the Rights of Persons with Disabilities, in particular the designation of an independent mechanism to promote, protect and monitor implementation of the Convention on the Rights of Persons with Disabilities. Given the size of the country, the parliament considered it appropriate to entrust this task to the Ombudsman. The 2017 amendment also incorporated the recommendations of the European Commission against Racism and Intolerance into the Ombudsman's mandate. The Ombudsman was thus empowered to combat racism, racial discrimination, xenophobia, antisemitism and intolerance in both the public and private sectors. Act No. 16/2024, which contains the most recent amendment to the law establishing the Ombudsman, incorporates the recommendations of the European Commission for Democracy through Law (Venice Commission) to bring the Ombudsman's mandate into line with the principles on the protection and promotion of the ombudsman institution (the Venice Principles). The Ombudsman's powers have thus been expanded to strengthen the public interest and the protection of human rights in the broadest sense by allowing this official to intervene with private entities. The Ombudsman is also responsible for fostering relations with civil society as a whole, and more specifically with associations and non-governmental organizations that promote human rights.

4. Andorra has also worked to create and develop a particularly inclusive Andorran education system in which skills-based learning emphasizes the internalization of human values, empathy, solidarity and acceptance of difference as a good in its own right. This educational model, in which learning about human rights is an integral and cross-cutting part of the curriculum, has been used by the Council of Europe as a basis for the development of guidelines and tools for promoting democratic, quality and inclusive education systems in Europe. Moreover, in 2018 Andorra became a party to the Convention against Discrimination in Education.

B. Specific information on the implementation of articles 1–27 of the Covenant

Constitutional and legal framework within which the Covenant is implemented (art. 2)

Reply to the issues raised in paragraph 2

5. Pursuant to article 3 (4) of the Constitution of Andorra, treaties and international agreements become part of the legal system from the time of their publication in the Official Gazette (*Butlletí Oficial del Principat d'Andorra*) and cannot be amended or repealed by laws.

6. The Covenant was published in the Official Gazette on 21 June 2006, at which point it was incorporated into the Andorran legal system and became directly applicable.

7. In international law, Andorra follows the monist system, whereby international provisions are automatically incorporated into its domestic law. Consequently, the provisions of the Covenant are directly applicable and can be invoked before the domestic courts.

8. Andorran courts, primarily the High Court of Justice and the Criminal Court (Tribunal de Corts), have based their decisions in a number of cases on the rights recognized in the Covenant. Examples include Judgments No. 21-99 of 20 September 1999, No. 33-05 of 13 July 2005 and No. 15-08 of 10 April 2008 handed down by the Criminal Division of the High Court of Justice.

9. References to provisions of the Covenant can also be found in a number of orders issued by the Civil Division of the High Court of Justice, including the orders of 24 February 2015, 25 May 2016 and 26 April 2017, Order No. 125-2020 of 30 November 2020, Orders No. 103-2023 and No. 122-2023, both of 21 September 2023, Order No. 66-2024 of 22 April 2024 and Order No. 98-2024 of 8 July 2024. Such references also appear in Judgments No. 091-2022 and No. 092-2022, both of 15 June 2022, and Judgment No. 103-2022 of 11 July 2022.

10. By the above-mentioned decisions, the High Court of Justice ruled on cases relating to articles 9 (3), 14, 14 (5), 17 (1) and 26 of the Covenant. In general, the Covenant rights referred to are complementary to rights provided for in the Constitution. However, Orders No. 12-2015 and No. 13-2015 of the Criminal Division of the High Court of Justice, both dated 23 February 2015, contain a specific analysis regarding article 14 (5) of the Covenant.

11. Concerning the measures taken to raise awareness of the Covenant and its Optional Protocols, it should first be noted that these texts are available on the website of the Ministry of Foreign Affairs of the Government of Andorra: <https://www.govern.ad/ca/ministeris-i-secretaries-d-estat/ministeri-d-afers-exterioris/convenis-internacionals>.

12. In addition, the International Covenant on Civil and Political Rights and its Optional Protocols are mentioned in the many and varied training courses provided on human rights, the prohibition of torture and the fight against trafficking in persons, or any other topic covered by the Covenant. The target audience for these courses includes judges, the Public Prosecution Service and all officials whose work relates to the fight against torture, trafficking, violence against women and other human rights violations. These initiatives can also take the form of more general discussions aimed at wider segments of the population. As will be indicated in the present report, the training courses and lectures given by Mr. Pere Pastor and Mr. Josep Casadevall, both Andorran judges who formerly served at the European Court of Human Rights, have been particularly important for the dissemination of the Covenant, as they generally explain the various European and international human rights protection mechanisms to which Andorra has acceded.

Reply to the issues raised in paragraph 3

13. The Act on the Establishment and Work of the Ombudsman has been amended several times since 1998. In 2010 the parliament decided to expand the Ombudsman's scope of activity in response to a recommendation by the Parliamentary Assembly of the Council of Europe that member States should consider appointing a children's ombudsman to inform and guide work to uphold children's rights.

14. The next amendment, in 2017, took multiple sources into account: (1) the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly, which recommends the designation of an independent mechanism to promote, protect and monitor implementation of the Convention, a task that was entrusted to the Ombudsman; and (2) the 2012 recommendations of the European Commission against Racism and Intolerance, which led to the expansion of the Ombudsman's functions in terms of combating racism, racial discrimination, xenophobia, antisemitism and intolerance at the national level and the extension of the institution's remit to cover both the public and private sectors.

15. More recently, the Venice Commission published opinion No. 1094/2022 of 24 October 2022, in which it proposed a number of amendments to the current Act on the Establishment and Work of the Ombudsman to bring the institution into line with the Venice Principles, adopted by the Commission at its 118th plenary session, held on 15 and 16 March 2019, thereby ensuring that the institution meets the highest standards established by the Council of Europe. Act No. 16/2024 of 7 November 2024 on the Ombudsman granted the institution the status of a public authority and reaffirmed its independence. To strengthen the defence of the public interest and the protection of human rights, the Act also broadened the

range of circumstances in which the Ombudsman is authorized to intervene with private entities. Furthermore, the Ombudsman was given specific responsibility for fostering relations with civil society, in particular all non-governmental organizations involved in promoting human rights.

16. The essential criteria for selecting the Ombudsman are listed in the eligibility requirements, and competition is strengthened on the basis of objective, merit-based selection criteria.

17. With regard to the remuneration system, the Act specifies that the remuneration approved must be adequate and sufficient for the performance of the Ombudsman's duties. Incumbents are given the opportunity to introduce before the parliament, for approval, a proposed budget adapted to their needs to ensure the full, independent and effective performance of their duties.

18. The text also empowers the Audit Office to perform external oversight of the economic, financial and accounting management of the finances of the institution, whose accounts must be compatible with the public accounting system.

19. The Act further establishes that the Ombudsman institution is subject to the law on public procurement and to the obligation to respect the principles of objectivity, competition, transparency and disclosure in all staff recruitment procedures.

20. All the minor amendments recommended by the Venice Commission to strengthen the institution have also been introduced.

Anti-corruption measures (arts. 2 and 25)

Reply to the issues raised in paragraph 4

21. In 2022 Andorra obtained a score of 88.67 out of 100 for the “control of corruption” indicator developed by the World Bank, which placed it in the middle of the ranking. The country also scored well in the anti-corruption and transparency rankings published annually by Freedom House.

22. Transparency is a fundamental issue. It has been strengthened since Andorra became a member of the International Monetary Fund in October 2020. Accordingly, the Act on Transparency, Access to Public Information and Open Government was adopted in 2021. It requires public entities to regularly publish and update essential information relating to the operation and oversight of their public activities. The names of all senior officials must be made public, together with their function, remuneration, profile and professional background.

23. The Act establishes certain ethical principles that refer to the obligations of transparency, proactive disclosure and access to public information. In particular, the Act applies to the central Administration and the bodies under its direction, the parish councils (*comuns*) and their subordinate entities, the parliament, the Constitutional Court, the High Council of Justice, the Ombudsman and the Audit Office. Title II of the Act regulates the proactive disclosure obligation of public entities, requiring them to periodically publish and update relevant information on their operations and the oversight of their public activities to ensure the transparency of their work. To this end, article 4 sets out minimum lists of information that these entities must publish and disseminate on the open government platform or their own websites, with no need for any prior request from the public.

24. These exhaustive lists include not only institutional and organizational information, but also a range of legal, economic and budgetary data. Similarly, to ensure the effectiveness of the proactive disclosure system, information must be published in an accessible, clear, structured, secure and comprehensible manner. At the same time, article 5 stipulates that natural or legal persons other than those directly covered by the Act who receive an annual public subsidy equal to or greater than €10,000 are required to publish information on the use of these funds and on any subsidies, assistance or grants they plan to award as part of their activities. In addition, there are specific disclosure rules for public procurement under which the processing and publication of the documentation relating to administrative contracts in excess of €7,500 are carried out via the public procurement platform, except in cases where this is not possible for the technical reasons set out in article 63 of the Public Procurement

Act and for the secret or confidential contracts regulated in article 30 (1) (g) of the Public Procurement Act.

25. The Unit for Preventing and Combating Corruption is responsible for promoting and coordinating government action for this purpose. It was established by a government decree of 16 January 2008 as part of the anti-corruption policy being pursued at the time, with the aim of centralizing and coordinating actions concerning local administrations, national bodies and international entities. The Unit is currently staffed by two officials who were previously appointed by the Government, at the proposal of the Minister of Justice, to represent Andorra in the Group of States against Corruption. Integrated into the International Legal Relations and Cooperation Department of the Ministry of Justice and the Interior since 2015, this Unit is specifically responsible for representing Andorra in international anti-corruption bodies, monitoring global trends, proposing regulatory adjustments and implementing national policies. The Unit's mandate also includes the promotion of codes of ethics, the provision of advice and training and the promotion of administrative transparency. Where necessary, the Unit serves as a mediator in this regard.

26. A Code of Conduct for Members of the Government and Senior Officials was adopted on 15 November 2023. Members of the Government and senior officials are all required to declare their assets. This obligation should be extended to all persons with top executive functions. Civil servants and managers are bound by the Code of Conduct for the Civil Service adopted in 2010. The Code of Conduct for Members of the Government and Senior Officials also provides for compulsory training and awareness-raising sessions for these officials to deepen their understanding of the fundamental concepts underpinning the Code, particularly in terms of ethics, incompatibilities and conflicts of interest.

27. In addition, a code of ethics specific to the police force was adopted on 29 November 2023. Its purpose is to define and promote the ethical principles, values and rules of conduct that must guide the actions of members of the police force in the performance of their duties.

28. With regard to members of parliament, the Code of Conduct adopted on 22 December 2022 requires each member to complete mandatory training on the principles of integrity at the start of his or her term of office, supplemented by ongoing training throughout the term. The Code also includes a mechanism enabling members to seek confidential external advice in this regard through a standing committee. A guide to the application of the Code, adopted and published on 26 June 2024, details the ethical obligations of members of parliament and the procedures entailed by these obligations, as well as concepts, interpretation criteria and practical examples to facilitate the Code's implementation. A training session on the Code was held in May 2024 for all members of parliament; there are plans to offer further sessions on a regular basis.

29. In May 2024, the High Council of Justice adopted a Judicial Code of Ethics for judges, magistrates, prosecutors and members of the High Council of Justice. This Code institutionalizes the possibility for judges and prosecutors to seek confidential advice on ethics and integrity from a "contact person" designated within the Ethics Committee. It also establishes a requirement for the Council to provide regular training in integrity and ethics for judges and places the possibility for the latter to seek confidential advice on the subject on an institutional footing, in accordance with the aims of the recommendation to that effect from the Group of States against Corruption.

30. As part of the training plans established by the Council, several sessions on combating corruption were delivered to the judiciary and the Public Prosecution Service. These included a course on the offence of influence peddling and the United Nations Convention against Corruption, training on international organized crime, asset laundering and corruption of public officials in the context of international legal cooperation, and a programme on Ibero-American networks of prosecutors in the fight against corruption (Ibero-American Network of Prosecutors against Corruption, established by the Ibero-American Association of Public Prosecutors, and Regional Programme for social cohesion in Latin America (EUROsociAL)). Other training courses were offered on topics such as asset tracing and recovery in criminal proceedings against corruption, drug trafficking and organized crime; a seminar on best practices in international legal cooperation in criminal matters; and a course on the legal and regulatory implications of digital assets, blockchain and cryptocurrencies.

31. In addition, a workshop entitled “International legal cooperation in criminal matters: the case of the United States” is scheduled for May 2025, with the participation of the Director of the Office of International Affairs of the United States Department of Justice.

States of emergency (arts. 2 and 4)

Reply to the issues raised in paragraph 5

32. Under Act No. 4/2020 of 23 March 2020 on States of Alarm or Emergency, a state of alarm or emergency can be declared in the following situations:

Article 1. Grounds

The Government, in exercise of its powers under article 42 of the Constitution, may declare a state of alert in the event of earthquakes, floods, elevated water levels or torrential rains, landslides, avalanches, urban or forest fires, large-scale accidents, epidemics, pandemics or health crises or other natural disasters, when their severity or intensity necessitates such action.

...

Article 7. Grounds

1. The Government, in exercise of its powers under article 42 of the Constitution, may request the parliament for authorization to declare a state of emergency in cases where the normal functioning of democratic coexistence has been interrupted.

2. For the purposes of paragraph 1, the normal functioning of democratic coexistence is considered to have been interrupted in situations where the free exercise of citizens' rights and freedoms, the functioning of public services essential to the community, the operation of democratic institutions, the supply of essential goods or any other aspect of public order is so seriously impaired that the exercise of the ordinary powers of the Administration is insufficient to restore and maintain it.

Non-discrimination (arts. 2, 3, 13, 24 and 26)

Reply to the issues raised in paragraph 6

33. The Equal Treatment and Non-Discrimination Act (No. 13/2019 of 15 February 2019) is the main legal framework for enforcing the principle of equality, which is recognized as a personal right. The Constitution enshrines the principle of formal equality (equality before the law), prohibits all discrimination and establishes the obligation to create the conditions necessary to give real effect to the principles of individual equality and freedom.

34. The Act applies to all spheres of society. It protects women, who have historically suffered structural inequalities in relation to men, and other groups considered vulnerable, including children, adolescents and young people, older persons, persons with disabilities, immigrants and LGTBIQ+ persons.

35. Article 4 of Act No. 13/2019 precisely defines the meaning of the right to equal treatment and non-discrimination.

36. It recognizes the right to equal treatment and non-discrimination and states that no one may be discriminated against on the basis of birth, nationality or lack of nationality, racial or ethnic origin, sex or female gender, religion, philosophical, political or trade union opinion, language, age, disability, sexual orientation, gender identity or expression, or any other personal or social status or circumstance. Any provision, conduct, action or omission that impairs this right is prohibited, unless a difference in treatment is objectively justified by a legitimate purpose that is proportionate to the aim pursued.

37. The principle of equal treatment and its application are specified in article 5. This article requires public authorities to integrate this principle into all their policies and decisions, particularly in terms of equality between women and men. Moreover, the private sector is required to respect and apply this principle in all its actions.

38. The Act distinguishes between different forms of discrimination. Article 6 defines direct discrimination as any situation where a person receives less favourable treatment, with no objective or reasonable justification, on account of any of the grounds defined as discriminatory by the Act. Indirect discrimination, which is also mentioned in this article, occurs when an ostensibly neutral criterion or practice has a disproportionately unfavourable impact on a protected group.

39. Other types of discrimination are defined as well. Article 7 refers to discrimination by association, where people are discriminated against because of their relationship with a protected individual or group, and discrimination by mistake, where people are discriminated against because of a misperception of their characteristics. Article 8 deals with multiple discrimination, which occurs when several grounds of discrimination interact, resulting in a specific form of discrimination.

40. Forms of harassment are covered in article 9, which defines discriminatory harassment as any conduct that is based on grounds defined as discriminatory by the Act and that disrespects a person's dignity and creates a hostile, humiliating or offensive environment. Sexual harassment is characterized by verbal, non-verbal or physical behaviour with a sexual connotation directed against a woman, while harassment based on sex refers to any conduct based on sex or female gender that has the purpose or effect of disrespecting the dignity of the person concerned.

41. Article 10 recognizes as discriminatory any unfavourable treatment of a woman on account of her pregnancy or motherhood. Article 11 provides that gender-based violence against women is a human rights violation and a form of discrimination. This includes any form of physical, sexual, psychological or economic violence based on gender, whether occurring in public or in private.

42. Access to goods and services is addressed in article 12, which prohibits all discrimination in areas such as housing, education, health and recreational facilities. It nevertheless specifies that certain single-sex activities may be organized if their aim is to promote non-discrimination.

43. Equal pay for men and women is guaranteed by article 13, which requires equal pay for work of equal value, based on objective criteria such as qualifications, skills and responsibilities.

44. Article 14 expressly prohibits orders to discriminate, defining any instruction to discriminate given by an authority or superior as illegal. It also prohibits discriminatory reprisals against any person who has made a formal complaint of discrimination or cooperated in proceedings related to discrimination.

45. The rights of persons with disabilities are protected by article 15, which defines their status and requires the adoption of reasonable accommodation measures to ensure their full participation in society. Refusal to make such adjustments is qualified as discrimination on the basis of disability.

46. Article 16 introduces the concept of secondary victimization, which occurs when a victim suffers additional harm due to insufficient or inadequate care by public services. The Act requires intervention protocols to be put in place to prevent this type of situation.

47. Finally, article 17 provides for positive measures to correct and compensate for persistent inequalities. Such measures must be proportionate and applied only as long as the situation of inequality they are designed to correct persists.

48. For the first time, the principle of reversing the burden of proof has been provided for in the Andorran legal system. The principle of equal pay is enshrined as a pioneering measure, with the possibility of claims for the payment of wage differences from the moment discrimination is detected. This legal text has led to the adoption of regulations setting out a system of specific penalties to ensure compliance with the law.

49. Final provision No. 17 of Act No. 6/2022 amends article 30 (6) of Qualified Act No. 9/2005 of 21 February 2005 on the Criminal Code by establishing as an aggravating circumstance the fact of committing an offence for a discriminatory reason. This circumstance is considered to exist when a person or group is treated unfavourably or as an

inferior or is excluded on the basis of birth, nationality or lack of nationality, racial or ethnic origin, sex or female gender, religion, philosophical, political or trade union belief or opinion, language, age, disability, sexual orientation, gender identity or expression, or any other personal or social status or circumstance.

50. Even before Act No. 13/2019 was adopted, the Government had decided to establish a Department of Equality Policies, created in 2017. Part of its mission is to combat inequality and discrimination by preventing and intervening in all cases of discrimination and inequality of any kind.

51. This service is intended to meet the needs of people who have suffered any form of discrimination. In recent years the Department has taken on an average of five cases per year, most of which have involved members of the LGTBIQ+ community.

Reply to the issues raised in paragraph 7

52. Andorra has made significant progress in the field of equal treatment and non-discrimination. It has recognized and enacted provisions on many of the rights derived from the principle of equality and non-discrimination, particularly in favour of women and especially vulnerable groups such as young people and adolescents, children, older persons, persons with disabilities and LGTBIQ+ persons.

53. The beneficiaries of the Equal Treatment and Non-Discrimination Act (No. 13/2019) include lesbian, gay, transgender, bisexual, intersex and other persons.

54. As mentioned in response to the issues raised in paragraph 6 of the list of issues, the Department of Equality Policies was created in 2017. Its tasks include promoting comprehensive, multidisciplinary care for victims of any form of discrimination and raising public awareness of the problems stemming from the inequality and discrimination suffered by the most vulnerable individuals and groups, in accordance with the legislation in force and the international conventions ratified by Andorra.

55. The Department of Equality Policies monitors cases and collects data in order to better analyse trends in terms of the different types of discrimination and victims, with a view to better targeting prevention efforts and responses to such discrimination. The collection of data on cases in which the Department has intervened is carried out in collaboration with the Social and Equality Observatory. The Observatory's data are also used to identify the causes and patterns of violence and discrimination against lesbian, gay, bisexual, trans and gender-diverse persons.

56. The adoption in 2019 of Qualified Act No. 14/2019 of 15 February 2019 on the Rights of Children and Adolescents demonstrates the commitment of Andorra to ensuring that full effect is given to human rights, in particular those of children and adolescents. This Act is intended not only for children and adolescents as holders of rights and obligations, but also for their families, as the main guarantors of their overall development. It also involves the public institutions responsible for their care and protection, private entities, professionals and society as a whole, on the basis of shared social responsibility among public administrations, the family and the citizenry. Priority is always given to prevention in order to promote healthy, harmonious and positive growth in children and adolescents. The wording of the Act is based on the international conventions, treaties and agreements ratified by Andorra.

57. Article 12 of the Act defines the principle of equality and non-discrimination. It prohibits all discrimination based on birth, age, race, ethnic origin, gender, sexual orientation, gender identity or expression, language, religion, state of health, physical or mental condition, disability or any other social, economic, personal or family situation or circumstance. Article 23 enshrines the right to an identity, specifying that all children and adolescents have the right to be respected and supported in the determination of their gender identity.

58. For persons with disabilities, the Department for the Promotion of Personal Autonomy of the Ministry of Social Affairs and the Civil Service works to ensure such persons' autonomy, financial independence and social inclusion. To ensure coverage of their basic needs, the Department also administers economic benefits in the form of non-contributory pensions (solidarity pensions), with the corresponding healthcare coverage, to guarantee the inter-occupational minimum wage. At the same time, the Department for the Promotion of

Personal Autonomy carries out actions for the socialization and integration of dependent individuals and groups.

59. For the past four years, the Department for the Promotion of Personal Autonomy and the Department of Equality Policies have worked together closely to support women with disabilities who are victims of gender-based violence. Awareness-raising campaigns and activities are held to highlight intersectionality and multiple discrimination. Some of these campaigns can be accessed at <https://www.aferssocials.ad/>.

60. It should also be pointed out that article 17 of Qualified Act No. 14/2019 on the Rights of Children and Adolescents specifies that public administrations must pay particular attention to preventing and eliminating discriminatory attitudes towards children and adolescents with disabilities. Every year on 17 May, the International Day against Homophobia, Transphobia and Biphobia, the Department of Equality Policies organizes campaigns and discussions aimed at the general public. Some of these campaigns can be accessed on the website of the Ministry of Social Affairs and the Civil Service: <https://www.aferssocials.ad/>.

Reply to the issues raised in paragraph 8

61. The Equality Service of the Department of Equality Policies is responsible for meeting the needs of persons who have been victims of hate crimes.

62. The Social and Equality Observatory seeks to collect data not only from persons who have requested this service, but also from other institutions such as the police, the judiciary and hospitals. This information is then used to conduct in-depth studies on different types of hate crime, the incidence of such offences and so forth.

63. In 2024, as part of its training plan, the High Council of Justice organized a training course on offences of hate crime and discrimination, led by a Spanish prosecutor with expertise on such offences.

Gender equality (arts. 3 and 26)

Reply to the issues raised in paragraph 9

64. In recent parliamentary sessions, Andorra has carried out a substantial amount of legislative work, adopting normative frameworks aimed at modernizing the social protection system and regulating new matters in line with the international commitments undertaken.

65. In 2019, the State Secretariat for Equality and Civic Engagement was established with a view to ensuring the mainstreaming of the principle of equality in all public policies, in line with the strategic plan for the implementation of the Sustainable Development Goals. The fact that the Secretariat reports directly to the Office of the Head of Government reflects the importance attached to the principle of equality as a central pillar of government policy.

66. Another important step forward was the adoption of Act No. 13/2019 of 15 February 2019, the Equal Treatment and Non-Discrimination Act. The main purpose of the Act is to provide a normative framework for fostering the principle of equal treatment and non-discrimination, as a subjective right, in a comprehensive and cross-cutting manner in all sectors of society.

67. The Act sets out a general framework and a system of guarantees provided by various forms of protection, whether administrative, institutional or judicial. However, a number of specific measures have been put in place to protect women's rights and combat gender discrimination.

68. In terms of definitions, the text specifies that, without prejudice to the provisions of the Criminal Code, sexual harassment encompasses any verbal, non-verbal or physical behaviour of a sexual nature directed against a woman and having the purpose or effect of violating her dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Similarly, harassment based on sex is defined as any discriminatory behaviour based on sex or female gender, with similar objectives. These two forms of harassment are

thus recognized as acts of discrimination on the grounds of sex, including in cases in which the exercise of a right or the satisfaction of a legitimate expectation is made contingent on the acceptance of a situation of sexual or sex-based harassment.

69. With regard to maternity protection, the Act classifies as discriminatory any unfavourable treatment on the grounds of pregnancy or motherhood. Furthermore, the adoption of this Act made it possible to amend Act No. 1/2015 of 15 January 2015 on the Eradication of Gender-based Violence and Domestic Violence to incorporate the definition of violence against women set out in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

70. The introduction of the principle of equal pay between women and men in Act No. 1/2015 of 15 January 2015 constituted another major step forward by establishing the obligation to ensure equal remuneration for work of equal value, regardless of the nature of such remuneration. No sex-based discrimination can therefore be tolerated in the elements or conditions of remuneration. If a company applies a discriminatory wage policy, the persons concerned have the right to claim the differences in wages from the moment they were applied.

71. To prevent and combat discrimination, both the public and private sectors have the obligation to adopt appropriate methodologies and tools for detecting such situations and implementing remedial and preventive measures. Failure to comply with this obligation may lead to administrative and civil penalties, payment of damages and, in some cases, criminal penalties.

72. Lastly, the Act promotes social integration and equality in the workplace by establishing social criteria in public sector recruitment processes. These criteria include incentives for employing women and promotion of the adoption of gender equality plans in public enterprises and institutions.

73. Notably, the Act has enabled the establishment of the Observatory for Equality, which has been fully operational for four years and has helped the authorities overcome the difficulties associated with collecting data and preparing studies. The website is available at <https://observatorisocial.ad/>.

74. The system of equality indicators set up by the Observatory for Equality in collaboration with the Department of Statistics, the State Secretariat for Equality and Civic Engagement, the Andorran Women's Institute and Andorra Research + Innovation has made it possible to analyse data from both the public and private sectors. Through these analyses, the precise statistical reality of inequalities can be ascertained and policies, strategies and action can be designed to achieve a fairer and more equal society.

75. This system of indicators covers a number of areas, each comprising various parameters, some of which are based on data from the period 2018–2023. While the Observatory for Equality is continuing its efforts to expand this range of indicators and obtain a more accurate picture of the true situation in the Principality, progress has been made in gathering statistics in three areas in particular. One concerns gender-based violence, with analysis of the number of cases recorded, the types of violence perpetrated, the complaints lodged, the arrests made and the sociodemographic characteristics of the women concerned. Another key area is employment, with data on the breakdown of employees by sector and an analysis of the gender wage gap. Lastly, progress has been made in the study of women's representation in positions of authority and decision-making bodies, taking into account the composition of the parliament, the Government, the parish councils, the judicial system and the special forces.

76. In the coming years, priority will be given to the continued collection of sex-disaggregated data, the expansion of studies to establish national benchmarks in relation to specific gender-related issues and the use of this information to monitor changes in these data at the national level. The Observatory uses its analysis of up-to-date data on the situation of women in Andorra to formulate recommendations, proposals and action plans aimed at improving and complementing policies for achieving effective equality between women and men. It also guides the public sector in ensuring that all data collected are systematically

disaggregated by sex and promotes coordination between the various actors involved in the preparation of studies and the gathering of statistics on equality.

77. Lastly, it is important to note that the adoption of Act No. 6/2022 on the Effective Implementation of the Right to Equal Treatment and Opportunities and Non-Discrimination between Women and Men attests to the priority attached to women's rights. This Act reflects the desire of the Government of Andorra to eliminate the structural inequality suffered by women in all areas of life and to ensure the well-being of women and men on a more equal basis. Since the Act was passed in 2022, concrete measures to promote equality and prevent gender-based violence have been implemented. It has also enabled the creation of the Andorran Women's Institute, which has been in operation for two years.

78. The implementation of Act No. 6/2022 is based on actions in five fundamental areas:

- First, it ensures the mainstreaming of the principle of equality by systematically integrating a gender perspective into the design and programming of all public policies.
- It also promotes the balanced representation of women and men in the domains of political representation and public participation with a view to ensuring greater equality in decision-making.
- The Act promotes affirmative action measures aimed at ensuring that women and men enjoy equal opportunities in both the public and private sectors.
- It also promotes work-life balance by emphasizing the importance of shared responsibility for domestic tasks and family-related duties.
- It strengthens gender-balanced participation in the labour market and ensures that women and men enjoy equal treatment in employer-employee relations.

79. As part of the process of implementing this Act, several initiatives are currently under way. For example, wage disparity registers are currently being developed to analyse wage differentials within companies. In addition, companies and government agencies must put in place protocols to prevent and combat sexual and sex-based harassment. Furthermore, companies with more than 50 employees are now required to develop and implement an equality plan, to which they are obliged to adhere.

80. Lastly, the Act provides for the preparation and adoption of a programme to achieve effective equality between women and men. This programme, which was established pursuant to Act No. 6/2022, requires the Government and the parish councils to adopt a four-year programme to promote effective equality. The programme must include specific measures to help reconcile work and family life, ensuring fairer working conditions for all.

81. Furthermore, Qualified Act No. 14/2019 on the Rights of Children and Adolescents, the purpose of which is to establish in law the rights and duties of children and adolescents in a way that is adapted to the reality of their lives today, prioritizes prevention with a view to fostering their healthy, harmonious and positive development. At the same time, the Act also places an emphasis on the principle of equal opportunity and non-discrimination, while fully respecting the diversity of Andorran society and, within it, of children and adolescents in particular. Accordingly, the Act fully incorporates the gender perspective, which requires egalitarian relationships between women and men to be established firmly from childhood. Ultimately, the implementation of legislative measures that establish a legal framework for gender equality is essential to ensure real change in society.

82. The following concrete measures have been taken to promote equality.

83. In 2024, on the occasion of 8 March, the Department of Equality Policies organized the following events:

- On 5 March at 10 a.m., an event to mark the opening of the Women of STEAM Encyclopedia exhibition was held on the ground floor of the Illa Carlemany shopping centre. The exhibition highlighted the profiles of 19 women who are remembered in history for their contributions to science, their inventions or their role in the world of creativity. A range of information material was made available to explain the impact of women in these traditionally male-dominated fields. Ms. Núria Salán, President of

the Catalan Technology Society and a professor at the Technical University of Catalonia, took part in the opening event.

- On 5 March at 7 p.m., Ms. Núria Salán gave a talk entitled “A Menu of Women Inventors” at Andorra la Vella Congress Centre. The talk was structured around examples of everyday situations involving inventions created by women who, despite their genius, have remained forgotten.
- On 6 March at 10 a.m., Ms. Núria Salán took part in a discussion with first-year lower secondary school students from various educational centres around the country. The discussion focused on (in)visible ingenuity as a theme in the history of women’s inventions, highlighting the oblivion into which their names had fallen.
- On 8 March at 1 p.m., as in previous years, all public administration personnel took part in one minute of work stoppage to mark International Women’s Day.
- From 8 to 12 March, as in previous years, the phrase “8M International Women’s Day” was displayed on the country’s electronic traffic signs.
- The administration also distributed 1,000 purple ribbons to public sector employees to wear on 8 March.

Reply to the issues raised in paragraph 10

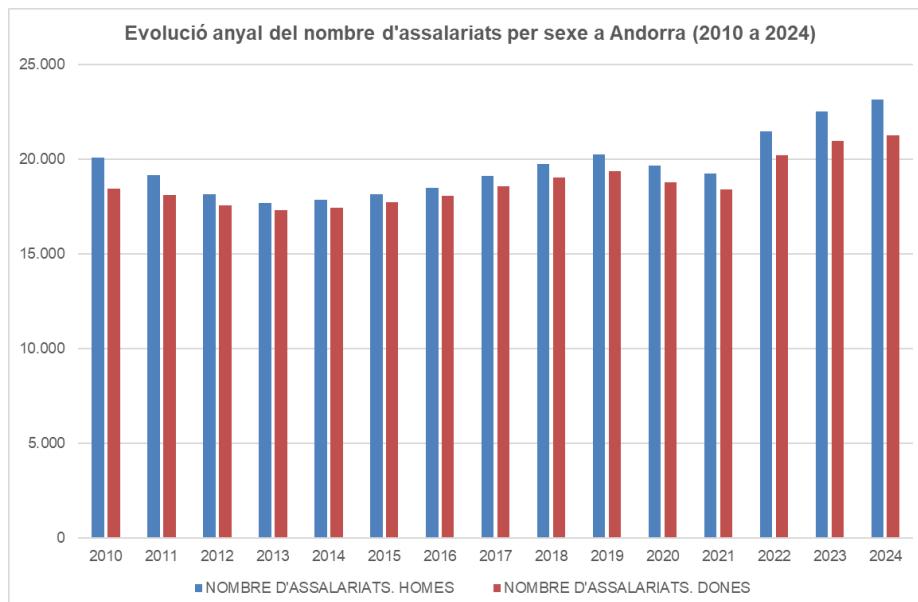
84. It is important to emphasize at the outset that the labour market situation in Andorra is characterized by a very high employment rate.

85. In 2024, the economically active population aged 15 and over represented 71.8 per cent of the total population. Disaggregated by sex, the economic activity rate was 68.4 per cent for women and 75.0 per cent for men.

86. The employment rate among the population aged between 15 and 64 reached 83.5 per cent in 2024, with rates of 81.3 per cent for women and 85.5 per cent for men.

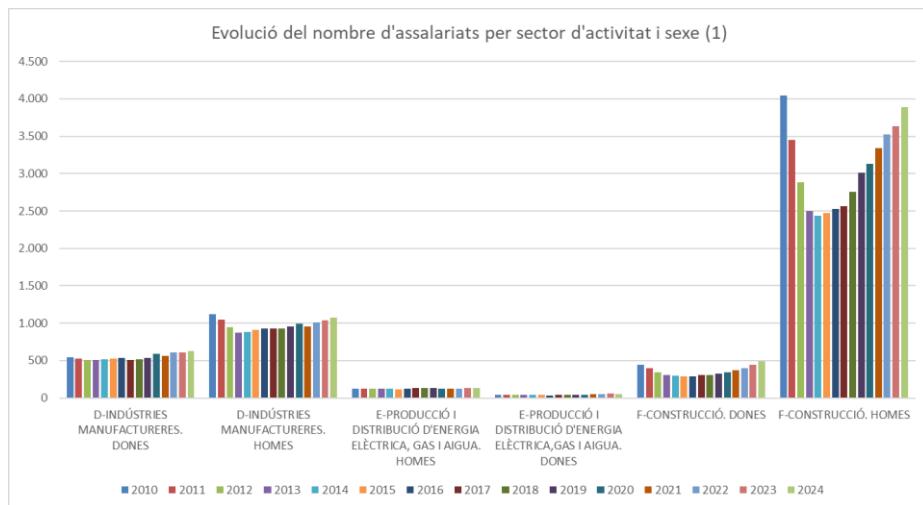
Total workforce in Andorra, by sex and year (2010–2024)

Blue: men Red: women

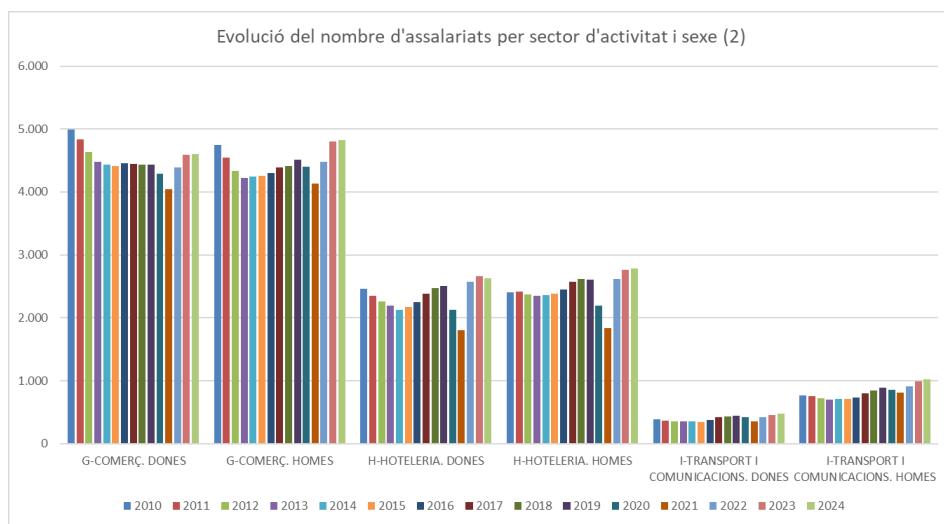


87. The representative data on the Andorran labour market displayed below show the changes in the total workforce, by sex and sector, between 2010 and 2024.

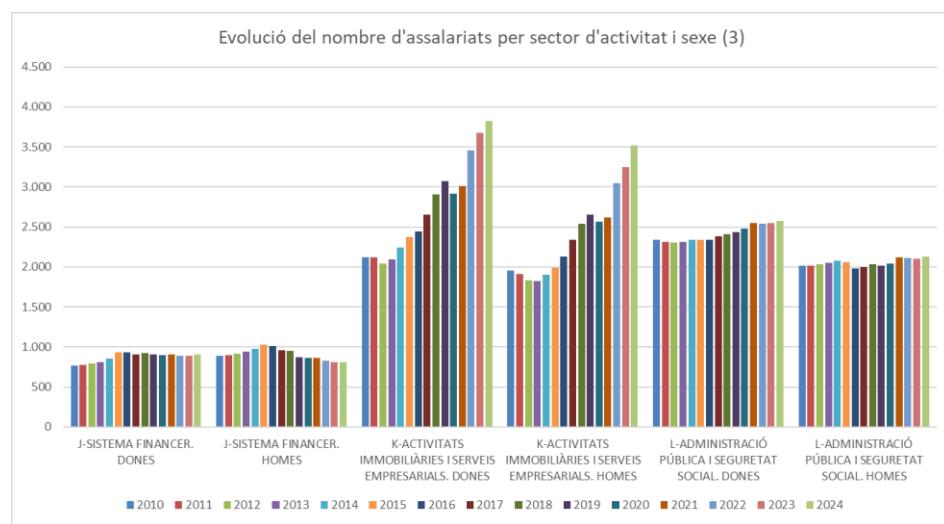
Changes in the total workforce, by sector and sex (1)



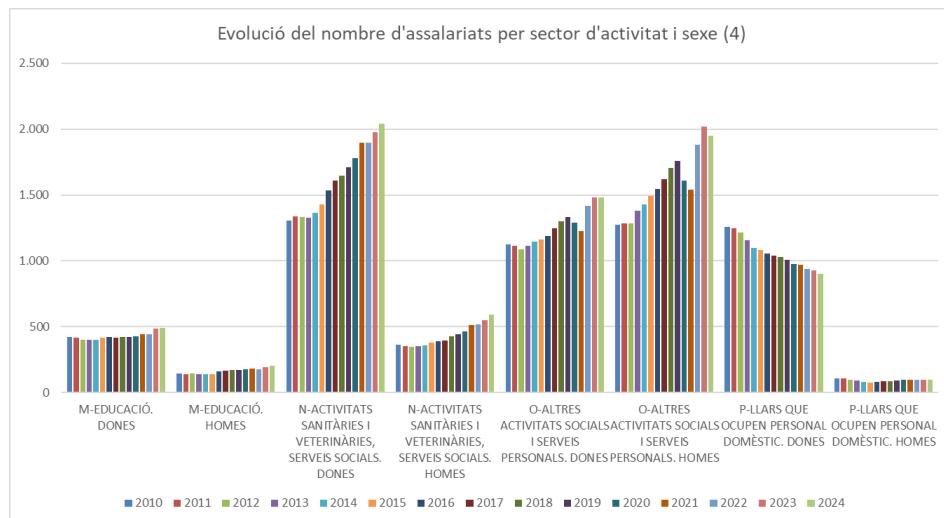
Changes in the total workforce, by sector and sex (2)



Changes in the total workforce, by sector and sex (3)



Changes in the total workforce, by sector and sex (4)



88. The figures displaying the changes in the total workforce by sector and sex show that some sectors are characterized by an even balance between women and men, while others, such as the construction sector and the healthcare and social services sector, are heavily male- and female-dominated, respectively.

89. Developments in recent years, which include an increase in the number of people employed in the construction sector, have undoubtedly contributed to the widening of the gap between the number of women and men employed in the country. On the other hand, as part of the process of implementing Act No. 6/2022 of 31 March 2022 on the Effective Implementation of the Right to Equal Treatment and Opportunities and Non-Discrimination between Women and Men, the Government has adopted Decrees No. 530/2023 and No. 531/2023.

90. Decree No. 530/2023 of 22 November 2023 on the regulations of the public register of data and indicators on the workplace gap between men and women, as amended by Decree No. 233/2024 of 5 June 2024, provides for the establishment and regulation of the public register of data and indicators on the workplace gap between men and women. The decree, which applies to companies legally established in the Principality of Andorra, sets out the rules to be followed in the preparation of the register.

91. Decree No. 531/2023 of 22 November 2023 provides for the establishment and regulation of the public register of equality plans as a tool for identifying and monitoring such plans, with a view to eliminating and correcting any form of inequality or discrimination between women and men within companies.

92. With regard to temporary and domestic workers, it should be stressed that, under the Labour Relations Act of 6 December 2018 (No. 31/2018) and the Occupational Safety and Health Act of 18 December 2008 (No. 34/2008), they are entitled to the same level of protection and the same benefits as other workers.

93. It would be not only possible, but also desirable, to amend the provision of the Act establishing the Labour Inspectorate that limits its scope in the domestic service sector, thus enabling domestic workers to benefit from the same level of protection and response from the Inspectorate as persons employed in other sectors.

94. However, although no on-site inspections of the homes of employers of domestic workers may be carried out without their prior consent, there is nothing to prevent employers of such workers from being summoned to the offices of the Labour Inspectorate as part of a possible inspection, whether carried out *ex officio* or in response to a complaint. It is important to note that companies that provide cleaning services are subject to labour regulations governing their relations with their employees regardless of whether the services are provided at homes, offices or other types of establishment.

95. With regard to equal participation in political and public life, article 31 of Act No. 6/2022 of 31 March 2022 on the Effective Implementation of the Right to Equal Treatment and Opportunities and Non-Discrimination between Women and Men provides that State authorities, associated or dependent bodies and entities receiving public aid or subsidies must apply the principle of achieving an even balance between women and men in appointments to management positions and the collegial and consultative bodies of administrations, except where there are duly substantiated objective reasons not to do so.

96. Article 46 of the Act, which concerns women's political and social participation, sets out the principle of a balanced presence of women and men in political power. The State authorities must also foster the network of women's associations, including by providing subsidies to feminist associations and women's collectives, in addition to promoting the participation of such associations in public affairs.

97. Article 46 also stipulates that schools, professional and business groups, trade unions, cultural and social organizations and political parties must establish mechanisms to ensure that women can participate actively in them and have access to their management bodies, with a view to achieving equal representation.

98. Article 48 provides that there must be a balanced presence of women and men in positions of management and responsibility in the healthcare system.

99. With regard to ensuring equal opportunities in the public sector, article 51 of the Act stipulates that the public administration must apply the principle of equal treatment and opportunities for women and men in terms of access to public employment and working and career conditions. It also provides that there must be an even balance in the representation of women and men in the composition of tribunals and expert bodies for professional selection and promotion.

100. With regard to electoral representation, the representation of women and men on lists of candidates for general and local elections must be balanced, with each sex accounting for at least 40 per cent of the total list. When there are fewer than five positions to be filled, the number of women and men must be as evenly balanced as possible. The same rules apply to lists of alternates.

101. Furthermore, the amendment of the Civil Service Act of 17 January 2019 (No. 1/2019) contains a new article 45 bis providing that men and women must enjoy equal treatment and opportunities. The central Government must apply the principle of equal treatment and opportunities for women and men in terms of access to public employment and working and career conditions, and ensure that women and men are evenly represented in the composition of tribunals and expert bodies for professional selection and promotion.

102. Additional information on companies' equality plans is provided in the reply to the issues raised in paragraph 9.

103. Article 58 contains provisions on preventing and dealing with sexual and sex-based harassment in the workplace. Companies must adopt measures to prevent and deal with both kinds of harassment. Among other measures, they must develop and disseminate zero-tolerance codes of conduct concerning such behaviour and organize information and training sessions aimed at all employees, including managers.

104. In addition, two substantial measures have been introduced to promote work-life balance:

- Nurseries for preschool children and care programmes for dependent persons (including home-based care services and services provided at social and healthcare centres) have been established and developed. The adoption of the Social and Socio-Health Services Act (No. 6/2014) was an important milestone in the professionalization of all these services through the establishment of a socio-health inspectorate that ensures compliance with the Act and assists in the identification of new needs.
- Maternity and paternity leave have been extended to 20 weeks' leave for women and 4 weeks' leave for fathers or couples. In the case of multiple births, or if the mother has a degree of disability of 60 per cent or more, or if the child is certified by a

paediatrician accredited by the Andorran Social Security Fund as having a disability in accordance with the assessment scale of the National Assessment Commission, the leave period is extended by two weeks for each child.

105. Maternity and paternity leave have also been harmonized in cases of adoption or foster care involving children aged 6 or under, or children or adolescents aged between 6 and 18 who have been certified by an accredited paediatrician as having a degree of disability of 33 per cent or more. In cases in which multiple children are taken into foster care, leave is likewise extended by two weeks for each child or adolescent taken into care.

106. It should also be pointed out that the service for the care of individuals and families under the Department of Social Affairs offers socioeconomic assistance to families at risk of social exclusion. In the case of particularly vulnerable women (for example, women who are unemployed or have disabilities or dependent children), the social worker in their town of residence establishes the economic needs of the persons concerned and provides them with economic assistance to cover their basic needs (housing, food, healthcare, transport and communications).

107. Regarding work-life balance, Act No. 6/2022 contains an amendment to Act No. 31/2018 pursuant to which working people can request adaptations of their working hours such as changes of schedule or shift. This change enables workers to benefit from flexible working arrangements such as flex-time and telecommuting. Such arrangements are made available in particular for workers who have a dependent child under the age of 12 or a dependent child under the age of 18 who has a disability or a serious illness.

108. Access to flexible arrangements must be negotiated through collective bargaining in compliance with the relevant legislation. In the absence of collective bargaining, companies must open a period of negotiation with the applicant lasting no more than 15 days. Once this period has elapsed, the company must provide the person concerned with written notice of its acceptance of the application, a proposed alternative or a refusal to grant the request. In the event of refusal, the company must indicate the objective organizational or productivity-related reasons for its inability to grant the request.

Violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)

Reply to the issues raised in paragraph 11

109. Preventing and combating violence against women and girls is undoubtedly the area in which the most progress has been made, in recognition of the fact that its eradication is key to the full exercise of women's fundamental rights.

110. The national legal framework in force in this field primarily comprises the Istanbul Convention, which Andorra has ratified, and a national law: Act No. 1/2015 of 15 January 2015 on the Eradication of Gender-based Violence and Domestic Violence.

111. Previously, the adoption of the Social and Socio-Health Services Act of 24 April 2014 (No. 6/2014) led to the establishment of the Assistance for Victims of Gender-based Violence Service as one of the range of social and socio-health services to be provided as free expert support services. This Service ensures that victims receive comprehensive assistance by providing them with: (a) social assistance, including an assessment of their socioeconomic situation, economic assistance if necessary and socio-educational assistance in relation to the causes and consequences of the ill-treatment they have suffered, with a view to facilitating the recovery process; (b) psychological assistance to address the emotional consequences of the violence they have suffered; and (c) legal assistance, so that victims have the necessary information on the legal resources potentially available to them to protect themselves and their minor children.

112. The Service forms part of the Department of Equality Policies.

113. The Assistance for Victims of Gender-based Violence Service manages various resources with a view to ensuring that victims are provided with assistance and protection, including:

(a) Shelters: for the past four years, the Assistance for Victims of Gender-based Violence Service has had five apartments that can each accommodate two families. To protect victims in the care of the Service, the locations of these apartments are not made public;

(b) The 181 hotline, which victims can use to contact the Assistance for Victims of Gender-based Violence Service. During the Service's working hours, the hotline is operated directly by its staff, enabling them to communicate with victims directly and confidentially. Outside working hours, the hotline provides an information and advice service for women who request it, in line with the obligations set out in the Istanbul Convention. The 181 hotline is operational around the clock, all year round;

(c) A WhatsApp number was made available during the coronavirus disease (COVID-19) pandemic. It now operates around the clock and is operated directly by professionals trained to address gender-based violence. This service responds to an average of 300 cases a year.

114. The Department of Equality Policies has gradually increased its human resources. Its staff currently includes:

- One Head of Department
- Four specialist educators and social workers
- Three psychologists
- One equality professional
- Two administrative staff

115. In terms of financial resources, the budget of the Department of Equality Policies has also gradually increased in recent years, as follows:

- 2020: €74,126.81
- 2021: €71,691.71
- 2022: €81,074.06
- 2023: €129,781.83
- 2024: €246,450.07

116. Act No. 1/2015 introduces prevention as the cross-cutting factor in policies against gender-based violence and domestic violence. Reference is made in the Act to concrete action in the fields of education, health, social services, labour relations, advertising and the media, and public administration. To this end, the Collaboration Guidelines and their action protocols have been implemented in various departments and institutions since 2018. Protocols have also been developed for the country's various women's associations. To support their implementation, regular training sessions have been held for the various actors involved.

117. Act No. 1/2015 provides for a range of measures to ensure the protection of victims, such as issuance of protection orders, removal of the perpetrator from the home, prohibition of communication with the victim and withdrawal of permits to carry firearms. Provision is also made for initiation of civil proceedings with a view to seeking accountability for violations of the rights recognized in the Act and appropriate compensation for harm and injury caused. Protective measures may be requested in the context of both separation and/or divorce proceedings and legal proceedings under criminal law.

118. The establishment, under Act No. 1/2015, of the National Commission for the Prevention of Gender-based Violence and Domestic Violence as a political and expert body in 2016 enabled it to assume responsibility for coordinating and cooperating with the ministries and departments involved.

119. Act No. 1/2015 also sets forth a specific range of women's rights, particularly rights of women victims of gender-based violence, including:

- The right to comprehensive information about the rights recognized in the Act and action taken in the event of an emergency. To this end, and without prejudice to the provision of direct care to the person concerned, the Government of Andorra has published a two-part leaflet with basic information on caring for victims of gender-based violence. An informative leaflet for victims of domestic violence was also published.

120. All the information is available on the website of the Ministry of Social Affairs and the Civil Service, with direct links and more extensive information about the rights of persons with disabilities in the “Equality” tab, which can be found under the “Communities” tab.

121. The leaflets were published in the official language of Andorra (Catalan), but are also available in the languages most widely spoken in the country: Spanish, French, English and Portuguese.

- The right to comprehensive social, psychological and legal assistance, as set out above. Act No. 1/2015 recognizes the right to legal assistance at two levels:
 - Legal advice for victims, with specific information and guidance to ensure that they are aware of the rights pertaining to their situation and the institutions and professional resources they can call on to take the relevant administrative and judicial steps for their exercise.
 - Specialized legal assistance guaranteed through the right to a defence and legal assistance, which are free of charge in the event of economic hardship or bankruptcy.

122. To ensure that free legal assistance is available where applicable, the decree setting out the regulations on the right to a defence and legal assistance was amended on 12 July 2017. Economic abuse cases have been recognized as equivalent to personal bankruptcy cases with a view to enabling victims of economic abuse to receive free access to justice in criminal cases.

123. In the domain of civil law, victims who have insufficient economic resources or have suffered economic abuse also have access to free legal assistance to initiate separation and/or divorce proceedings.

- The right to protection and privacy, with immediate action taken to ensure the protection of victims and of minors in their care.
- The right to information on the perpetrator’s personal and procedural situation, which is enjoyed by victims particularly in criminal cases, even if they have not associated themselves with the proceedings or filed a complaint.

124. The Act also provides for the establishment of perpetrator intervention programmes and a meeting points service. Both services have been in operation since 2018.

125. More specifically, the Programme for the Promotion of Non-Violent Relationships is staffed by two professionals (a social worker and a psychologist) who work with men who have committed or are currently committing acts of violence of any type against their partner or former partner. The aim is to work on social skills with a view to fostering respectful, violence-free relationships. This preventive programme is run by the Assistance for Victims of Gender-based Violence Service.

126. Thus far, individual interventions have been carried out with men who have committed acts of violence against their partners. These counselling sessions take place in spaces separate from those intended for victims and combine re-education on gender issues, work on peaceful conflict resolution, psychological treatment and addiction treatment, if necessary.

127. The Programme is intended for:

- Men who commit acts of violence against their partner and voluntarily ask to participate;

(b) Men who commit acts of violence against women within or outside relationships and who have been sentenced to a prison term or whose sentence has been suspended pending completion of the Programme;

(c) Men and boys over 16 years of age whose mothers are or have been victims of gender-based violence and who are reproducing patterns of violent behaviour identified by staff of the Assistance for Victims of Gender-based Violence Service or the Specialized Service for Children;

(d) All men who have been referred to the Service by the Department of Equality Policies to address certain behaviours or inadequate parenting skills through socio-educational assistance and counselling (this category includes, for example, minors referred by the Ministry of Justice and the Interior through the juvenile justice system).

128. The vast majority of cases are court-ordered, and group sessions are held at the prison. Some men come to the Service voluntarily. In 2023, 60 men participated in the Programme.

129. Reference to the Programme has been incorporated into the Collaboration Guidelines to enable the courts to make the suspension of prison sentences conditional on attendance.

130. Leaflets to raise awareness of the Programme were published in 2020 and updated in 2024.

131. The Family Visitation Service was established in 2018 to enable the arrangement of court-ordered supervised visits between parents and children. The Service reports directly to the Department for Child and Adolescent Care of the Ministry of Social Affairs and the Civil Service and is staffed by professionals with special training in addressing gender-based violence and domestic violence and protecting children.

132. Furthermore, Act No. 6/2022 on the Effective Implementation of the Right to Equal Treatment and Opportunities and Non-Discrimination between Women and Men defines gender-based violence against women as a violation of human rights and a form of discrimination against women, and specifies that it includes any act of gender-based violence that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

133. The concept of gender-based violence has also been incorporated into the Criminal Code.

134. The Assistance for Victims of Gender-based Violence Service focuses its work on the provision of direct services to victims, but also on prevention efforts through training, revision of the Collaboration Guidelines and protocols, and campaigns aimed at the population as a whole.

135. Training has been provided on a regular basis to various actors who may be called upon to identify and intervene in cases of gender-based violence. In the first part of such training, the subject of violence is addressed (including concepts, definitions and causes of violence), while in the second, the relevant legal framework and protocols are explained.

136. With regard to the Collaboration Guidelines and protocols, it is important to recall the establishment of the Code Lilac protocol, which applies in the healthcare sector, the police force, the Ministry of Social Affairs and the Civil Service, and the Assistance for Victims of Gender-based Violence Service.

137. Each year, actions are taken to mark 25 November, the International Day for the Elimination of Violence against Women. The Government attaches great importance to organizing these actions in collaboration with national women's associations.

138. Some actions are repeated every year, such as:

- Displaying the phrases “25N for the elimination of violence against women” and “Andorra, a country free from gender-based violence” on electronic traffic signs on 25 November and for four days afterwards, in four languages (Catalan, Spanish, English and French) to reflect the linguistic diversity of Andorra and the volume of tourists who visit the country.

- Distributing white ribbons to raise the profile of the International Day for the Elimination of Violence against Women; the ribbons are distributed to the staff of the most public-facing government offices (such as the Administrative Procedures Service) and the teams directly involved in caring for victims of gender-based violence (such as the police force and the Ministry of Social Affairs and the Civil Service).
- Holding a press conference that is specially organized for the media to inform the public about the services available to victims and the steps taken to prevent gender-based violence.

139. In 2020, the following actions were taken:

- Production of 500 adult-sized and 250 child-sized masks for protection against COVID-19, in a purple colour and with white straps
- Distribution of a public information video featuring professionals from various departments whose work involves detecting and intervening in cases of gender-based violence. In the video, the professionals explain concepts connected with gender-based violence and the urgent need to take a stand against it. They clearly explain the role played by professionals who provide services for victims of gender-based violence and their children. In the video, the professionals wear the masks mentioned above.

140. The professionals who took part in this information campaign belonged to the following departments and bodies: the police force, the fire brigade, the Department of Social Affairs, the various parish councils, the “youth points” of the parish councils, the Andorran Health Service, the non-governmental organizations Associació de Dones d’Andorra (Andorran Women’s Association) and Acció Feminista (Feminist Action), the Office of the Ombudsman, teaching staff, the Assistance for Victims of Gender-based Violence Service, the State Secretariat for Social Affairs, Housing and Youth and the State Secretariat for Equality and Civic Engagement.

141. In 2021, the following actions were taken:

- A campaign to raise awareness of the universal “Signal for Help” gesture for use in cases of gender-based violence, using a banner on various social networks and websites. During the lockdown, two international entities, the Canadian Women’s Foundation and the Women’s Funding Network, promoted a universal distress signal to enable women in situations of violence to alert others, taking advantage of the increase in video calls and videoconferences, which have helped open a communication channel with the outside world. It consisted of a simple hand gesture, which quickly spread under the #SignalforHelp hashtag.
- Ten short films showing situations of violence and/or inequality that can occur throughout the different stages of women’s lives, which have ultimately become normalized. These short films also illustrated contexts that contribute to discrimination against women and the sexualization and objectification of their bodies from childhood onward.

142. The aim of this campaign was to illustrate the different forms of violence, including sexual violence, against girls and women, with a view to raising public awareness of them. It was carried out in collaboration with two national women’s associations.

143. In parallel, a guide containing discussion materials on each short film was produced and distributed to teachers, education professionals, families and other recipients.

144. In 2022, the following actions were taken:

- On 17 and 18 November, a training course on the gender perspective and drugs, led by Ms. Anna Burgos García, an anthropologist with expertise in issues of gender, drugs and the prevention of sexual violence, and Mr. Otger Amatller Gutiérrez, a psychologist with expertise in issues of drug use and addiction. Both experts currently work for the Health and Community Foundation. Approximately 100 professionals,

particularly from the social and healthcare fields, whose work involved such issues took part in the course.

- A talk by Ms. Burgos aimed at the general public, entitled “Sexism is partying, too: Sexual violence in the context of nightlife”. In the talk, Ms. Burgos analysed, from a gender perspective, the risks associated with drug use in the context of nightlife.
- Creation of two stickers with simple phrases to raise awareness of sexual violence against women in the context of nightlife. Based on the 25N campaign for 2018 developed by the Department of Equality Policies, stickers bore the slogan “Make no mistake: It’s violence”. Two different sticker models were created, one aimed at women and the other at men. These stickers were affixed to lavatory doors in nightlife establishments. The stickers also displayed a QR code with more information, including details of whom to contact in case of gender-based or sexual violence. They were distributed in various nightlife establishments in collaboration with two national women’s associations.

145. In 2023, the following actions were taken:

- A talk, aimed at the population as a whole, on gender-based violence in the digital domain, delivered by LaGroc, a consulting firm on gender and equality policies. The information society, globalization and new technologies have changed the way in which people relate to each other. This has given rise to a mode of violence called “online violence”, a type of gender-based violence that is committed, instigated or aggravated through the use of information and communication technologies. For this reason, the Government of Andorra sponsored this talk to provide information on this new type of gender-based violence, contextualize it in Andorra and offer tools for detection, prevention and action.
- Screening of the documentary *Ama-das* (2022) with an introduction by the President of the association Confederación Española de Personas con Discapacidad Física y Orgánica (Spanish Confederation of People with Physical and Organic Disabilities) of Navarre, who explained and elaborated on the idea behind the documentary, and the film’s director, Marga Gutiérrez. The documentary tells the life stories of four women with disabilities who have suffered gender-based violence.

146. In 2024, the following actions were taken:

- Dissemination of a questionnaire consisting of around 10 or 15 questions to detect cases of gender-based violence. The objective was to enable women answering the questions to determine whether they themselves were experiencing gender-based violence.

147. Once respondents have completed the questionnaire, if their results indicate that they are in a situation of gender-based violence, the team responsible for the questionnaire will provide them with information on the various resources available in Andorra for receiving help.

- Dissemination of a second questionnaire, in the same format but with adaptations to the questions and the concluding section, to potential perpetrators of violence. In this case, if respondents’ results reveal a situation of aggression, the team will provide them with information on the Programme for the Promotion of Non-Violent Relationships.

Reply to the issues raised in paragraph 12

148. The Department of Equality Policies ensures that the professionals who combat gender-based violence correctly apply the gender perspective in their work and update the psychosocial, healthcare, educational, judicial and police intervention protocols. The Department’s coordinating and advisory role enables it to successfully carry out these cross-cutting functions, which it does in particular through the use of best practices such as providing specific training on the subject.

149. In 2020, an agreement to organize basic and advanced training for professionals whose work involved detecting and intervening in cases of gender-based violence and

domestic violence was signed with the University of Andorra. Under this agreement, seven 5-hour training sessions were carried out. The following groups participated in the training: the police, the Andorran Health Service, the seven parish councils, the Official College of Psychologists of Andorra and the Bar Association of Andorra. A total of 210 professionals received training.

150. In October 2022, the first train-the-trainers course was held. The course, entitled “Violence against women: Training for trainers”, was developed by the Department of Equality Policies. The course was aimed at professionals from the various fields covered by the Collaboration Guidelines for cases of gender-based violence and domestic violence. Its main objective was to provide participants with training on equality and combating violence against women with a view to enabling them to pass this knowledge on to their colleagues through in-house training, awareness-raising campaigns and measures to improve professional practices and existing procedures.

151. In addition, every year, the Department of Equality Policies organizes training courses on gender equality and combating gender-based violence for the police, the Andorran Health Service, the Ministry of Social Affairs and the Civil Service, students at the University of Andorra and other recipients.

152. In 2025, all members of the judicial branch (judges, magistrates and prosecutors) attended a six-hour training course divided into two modules. The first module addressed concepts connected with violence, related international and national instruments and applicable case law, with a special focus on Andorran courts. The second module addressed the more subjective aspects of violence, covering data, myths and their deconstruction, revictimization, the cycle of violence and strategies for better reception and treatment of victims.

153. Court clerks, judges and prosecutors in training also took part in pre-service training. The aim was also to train, in particular, members of the departments responsible for dealing with violence against women and to provide participants with training on instruments developed on the basis of various international conventions.

154. The High Council of Justice also organized various training courses, seminars and conferences for members of the judiciary, including:

- In 2021: a seminar on gender-based violence and domestic violence, including analysis of the civil and criminal aspects of Act No. 1/2015 of 15 January 2015 on the Eradication of Gender-based Violence and Domestic Violence, with reference to the recommendations issued by the Committee on the Elimination of Discrimination against Women.
- In 2022: a workshop on the gender perspective, with consideration of civil, criminal and administrative approaches.
- In 2023: a round table on personality development in children and adolescents, the exercise of minors’ procedural rights and their impact on custody arrangements.
- In 2024: a course on gender-based violence, with a focus on consent in relation to sexual offences.
- In 2025 (scheduled): a workshop on gender-based violence and the treatment of victims, with special reference to online violence.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6 and 7)

Reply to the issues raised in paragraph 13

155. The Comprehensive Support Service for Women was established on 2 March 2020 with the aim of creating a public space for sharing information, guidance and professional advice on sexual and reproductive health, including family planning. Through this Service, individualized assistance is available free of charge throughout the country. The Service

follows specific protocols under which it can make gynaecological, psychological, legal and social referrals in order to provide a comprehensive response to each person's individual case.

156. The overall objectives are to:

(a) Ensure access to comprehensive and detailed information on sexual and reproductive health, including family planning, by guaranteeing an accessible and affordable service for all persons who need it;

(b) Facilitate and promote responsible and informed decision-making with regard to reproduction, freely chosen methods of family planning and possible methods of fertility management, and ensure access to the information, education and resources made available for that purpose;

(c) Meet individuals' reproductive health needs as they change over the course of their life, while respecting the cultural diversity of each community.

157. With regard to the voluntary termination of pregnancy, information, guidance and care are provided in two stages. The purpose of the first stage is to provide information before the termination of pregnancy. This information is available to anyone wishing to learn more about this matter. The Service has drawn up a protocol for handling these specific cases, which is implemented upon the request of the person concerned. That person then attends a personal interview or is given all the desired information by the Service. In either case, the person may eventually be medically referred to a specialist service abroad.

158. The Service also provides care once the pregnancy has been terminated outside Andorra, regardless of whether the interruption of pregnancy was voluntary or involuntary.

159. The Government is preparing a bill – to be submitted to the parliament during the current legislative session (2023–2027) – that will drive progress in defining and deepening women's rights, in particular with regard to the voluntary termination of pregnancy. It should be noted that there is a unique perception of this matter in Andorra, which is informed by the country's institutional characteristics and constitutional requirements.

160. In 1993, Andorra adopted a Constitution and established itself as a parliamentary co-principality governed by the rule of law (art. 1 of the Constitution). The co-principality regime was maintained in the constitutional system as a key element of the institutional make-up of Andorra which, throughout the country's history, has proven crucial for preserving its independence.

161. In this context, one of the two Co-Princes, who indivisibly hold the moderating, arbitral and symbolic power inherent to the Head of State in a parliamentary monarchy, simultaneously serves as the Bishop of Urgell (art. 43 (2) of the Constitution).

162. It should also be recalled that article 8 of the Constitution provides for the full protection – at all life stages – of the right to life, which is a legal right that is also defined and protected under article 7 of the International Covenant on Civil and Political Rights.

163. These elements (the parliamentary co-principality provided for in article 4 of the Constitution and the full protection of each stage of life under article 8 (1) of that instrument), which shape the country's institutional architecture, are factors that affect the Andorran regulatory framework on abortion. It is important to bear in mind the significant progress made within the legal system in recent years with respect to equality, in particular between women and men, and, above all, in terms of the gender perspective. It should also be noted that the Government takes the view that the legal framework on abortion is significantly restricted by the Constitution, as noted above.

164. Despite this, the Government is working tirelessly to develop laws that help strike a balance between the rights concerned, within the framework provided by the Constitution and on the basis of the fundamental rights defined in Part II (Fundamental rights and freedoms) of that instrument. This involves taking into account, pursuant to the Constitution, the following legal elements that must be protected:

- The rights and freedoms on which maternity and the dignity of pregnant women are grounded

- The life of the unborn child
- The exercise of the rights to freedom, privacy and personal autonomy, and their application, in the area of interest, in connection with the right of individuals to decide freely on matters concerning their sexual and reproductive health.

165. Various social, educational, health and information policies, some of which are already being implemented by the Comprehensive Support Service for Women (see above), have been developed to promote and structure these rights by establishing a support process for women whose circumstances have led them to consider abortion.

166. This support process, through which the woman concerned must be informed of the various options available to her, including the possibility of terminating her pregnancy, must be the cornerstone of efforts to decriminalize abortion in accordance with the conditions established by law, with abortion always being understood as an informed decision taken in a situation in which a pregnant woman may be required to choose whether to undergo a voluntary termination of pregnancy.

167. Accordingly, support based on clear and comprehensive information should guarantee safe, legal and effective access to abortion, which must, however, be performed outside Andorra. Services that are grounded on the principle of equity could be covered by public funds. This process would also mean that women wishing to terminate a pregnancy and the medical personnel involved in supporting them would be exempt from criminal liability.

Right to life (arts. 6 and 25)

Reply to the issues raised in paragraph 14

168. The effects of climate change are real and costly and will become even more so as global temperatures rise. This is a reality for Andorra; while the country's size, small population and very low level of industrialization mean that its historical responsibility for climate change is limited, it is a high-mountain territory that is particularly vulnerable to the effects of climate change, as indicated in the sixth report (2023) of the Intergovernmental Panel on Climate Change.¹ Nevertheless, Andorra is honouring its commitment and responsibility to contribute to global climate action by aligning its emission reduction targets with international objectives.

169. With regard to the United Nations Framework Convention on Climate Change, since 2011, Andorra has sought to lead by example by becoming one of the first countries to submit its nationally determined contribution in 2015 and being the first to complete the review process for its first biennial transparency report² under the enhanced transparency framework provided for in the Paris Agreement. These actions reflect not only the country's commitment to transparency, but also the responsibility and urgency required to address climate change.

170. One of the main conclusions of the technical expert review³ is that Andorra is making adequate progress towards the achievement of its nationally determined contribution for 2030. In addition, Andorra was among the first 10 countries to submit its new nationally determined contribution, with a target of reducing emissions by 63 per cent in relation to 2005 levels by 2035.⁴

171. While Andorra is a minor source of global emissions, it is already seeing the impact of climate change on its ecosystems and socioeconomic activities and on livelihoods in general. The vulnerability of mountain territories is widely recognized by the scientific

¹ *Climate Change 2022: Impacts, Adaptation and Vulnerability*. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.

² Biennial Transparency Report, 2023 (<https://unfccc.int/documents/632855>).

³ Report on the technical expert review of the first biennial transparency report of Andorra, para. 22 (<https://unfccc.int/documents/641109>).

⁴ Third nationally determined contribution of Andorra (https://unfccc.int/sites/default/files/2025-02/NDC_3.0_ANDORRA.pdf).

community, as is the fact that these areas are approaching increasingly obvious limits to their adaptation capacity.

172. In concrete terms, 2023 was the hottest year ever recorded in Andorra. Furthermore, in the last three years, temperatures in the country have already exceeded the threshold of 1.5°C above the average for the previous three decades (1991–2020).

173. For a mountainous country that counts snow tourism as one of its economic pillars, these data are alarming. In addition, in a country such as Andorra, whose specific territorial and geomorphological features make the management of urbanization and population growth particularly complex, these challenges add an extra layer of difficulty to the fight against the effects of climate change.

174. Andorra firmly believes that every country, regardless of its size and global impact, has a crucial role to play in preserving the objective of limiting global warming to 1.5°C. The transition to a more sustainable energy model, the reduction of emissions and the adaptation of infrastructure all require strategic planning and effective international cooperation.

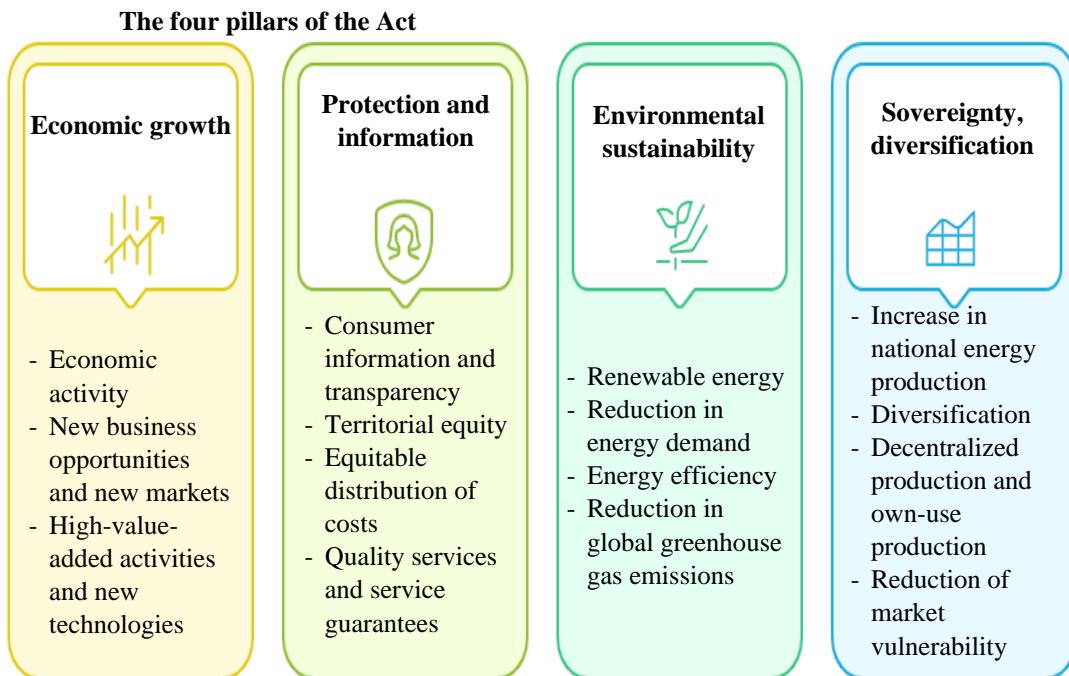
175. This is why the commitment of Andorra to climate action is firm and commensurate with the urgency of the situation. Andorra not only supports the guiding principles of the relevant international agreements, but also needs such a change in the energy model, along with strong and effective international action. For these reasons, the parliament unanimously adopted Act No. 21/2018 of 13 September 2018 on Climate Change and the Promotion of the Energy Transition,⁵ which is the central pillar of the country's energy and climate policy. It was drafted with the involvement of various ministries, which offered their own visions and strategic reflections, in line with the country's international commitments. The powers provided for in the Act are exercised through the Energy and Climate Change Agency, which is responsible for the progressive implementation of energy and climate policy in Andorra.

176. The development of a more sustainable energy model that is based on reducing demand, establishing more efficient systems and increasing the production of renewable energy helps reduce emissions of greenhouse gases into the atmosphere at the global level. The technological and social changes needed to ensure the sustainable development of the Andorran energy system must be made in a way that enables society as a whole to participate.

177. Consumers play an active role in the system; improving the information they receive ensures that they have the tools to control their consumption and act accordingly. They can also play a key role in generating energy to be distributed or used for home consumption. The Act provides for the protection of consumers, in particular those from the most disadvantaged groups, who may be at risk of fuel poverty. Public participation is essential for this new model, under which the decisions made must be consistent.

178. The Act is also aimed at promoting an increase in national energy production and diversification, reducing the country's market vulnerability, enhancing security of supply and strengthening national sovereignty.

⁵ Act No. 21/2018 (https://www.bopa.ad/bopa/030057/Pages/CGL20180928_13_54_03.aspx).



179. The Act sets out a wide range of tools for climate action, the most important of which is the long-term strategy for the period up to 2050,⁶ which is a road map for achieving carbon neutrality by 2050. The strategy incorporates the objectives specified in national law and sets medium- and long-term targets. It thus serves as the main framework for updating the country's nationally determined contributions under the United Nations Framework Convention on Climate Change and helps strengthen strategic planning.

180. The strategy comprises five action programmes and 17 activities, which are geared towards:

- Meeting emission reduction targets in order to achieve neutrality by 2050
- Developing a climate change adaptation plan to address current and future challenges
- Establishing a system for financing the action planned
- Raising awareness and educating and training the public
- Facilitating the research and innovation needed to understand and address new environmental and technological challenges

181. Based on the above assessment, and bearing in mind that 95 per cent of greenhouse gas emissions are produced by the energy sector, the strategy's first programme is focused on decarbonizing that sector and other strategic sectors that produce fewer emissions (programme I). At the same time, the fact that the effects of climate change are already being felt in Andorra means that it is essential to work on adapting to this phenomenon in order to reduce risks and improve the country's resilience (programme II).

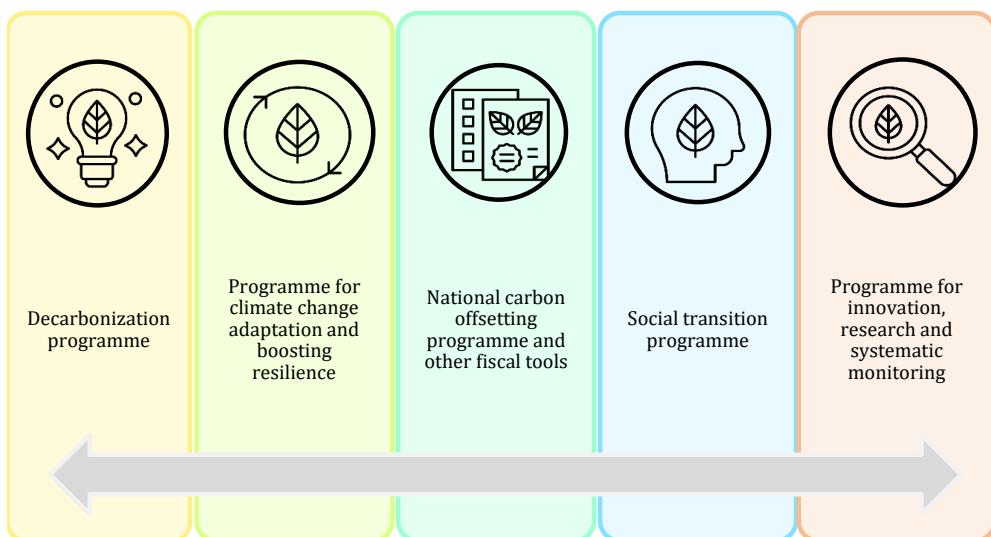
182. It is crucial to establish a system for financing efforts to fulfil mitigation and adaptation objectives. Accordingly, the national programme for voluntary carbon offsetting and other fiscal tools have been created to help cover the costs of launching and running the activities set out in the strategy (programme III).

183. Climate change is a relatively recent issue, in relation to which there is a significant degree of uncertainty, which means that mechanisms to promote innovation and research still

⁶ *Estratègia energètica nacional i de lluita contra el canvi climàtic 2020–2050, 2021* (https://bopadocuments.blob.core.windows.net/bopa-documents/033019/annexes/MEM%C3%92RIA_GD20210204_16_16_19.pdf).

need to be strengthened in order to ensure the implementation of the most advanced technologies and the systematic monitoring of phenomena so that the activities planned can be adjusted (programme IV).

184. Nonetheless, a paradigm shift in the energy sector and the fight against climate change will not be possible unless there is a social transition that involves empowering, educating and training society as a whole and raising awareness of the importance of these strategic objectives and the behavioural changes needed in order to achieve them (programme V).



185. For climate action to be effective, there is a need for governance mechanisms that promote the participation not only of government actors, but also of all non-governmental stakeholders who are involved in decision-making and raising awareness of climate change. To honour this commitment, which is set out in Act No. 21/2018, the Government established the National Energy and Climate Change Commission as an advisory and participatory body. The Commission's main duties are to update and monitor the strategy and its action programmes and to participate in the review, modification and adaptation of the strategy's objectives. The Commission's members come mostly from the professional sectors and sectoral working groups, including the country's leading research centre.

186. The Commission's composition was recently modified to incorporate new strategic players, including representatives of the State Secretariat for Equality and Civic Engagement. The purpose of this change is to officially integrate the gender perspective into the design and implementation of climate change policies and actions, thus ensuring more inclusive and equitable climate strategies.

187. The establishment of the Commission led to a restructuring of the existing institutional mechanisms in the area of energy and climate change.

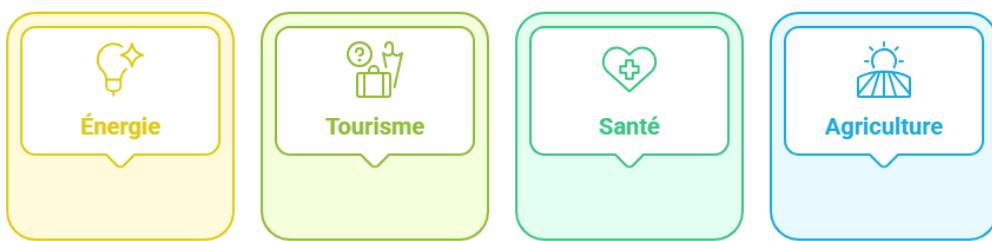
188. The strategy incorporates the objectives specified in national law and sets medium- and long-term targets. It thus serves as the main framework for updating the country's nationally determined contributions and helps strengthen strategic planning.

189. In 2014, the Government launched a participatory process on climate change adaptation⁷ so that stakeholders could identify the potential impact of climate change on the country's socioeconomic and environmental sectors, assess the vulnerabilities of each sector and propose adaptation measures to reduce these vulnerabilities and address the impact of the phenomenon, with the aim of boosting the country's resilience to climate change.

190. More recently, to ensure that adaptation measures are consistent and tailored to the actual and predicted changes in the country, efforts and resources have been directed towards

⁷ https://www.govern.ad/documents/1898932/2636312/ProcesAdaptacioAndorra_CC2014.pdf/af1d16b4-8e8a-e61c-4117-ef697613fac5?t=1730125959586.

the preparation of a climate change impact and vulnerability study,⁸ which examines the situation in the key sectors for adaptation: energy, tourism, health and agriculture.



191. On the basis of these priority sectors, the 94 adaptation measures identified through the participatory process in 2014 will be reviewed in collaboration with the Andorra Recerca + Innovació research centre. Knowledge of carbon sequestration capacity will be improved through the development of the first national forest inventory.⁹ The action taken as a result of the process launched in 2014 includes the implementation of strategies in areas such as planning, operations and normative development and covers a wide range of fields, including landscape and biodiversity.

192. The studies needed to update the adaptation measures for the priority sectors outlined in Act No. 21/2018 should be completed by 2027. These studies will make it possible to update the measures and create a more detailed road map that reflects the latest information and existing technological developments. Various actors are involved in the preparation of such road maps. This work will culminate in the development of a national adaptation plan that sets out concrete actions, based on the results of the climate change impact and vulnerability study, for each priority sector.

193. Moreover, this work is aligned with the global goal on adaptation that is set out in the Paris Agreement, under which, by 2030, all Parties should have established the relevant policy instruments and planning processes or strategies, including national adaptation plans, and made progress in their implementation.

194. With regard to the population's effective participation in projects for contributing to sustainable development and building resilience to climate change, in addition to the aforementioned information and consultation forums, Act No. 33/2021 on Transparency, Access to Public Information and Open Government provides that public bodies are to promote civic engagement and collaboration in the most pertinent public policies and to remain in constant dialogue with the population.

195. Decree No. 444/2022 of 26 October 2022, whereby regulations were adopted on civic engagement, builds on the principles set out in Act No. 33/2021 and establishes the instruments and tools for civic engagement (such as participatory processes, the Citizens' Audience, the digital civic engagement platform, the civic engagement master plan and the civic engagement directory) and the relevant spaces and bodies (Citizens' View, the Operational Commission for Civic Engagement and the Andorran Associations Round Table).

196. The "Citizens' View" and "Citizens' Audience" participatory processes are valuable mechanisms for civic engagement established under the above-mentioned regulations.

197. A participatory process on public transport and sustainable mobility was run in 2024. The main aim was to incorporate the vision and views of citizens and agents working on internal mobility matters into future strategies geared towards achieving more sustainable mobility and improving public transport in Andorra. The participatory process was structured around three topics: adapted, competitive and quality public transport; sustainable, connected and safe mobility; and the use of private vehicles in the new mobility model. Efforts were made to facilitate the participation of all citizens by organizing discussions in every Andorran town and enabling individuals to attend remotely through the digital civic engagement

⁸ <https://ari.ad/projectes/evicc>.

⁹ <https://ari.ad/projectes/inventari-nacional-forestal-andorra>.

platform. The input of adolescents and young people was highly sought after during the process and was obtained through collaboration with the National Youth Forum of Andorra. More information on this subject is available at <https://processos.visc.ad/processes/transportpublicimobilitat>.

198. Citizens' View is a standing participatory body made up of 10 adult residents of Andorra, who are selected at random and serve for a two-year term. The body was set up to improve communication and collaboration between the Government and the population. It serves as a forum for consultations on public policies of general interest, promotes a culture of engagement and issues recommendations aimed at strengthening the transparency and quality of the Government's work. Since its formation in July 2023, its members have held various meetings with the Head of Government and ministerial representatives on topics such as health, housing, the environment and sustainability, digitalization, the Association Agreement with the European Union and tourism.

199. Lastly, the Citizens' Audience is a regular annual town hall or meeting between members of the public and some or all of the members of the Government. During the meeting, citizens may raise any topic related to the work and functions of the Government. The most recent edition of the Citizens' Audience took place in December 2023 and was shown live on Andorra Difusió and the Government's YouTube channel. The questions addressed to the Head of Government at that meeting were selected by the members of Citizens' View.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

Reply to the issues raised in paragraph 15

200. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is provided for under a legislative framework that includes the Criminal Code. Articles 110, 111 and 112 of the Criminal Code address the issue of torture in very specific terms:

“Article 110 (Torture)

Torture is committed by an official or public servant who, abusing his or her position, directly or through another person, subjects a person to conditions or procedures that produce severe physical or mental suffering, if at least one of the following purposes or motives is present:

- (a) To obtain from that person or a third person information or a confession;
- (b) To intimidate or coerce that person or a third person;
- (c) To punish that person for an act he or she or a third person has committed or is suspected of having committed;
- (d) For any reason based on discrimination.

Perpetrators of torture shall be liable to a prison sentence of 4 to 12 years and the suspension of their public rights for up to 15 years, without prejudice, where appropriate, to the penalties applicable to result crimes.

The same penalties shall be imposed on officials or public servants working in prisons or juvenile detention centres who subject a detainee or prisoner to the aforementioned acts.

Attempt, conspiracy and incitement are punishable.

If the means of torture used are particularly severe owing to the intensity of the suffering they cause, or if they endanger the victim's life, the court may increase the penalties by up to half of their maximum duration.

Article 111 (Failure to prevent or report torture)

Any official or public servant who does not use all the means at his or her disposal to prevent the commission of torture by a subordinate shall be liable to the same penalties provided for torture.

Any official or public servant who, apart from the cases referred to in the preceding paragraph, does not prevent or report acts of torture of which he or she has direct knowledge shall be liable to the penalties provided for the perpetrators of torture, with the reductions provided for in article 53.

Article 112 (Degrading treatment)

Any official or public servant who, abusing his or her position and apart from cases constituting torture, subjects a person to degrading treatment shall be liable to a prison sentence of 3 months to 3 years and disqualification from holding public office for up to 5 years, without prejudice, where appropriate, to the penalties applicable to result crimes.”

201. With regard to the prevention of torture in the police force, initial and ongoing training is delivered to new recruits and those in training to obtain a new rank. Lectures by individuals such as Mr. Pere Pastor, an Andorran judge who formerly served at the European Court of Human Rights, have also been organized, with the most recent one taking place in April 2024. Mr. Pere Pastor and Mr. Josep Casadevall, who is a former judge and former Vice-President of the European Court of Human Rights, have already given several lectures on this subject.

202. In September 2024, a training course on best practices for avoiding revictimization and supporting women was delivered by Mr. Victor Correas, who is a judge specializing in cases involving violence against women.

203. One of the fundamental principles of the prison in Andorra is respect for and the promotion of the human rights of all individuals who form part of the prison environment, including prisoners and the staff who are responsible for their care or come into contact with them. In this context, human rights training for prison officers is a priority of the prison’s education and training programme.

204. The main aim of the training is to ensure that all officers have the knowledge, skills and tools they need to prevent, identify and appropriately address situations that may violate the fundamental rights of individuals who have been deprived of their liberty. Topics covered include the prevention of torture and ill-treatment, the proportionate use of force and respect for human dignity.

205. The training provided is compliant with the national and international standards laid down in treaties and conventions such as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and with national legislation on the protection of prisoners’ rights. Another objective is to raise awareness among staff of the importance of their role in promoting a prison environment that is safe and conducive to respect for human rights, in line with good prison practices.

206. This approach reflects the prison’s commitment to contributing to the training of qualified staff who are aware of their responsibilities and committed to respecting the fundamental rights of all persons in the prison environment.

207. Training activities for prison staff:

(a) Human rights training

- The prison offers training programmes specifically designed to provide prison officers with the necessary knowledge of human rights. The main objectives of this 12-hour course are to:
 - Familiarize participants with fundamental human rights concepts such as dignity, equality, justice and non-discrimination.
 - Encourage reflection on the role of officers in promoting and protecting these rights in the prison environment.

- Build knowledge of European and international human rights protection mechanisms, including the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and other relevant treaties.
- Methodology and content:
 - In-person sessions and interactive workshops: These activities enable officers to analyse ethical dilemmas and practical situations linked to the prevention of abuse, torture and the excessive use of force. The workshops involve case studies and simulations to promote understanding and applied learning.
 - Audiovisual material and documents: Materials such as guides, presentations and audiovisual resources are used, covering topics such as the fundamental rights of prisoners and the ethical conduct expected of officers.
 - Active participation: Participants are encouraged to reflect on real-life situations and discuss potential conflicts of rights in order to develop their ability to make informed decisions.
- The programmes focus on prevention, with specific training on:
 - The prevention of torture and other inhuman or degrading treatment, in compliance with international treaties.
 - The use of force that is consistent with the principles of necessity, proportionality and consistency.
 - The protection of prisoners' rights in order to guarantee their physical and psychological integrity.
- Assessment:
 - The participants are assessed through questionnaires, observed simulations and self-assessments, with a view to ensuring that the knowledge they acquire is translated into effective and respectful practices.
- Trainer:
 - Mr. Ramon Tena Pera is a human rights educator, mediator and trainer in positive conflict management. He is a member of the pool of trainers of the Council of Europe and has delivered national and European training courses on human rights and relevant Council of Europe tools. As a trainer, he works with universities and national and international institutions such as the Andorra Chamber of Commerce, the Council of Europe, multinational corporations and the National Conflict Resolution Center in California (United States of America).

(b) Training on the legal framework

- The country's prison offers a comprehensive training course on the regulatory framework governing the Andorran prison system.
- The course involves the study of:
 - The Constitution: The focus is on fundamental rights and freedoms, in particular the principle of legality and the guarantee of detainees' fundamental rights, as set out in article 2 of Act No. 19/2023.
 - The Criminal Code: Training on the provisions relating to security, personal integrity and the classification of offences applicable in the prison environment.
 - Act No. 19/2023 of 2 October 2023 containing the consolidated text of the Qualified Act on Prisons: A detailed analysis of the basic principles underpinning the prison regime, the rights and duties of detainees and the powers of the prison service.

- Methodology and content:
 - Theoretical courses: Officers study the practical application of laws in order to guarantee peaceful coexistence and respect for fundamental rights in prisons.
 - Practical workshops: Real-life situations and simulations are analysed to ensure the correct application of regulations in everyday and exceptional cases.
 - Educational material: Guides, legal codes and interactive digital resources are provided to help participants learn the current regulations.
- Efforts in the area of prevention and awareness-raising include:
 - Promoting respect for prisoners' dignity and rights, with emphasis on the principle of non-discrimination.
 - Training on the disciplinary measures, sanctions and procedures provided for in the relevant regulations.
- Assessment:
 - The training includes knowledge tests, an analysis of case studies and direct observations to gauge officers' understanding and application of legal concepts in their day-to-day work.
- Trainers:
 - The training is delivered by in-house trainers who have extensive professional experience in the prison service and have received specific training on Andorran legislation.

Treatment of persons deprived of their liberty and security of person (arts. 9 and 10)

Reply to the issues raised in paragraph 16

208. The Code of Criminal Procedure establishes the following with regard to pretrial detention:

“Article 108

Pretrial detention or custodial arrest with or without monitoring may not exceed four months.

However, the competent judge may, by means of a reasoned decision, extend this period by the same period, after which, in the case of minor offences, conditional release must be granted. In the case of serious offences, and only with respect to pretrial detention, no more than two extensions of four months may be granted. A third extension may be granted for cases involving homicide, murder, torture, slavery, sexual assault or abuse, drug trafficking, kidnapping, child trafficking, illicit trafficking, arms trafficking, exploitation of prostitution, terrorism, financing of terrorism, laundering of money or securities, conspiracy to attack the Principality or the constitutional order and crimes against the international community. Exceptionally, in the case of particularly serious offences, a fourth extension may be granted at the request of the Public Prosecution Service.

In any case, the period of pretrial detention may not exceed half of the maximum penalty provided for in the Criminal Code for the offence or offences with which the defendant is charged, taking into account the system of accumulation of penalties, and the period under arrest may not exceed eight months.

Once the case has been referred to the trial court, the pretrial detention period may not exceed six months, in the case of minor offences, or 12 months, in the case of serious offences, from the date of notification of the final order. In any event, conditional release shall be granted when the duration of the pretrial detention reaches half of the maximum penalty provided for in the Criminal Code for the offence or offences with

which the defendant is charged, taking into account the system of accumulation of penalties or the penalty requested by the Public Prosecution Service or the private prosecutor during the proceedings.

If an appeal is lodged, the duration of the pretrial detention may not exceed 18 months from the date of notification of the judgment, and, in any case, conditional release shall be granted when the duration of the pretrial detention reaches that of the penalty imposed by the court of first instance.

In the event that an individual who has been placed in pretrial detention or custodial arrest after committing an offence is found to be of unsound mind, the judge or court shall order his or her placement in an appropriate facility. The individual shall leave the facility once he or she has been medically discharged and the judicial authority has been informed, after which the proceedings may continue. Placement in such a facility triggers the suspension of the time limits for pretrial detention and custodial arrest, without prejudice to the fact that the period in the facility may subsequently be counted as time served for purposes of the sentence. The decision by the investigating judge or the court to place an individual in a facility may be appealed pursuant to articles 194 and 195 et seq.”

- 16. (a) Pretrial detainees currently account for 49.3 per cent of the total prison population.
- 16. (b) The average length of pretrial detention is estimated to be 242 days.

209. Article 54 of Act No. 19/2023 of 2 October 2023 containing the consolidated text of the Qualified Act on Prisons establishes that solitary confinement as a disciplinary measure cannot be applied to pregnant women. In addition, such a disciplinary measure cannot be imposed until a doctor from outside the prison health service has issued a medical report authorizing its use. During the solitary confinement period, a doctor from outside the prison health service must monitor the individual on a daily basis and may, where appropriate, suggest that the measure be suspended or modified when there are health reasons for doing so. Article 56 of the Act specifies that solitary confinement as a precautionary measure, to which the aforementioned provisions of article 54 apply in all cases, may not exceed three days. The time elapsed must be taken into account when calculating the duration of any solitary confinement that might be imposed as a disciplinary measure upon the conclusion of the disciplinary proceedings.

210. Act No. 15/2019 of 15 February 2019 on the Criminal Responsibility of Minors provides a framework for ensuring respect for the rights of detained minors.

211. With regard to penalties, article 53 of Act No. 15/2019 establishes that the commission of a disciplinary offence is punishable by a period of solitary confinement that cannot exceed 14 days.

212. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment regularly visits Andorra and issues recommendations to be considered for implementation.

213. Medical care available to detainees:

- Nursing care: 12-hour day shift from 7.30 a.m. to 9.30 p.m. plus night shift
- Physician: Four hours per day from Monday to Friday
- Psychiatrist: Two days per week, Tuesdays and Thursdays
- Dentist: Thursday mornings from 9 a.m. to 1 p.m.
- Psychologist: Monday to Friday from 9.30 a.m. to 1.30 p.m.
- Podiatrist: On request, depending on the patients' needs
- Physiotherapist: Tuesday mornings and Friday afternoons

Elimination of slavery, servitude and trafficking in persons (arts. 7, 8 and 24)

Reply to the issues raised in paragraph 17

214. The Labour Inspectorate is obliged to inform the Public Prosecution Service when it detects practices by company managers that could, in its opinion, constitute a criminal offence. Similarly, it is obliged to initiate administrative proceedings against companies in which administrative offences have been found.

215. It should be noted that a case arose in 2023 involving workers from Peru who were recruited by an Andorran company in the construction sector. The Department of Employment and Labour then informed the Public Prosecution Service of certain preliminary findings made during the inspections, raising the question of whether they could amount to criminal offences.

216. Specifically, in 2023, the Labour Inspectorate carried out 13 inspections on its own initiative and received one complaint regarding a group of Peruvian migrant workers employed in the Andorran construction sector under the “posted worker” or residence and work permit scheme. These ex officio inspections and the complaint resulted in eight penalty procedures being opened against four different companies, with total penalties amounting to around €134,000.

217. With regard to workers posted by foreign companies, the Government of Andorra, determined to eradicate this type of practice, has decided, in addition to the sanctions provided for in Andorran legislation against companies that fail to comply with labour regulations, to introduce certain restrictions to prevent abuses that could affect workers. In this context, the Sustainable Growth and Right to Housing Act, passed by the parliament in March 2025, abolishes the status of posted worker for companies based in countries that are not members of the European Union, except in very specific and duly justified cases.

218. Furthermore, increasing the number of ex officio inspections, both in general and more specifically in sectors of activity that are likely to present a potential risk of labour exploitation, is essential for detecting any irregularities within companies that are not reported through complaints to the Labour Inspectorate.

219. In this regard, to cope with the increased workload resulting from increased ex officio monitoring and to ensure an appropriate response to complaints and to workplace accidents in which the Labour Inspectorate intervenes, as well as other routine tasks, the Government strengthened the Inspectorate by adding 2 additional inspector positions in 2024. In addition, 2 further positions are planned in the 2025 budget, bringing the total number of inspectors to 11, plus a head of department and an administrative officer.

220. At the same time, work is under way to modernize management systems in order to improve the efficiency and effectiveness of the Labour Inspectorate.

221. Last but not least, a brochure has been produced in Catalan, French and Spanish to inform workers of their rights. Available in paper and digital formats, it outlines the main labour rights and provides information on how to consult and file complaints with the Labour Inspectorate.

222. With regard to the fight against trafficking in persons, Andorra has ratified the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005. In line with the recommendations of the Group of Experts on Action against Trafficking in Human Beings, Andorra has defined certain forms of conduct, in its Criminal Code, as constituting the offence of trafficking in persons for purposes of sexual exploitation, slavery, servitude, labour or organ removal. Andorra also adopted Act No. 9/2017 of 25 May 2017 on Measures to Combat Trafficking in Persons and to Protect Victims. This Act encouraged the adoption of a protocol for the protection of victims of trafficking in persons. It also ensures that victims without legal residence are given a reflection and recovery period, during which they cannot be subjected to administrative expulsion while the police or judicial authorities determine whether they are to be recognized as victims of trafficking. The Act

also led to the establishment of the Trafficking in Persons Victim Support Service, which allows for specialized, coordinated work to be carried out.

223. The Government of Andorra has also acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

224. Although Andorra has not, for the moment, detected any cases of trafficking in persons, the establishment of the Trafficking in Persons Victim Support Service in 2017 has resulted in various campaigns and training sessions for officers likely to be involved in detecting and intervening in such situations. Information leaflets have also been developed and published, and are available at www.aferssocials.ad.

225. Furthermore, Act No. 45/2022 of 22 December 2022 amending the Criminal Code extended the crime of trafficking in persons to situations of forced labour, forced service and begging, clarified penalties in cases involving child victims and introduced specific provisions on the non-punishment of victims of trafficking. It also strengthened the legislative framework for offences committed on the Internet or through new technologies, for example by introducing harsher penalties for facilitating prostitution through the Internet or social media.

226. The protocol for the protection of victims of trafficking in persons designates the Offences against the Person Unit of the police as the body competent to formally identify victims. The identification procedure is triggered as soon as there are “indications or reasonable grounds to believe that a person is a victim of trafficking”. The Trafficking in Persons Victim Support Service, or the Child and Adolescent Support Service if children are involved, must be notified immediately in order to appoint a designated representative to support victims during the identification process and ensure that they are provided with a recovery and reflection period and support services.

227. The protocol states that anyone with knowledge of a potential trafficking case must inform the competent authorities. In cases where a potential victim is detected by the police, the Labour Inspectorate, the border and immigration police or other services (social, health, education) or by civil society organizations, they are obliged to inform the Offences against the Person Unit of the police and the Public Prosecution Service. The emergency telephone line, accessible via the dedicated hotline number 181, enables victims or witnesses to report potential trafficking cases.

228. The annex to the protocol for the protection of victims of trafficking in persons provides rough indicators and a list of questions to help identify victims of trafficking. Since the protocol’s adoption, as part of the implementation of the strategic policy on trafficking in persons, a much longer list of indicators has been developed. It comprises general and specific indicators for the identification of victims of different forms of trafficking (sexual exploitation, labour exploitation and others), including among domestic workers and children, based on indicators from the United Nations Office on Drugs and Crime and the International Labour Organization.

229. The Principality of Andorra considered it important to develop a strategic policy document (similar to a national action plan), focusing on preventive measures, raising awareness of trafficking in persons and training the professionals involved, which demonstrates the country’s commitment to the fight against trafficking in human beings. In this respect, the first strategic policy was operational from 2021 to 2024. The second strategic policy, based on the recommendations contained in the report of the Group of Experts on Action against Trafficking in Human Beings on the third evaluation round, will cover a two-year period (2025–2027).

230. The actors involved in the strategic policy are as follows:

- Ministry of Justice and the Interior:
 - Department of Justice and the Interior
 - Department of Police
 - Department of Immigration

- Ministry of Social Affairs and the Civil Service
 - Department for Childhood, Adolescence and Youth
 - Department of Social Affairs
- State Secretariat for Equality and Civic Engagement
 - Department of Equality Policies
- Ministry of the Presidency, Economic Affairs, Labour and Housing
 - Department of Labour
- Ministry of Health
- Ministry of Institutional Relations, Education and Universities
- Ombudsman
- Courts of first and second instance (Batllia and Tribunal de Corts)
- Public Prosecution Service

231. Criminal investigations may be initiated ex officio or following a complaint by the victim, as provided for in article 14 of the Code of Criminal Procedure. This article allows associations to be parties to proceedings in defence of collective interests, but not in defence of individual interests (unlike associations specializing in the defence of women's rights, which can act in defence of the individual interests of victims of gender-based violence or domestic violence).

232. Investigations into human trafficking are carried out by the Offences against the Person Unit of the police, which can use special investigative techniques with the authorization of an investigating judge. This includes wiretapping or interception of other forms of communication and controlled delivery. Undercover operations are permitted for certain crimes listed in article 122 ter of the Code of Criminal Procedure, such as terrorism or sexual abuse of minors, but do not appear to be possible in cases of trafficking in persons.

233. The Andorran courts tried the first alleged case of trafficking in persons in 2022. The defendants were convicted of assault and battery, promoting prostitution and procuring. The charge of trafficking in persons was dismissed at first instance and on appeal on the grounds that one of the elements of the crime (in this case, the element of means) had not been established. According to the judgment of the High Court of Justice:

- Deception could not be established based on the fact that the rate of €200 per hour had not been adhered to, as the defendants had no experience in procuring and could not have realized that the agreed price was excessive or unrealistic.
- The advertisement that led to the victim's recruitment was not targeted at women or specific groups based on their vulnerability, and the existence of the victim's debts, which the defendants were unaware of, was not sufficient to put the victim in a vulnerable situation.
- Violence or coercion were not used to recruit, transport or transfer the victim, but rather during a later dispute over payment for sexual services and whether they should continue to be provided.

Reply to the issues raised in paragraph 17 (a)

234. There is no systematic anti-trafficking training for those involved in tackling this issue, but joint general training was provided in 2019, 2021 and 2022 to mark the European Union Anti-Trafficking Day and the World Day against Trafficking in Persons on 18 October and 30 July, respectively. For example, training provided by the coordinator of the Municipal Unit against Human Trafficking of the Barcelona City Council was organized in 2019 for 50 agents involved in detecting trafficking cases and protecting victims (police officers, prosecutors, labour inspectors and social service and child protection professionals). In 2022, a new training course was delivered by a professor from the University of Lleida, Spain, to more than 100 persons from the police, the Public Prosecution Service, the courts, the health,

child protection and social service sectors, the Labour Inspectorate and the Ministry of Justice and the Interior. The training covered the definition of trafficking in persons and the main international and national laws relating to it, the profile of victims and traffickers and the detection and protection of victims based on the experience of Spanish courts.

- Members of the Public Prosecution Service and judges also have access to training on trafficking in persons provided by the National School for the Judiciary in France and the Judicial School (for judges) or the Legal Studies Centre (for prosecutors) in Spain. Specific training courses can also be organized by these foreign schools on request. Members of the national police force, Customs Service and Immigration Service also undergo training in detecting false documents, organized annually by the French National Police. Lastly, the course on trafficking in persons of the Council of Europe Human Rights Education for Legal Professionals Programme has been disseminated to the relevant public services for self-directed learning.

Reply to the issues raised in paragraph 17 (c)

235. To strengthen the procedures in place for victims, the information leaflet of the Trafficking in Persons Victim Support Service has been updated in five languages (Catalan, French, Spanish, English and Ukrainian). It is distributed in strategic locations (police stations, hospitals, the reception desk of the Ministry of Social Affairs and the Civil Service, etc.) and can also be accessed online via the Ministry's website. A first version of the leaflet was distributed and, after some time, was updated and distributed again.

236. A document has also been prepared for professionals. This serves as a guide for what information they should convey to victims of trafficking, such as information about their rights. A second, more concise document for victims is also available.

237. Professionals likely to intervene in cases of trafficking in persons (police officers, prosecutors, judges, labour inspectors, social services, health and education staff, members of associations) were invited to joint training sessions on trafficking in persons. Several topics relating to identification were covered, such as the profile of victims and traffickers, the use of indicators and the difficulties encountered in detection.

238. The detection of potential victims of trafficking in persons may occur following a police investigation or labour inspection, and when a potential victim contacts a public or private organization after accessing a health, social, educational or other service.

239. The protocol for the protection of victims of trafficking in persons¹⁰ establishes that, as soon as a victim of trafficking is identified, the protection measures and assistance provided for in the protocol are to be implemented, including free legal assistance.

240. The police are the competent body to initiate and take charge of the process of identifying victims of trafficking in persons.

241. According to the Act on Measures to Combat Trafficking in Persons and to Protect Victims,¹¹ as soon as the competent authority considers that there are reasonable grounds to believe that a person is a victim of trafficking in persons, and throughout the identification process, the necessary measures must be taken to ensure the protection of his or her rights, the absence of persons associated with traffickers and the necessary medical, social and legal assistance.

242. Paragraph 9 of the protocol for the protection of victims of trafficking in persons, which lays down guidelines on action to detect, identify, assist and protect victims of trafficking, provides that:

- Once a victim of trafficking in persons has been identified, it is necessary to carry out a risk assessment and adapt appropriate measures to provide adequate protection against potential acts of retaliation or intimidation, during and after investigations and legal proceedings. More specifically, this protection may include physical protection

¹⁰ https://www.bopa.ad/bopa/030036/Pages/GV20180607_11_25_30.aspx.

¹¹ https://www.bopa.ad/bopa/029039/Pages/CGL20170608_16_28_18.aspx.

(prohibiting persons who pose a danger to the victims from coming into contact with them).

- The victim's participation in criminal proceedings is to be facilitated.
- The victim is to be informed of all the services to which he or she is entitled, in accordance with article 8 of Act No. 9/2017 of 25 May 2017 on Measures to Combat Trafficking in Persons and to Protect Victims, and is to be put in contact with the entities responsible for these services, such as:
 - Referral to the Trafficking in Persons Victim Support Service of the Department of Social Affairs. This Service offers multidisciplinary assistance to victims of trafficking, and to their children where applicable. The assistance, which is free of charge, consists of protection, information, guidance and support during the recovery process. The Service was established pursuant to Act No. 9/2017 of 25 May 2017 on Measures to Combat Trafficking in Persons and to Protect Victims. It offers social, psychological and legal support. It is important to note that, in order to ensure economic and social stability and facilitate the victims' period of reflection and recovery, they may have access to social and health services and, more specifically, financial assistance in the form of occasional emergency aid and full reimbursement of medical expenses by the Andorran social security system.
 - Access to shelters.
 - Medical and psychological assistance.
 - Legal advice and information: victims of trafficking in persons have the right to be informed of their rights and all relevant procedures in a language they can understand. In addition, they are entitled to free legal assistance.
 - Social care and coverage of basic needs.
 - Translation and interpretation services.

243. To provide this protection in a practical and timely manner, as soon as the police become aware of indications that a person is a victim of trafficking in persons, they inform the Child and Adolescent Support Service, in the case of a minor, and the Equality Policies Support Service, in the case of an adult. These two units are part of the Department of Social Affairs. A designated contact person is then immediately appointed and can accompany victims throughout the identification process and in obtaining access to a reflection period and social benefits to which they are entitled.

244. The following entities have signed the protocol for the protection of victims of trafficking in persons or are directly involved:

- Ministry of Justice and the Interior
- Department of Police
- Immigration Service
- Ministry of Social Affairs and the Civil Service
- Trafficking in Persons Victim Support Service
- Ministry of the Presidency, Economic Affairs and Business
- Labour Service
- Ministry of Health
- Ministry of Education and Higher Education
- Batllia (court)
- Public Prosecution Service

245. This list is not exhaustive, as other governmental or external actors may also be involved, depending on needs. Non-governmental organizations and other civil society organizations may also be brought in.

Reply to the issues raised in paragraph 17 (e)

246. The immigration system in Andorra is based on immigration quotas and work permits, without which it is very difficult to settle and live in Andorra. Owing to the country's small size of just 464 km², it is quick and easy for the Immigration Service to detect cases of people residing illegally in Andorra. Furthermore, monitoring of births through birth registration in the Civil Registry facilitates the detection of situations related to social exclusion and trafficking in persons.

247. In addition, the Andorran police actively collaborate with the police services of neighbouring countries in the investigation of this type of offence. Suspected trafficking offences inevitably include neighbouring countries, given the landlocked position of Andorra between France and Spain. Therefore, collaboration between the three countries is essential in order to combat trafficking in persons. Andorra and its neighbours have made a formal commitment to such collaboration through specific international instruments and good-neighbour treaties with Spain and France.

248. Furthermore, to promote the detection of potential cases of trafficking in persons, the Ministry of Social Affairs and the Civil Service collaborates with the Ministry of Justice and the Interior on prevention and awareness-raising campaigns. These include training courses for professionals likely to encounter victims of trafficking in persons and awareness-raising campaigns for industries in the private sector that are particularly affected, such as the hotel business. Lastly, the campaigns are also aimed at the general public. Prevention work with minors is carried out in educational settings.

249. The Ministry of Social Affairs and the Civil Service promotes cross-cutting work and joint responsibility with officials involved in the comprehensive care of victims of trafficking in persons, and disseminates the toll-free number 181 for care, information and advice to the public, especially to potential victims of trafficking in persons. Lastly, it is responsible for collecting data, thus functioning as a monitoring centre for trafficking in persons.

250. With regard to justice, it is important to emphasize that:

- A large number of members of the judiciary and the Public Prosecution Service attend the periodic training courses offered by the Government on trafficking in persons.
- The recent introduction of the electronic file system for judicial proceedings has made it possible to set up a project that will allow progress to be made in collecting more detailed data and statistics.

Treatment of aliens, including migrants, refugees, asylum-seekers and stateless persons (arts. 7, 9, 12, 13 and 24)

Reply to the issues raised in paragraph 18

251. Although Andorra has not ratified the 1951 Convention relating to the Status of Refugees, the country's history has always been closely linked to that of its neighbouring countries, France and Spain. Andorra took in refugees from both the Spanish Civil War and the Second World War, despite lacking any specific legal framework. More recently, at the beginning of the Syrian conflict and the subsequent flight of millions of Syrian refugees, Andorra was keen to join in the international effort to receive them. To facilitate and regulate the reception of refugees in line with the 1951 Convention, in 2018, the parliament of Andorra adopted Act No. 4/2018 of 22 March 2018 on Temporary and Transitional Protection on Humanitarian Grounds. The objective was to take in around 20 Syrian refugees. This is a significant number when compared to the population of Andorra in 2018, which was approximately 72,000. To facilitate the safe arrival of Syrian refugees in Andorra, the Government signed a cooperation agreement with the Community of Sant'Egidio, which was responsible for identifying the refugees and bringing them from Lebanon to Andorra.

252. Act No. 4/2018 of 22 March 2018 on Temporary and Transitional Protection on Humanitarian Grounds establishes the rules governing the granting of residence or residence and work permits under temporary and transitional protection to persons who are under the protection of the Office of the United Nations High Commissioner for Refugees (UNHCR) and to persons who cannot return to their country of origin or habitual residence due to systematic or widespread human rights violations.

253. This Act has also enabled Ukrainian refugees fleeing the war in Ukraine to be welcomed into the country. Andorra currently hosts 295 refugees, 278 of whom are from Ukraine and 19 from Syria. The arrival of large numbers of Ukrainian refugees presented Andorra with an unprecedented situation, as it faced many challenges in ensuring that all those arriving were treated with dignity. The Government set up a multisectoral working group to cover all possible areas concerning the arrival, reception, housing, schooling of children, access to healthcare, access to economic resources, access to the labour market and access to language courses of all Ukrainian refugees. To provide a legal framework for this process, the Government adopted Decree No. 110/2022 of 28 March 2022, which establishes the procedure for receiving and housing persons displaced because of the humanitarian situation in Ukraine and provides, among other things, that obtaining a residence or residence and work permit, granted by the Immigration Service, ensures membership of the Andorran Social Security Fund.

254. The Refugee Support Service of the Department of Equality Policies is the main point of contact for refugees. This Service is responsible for monitoring the individual situations of refugees and managing their access to rights. Refugees are provided with ongoing, personalized support from specialized case officers. Publications for refugees have also been produced and are available on the website www.aferssocials.ad.

255. In addition, every 20 June, World Refugee Day, awareness-raising campaigns are conducted to inform the public about the situation of refugees. Nevertheless, it should be added that the Andorran population played an active role in welcoming refugees, particularly those from Ukraine, and that Andorra witnessed a genuine surge of solidarity.

256. With regard to the principle of non-refoulement, Andorra is indeed committed to upholding this principle of international law. The Government of Andorra reiterated this commitment during the visit of the representative of UNHCR in Andorra and Spain, Sophie Müller, in June 2022.

Administration of justice (art. 14)

Reply to the issues raised in paragraph 19

257. The independence of the judiciary is enshrined in article 85 of the Constitution and the Qualified Act on Justice, as follows:

Art. 85 (1) of the Constitution:

“Justice may be administered, in the name of the Andorran people, only by independent judges who cannot be removed from office and who, in the performance of their judicial functions, are subject only to the Constitution and the law.”

Article 2 (1) of the Qualified Act on Justice:

“In the exercise of judicial power, judges and prosecutors are independent of all judicial bodies and the High Council of Justice.”

Article 67 of the Qualified Act on Justice:

“During their term of office, judges and prosecutors may not be reprimanded, suspended from their duties or removed from their posts, except as a consequence of a criminal or disciplinary sanction, in accordance with the established procedure and with the guarantees of a hearing and defence.”

258. The Public Prosecution Service is governed by the Public Prosecution Service Act of 12 December 1996 and is based on the principles of legality, unity and internal hierarchy. It

also enjoys extensive functional autonomy (Qualified Act on Justice, art. 88, Public Prosecution Service Act, art. 2, and Constitution, art. 93 (3)). Its budget is drawn up by the High Council of Justice on the proposal of the Prosecutor General and is included in a chapter of the overall budget for the administration of justice (Public Prosecution Service Act, art. 19, and Qualified Act on Justice, art. 36).

259. The Prosecutor General may receive general instructions from the Government to conduct a prosecution, since the Government is responsible for guiding the State's criminal justice policy. These instructions must be in writing (Public Prosecution Service Act, art. 6). However, article 6 (2) qualifies this principle by specifying that: "Regardless of the recommendations received by the Public Prosecution Service, its members must act in accordance with the principle of legality in all cases, and they retain the freedom to make any observations they deem appropriate regarding the facts and their legal classification, even if this means opposing the Government's recommendations."

260. The Prosecutor General is responsible for the organization and management of the Public Prosecution Service. Deputy prosecutors are subject to his or her authority as regards the organization of their work, the content of their assessments, legal classifications and findings. In the event of disagreement between members of the Public Prosecution Service, the Prosecutor General confirms his or her instructions in writing. Nevertheless, the deputy prosecutors remain free to make oral observations during the hearing regarding legal classifications and findings (Public Prosecution Service Act, art. 14).

261. The Andorran legal system is based on mandatory prosecution. Criminal justice in Andorra is based on an adversarial system: if there is no charge, criminal proceedings cannot be pursued. In this respect, article 130 of the Code of Criminal Procedure states that, if the Public Prosecution Service requests the dismissal of a case and no action has been brought by a private party, the court must inform those interested in bringing criminal proceedings of the position of the Public Prosecution Service so that they may do so within 15 days if they deem it appropriate. If they do not take action, the court will dismiss the case. Associations may also bring criminal and civil proceedings to defend the collective interests they represent, through their legal representative. The system also allows for *actio popularis*. The decision of the Public Prosecution Service to discontinue proceedings is not subject to appeal, but it is then possible to refer the matter to the investigating judge.

262. The following is provided in the regulations on the rights of the defence and legal assistance:

"Article 2 (Scope)

1. The State of Andorra shall ensure the right to legal defence and technical assistance for the purpose of exercising the fundamental right to a defence established in article 10 (2) of the Constitution to:

(a) Any suspected or detained person who makes a statement to the police or in respect of whom a search or identity check is to be carried out;

(b) Any person appearing before judges and courts as a defendant or accused in criminal proceedings, provided that legal defence and technical assistance are required in accordance with applicable law, and any person who, in the opinion of the competent judge or court, requires legal defence and technical assistance in civil or administrative proceedings;

(c) Any person who requests legal assistance or who needs it in order to take action within the criminal justice system, provided that legal defence and technical assistance are mandatory under applicable law, and any person who intends to associate himself or herself with criminal proceedings relating to offences that can only be prosecuted at the request of a party or to public and semi-public criminal offences if the judge or competent court takes a decision that results in the temporary or permanent discontinuation of proceedings and the civil action is temporary, in accordance with applicable law;

(d) Any person who requests legal assistance in order to take legal action before civil and administrative courts, provided that legal defence and technical assistance are mandatory under applicable law;

(e) Any person who is a victim of gender-based violence or domestic violence and who requests or requires legal assistance in order to file a complaint with the police and to intervene in any legal proceedings arising directly or indirectly from a situation of gender-based violence or domestic violence, including during the enforcement phase;

(f) Any person who requests or requires legal assistance for the purpose of formalizing an agreement reached through the Justice Administration Support and Mediation Service and obtaining subsequent judicial approval in marital separation or divorce proceedings, or the regulation or modification of parenting arrangements;

(g) Any person who is a victim of trafficking in persons who requests to take legal action in proceedings arising directly or indirectly from his or her status as a victim.

2. In the event that the persons referred to in the preceding paragraph are found to be in a situation of economic hardship or insolvency, as declared by the competent judge or court, legal defence and technical assistance shall be provided free of charge and paid for out of the general State budget.”

263. The Code of Criminal Procedure provides that:

“Article 24

1. Any suspect or detainee who makes a statement to the police, or whose home must be searched or identity checked, must be informed, immediately and in a manner that he or she understands, of the facts giving rise to the investigation and of the reasons for the deprivation of liberty, as well as of the following rights:

...

(f) The right to the assistance of an interpreter free of charge in the case of a foreigner who does not understand or speak the national language or one of the languages of the neighbouring States.

...

Article 61

If the defendant does not understand the language in which he or she is being questioned, the judge must request an interpreter, who must be legally sworn in, so that he or she can faithfully perform his or her duties.

If the defendant is a signing deaf person, he or she must be questioned in writing or through an interpreter or a person capable of communicating with him or her.

In both cases, the interpreter's fees are covered by the court or are included in the legal costs if the defendant is convicted.

...

Article 73

If the witness does not understand the language in which he or she is questioned, or if he or she is a signing deaf person, the proceedings are conducted in accordance with the provisions of article 61.”

Freedom of conscience and religion (arts. 2, 3, 18 and 26)

Reply to the issues raised in paragraph 20

264. Education is an essential tool for the development of any society. It is an indispensable factor in personal fulfilment and the promotion of social cohesion. Article 20 (1) of the

Constitution emphasizes that education must be oriented towards the “full development of the human personality and human dignity, while reinforcing respect for freedom and fundamental rights”.

265. Article 3 of the 1993 Organic Act on Education provides that the education of children and young people must be based on respect for diversity, human rights and fundamental freedoms.

266. Similarly, article 3 (11) of Act No. 17/2018 of 26 July 2018 on the Organization of the Andorran Education System states that the system must ensure equal opportunities and non-discrimination, promoting inclusive education that takes into account the diversity of pupils.

267. In addition, article 7 (6) of the Act establishes interaction, coexistence and democratic participation as the fundamental principles that should guide the teaching and methodology applied in the classroom in all subjects within the Andorran education system.

268. It should also be pointed out that article 14 of Act No. 14/2019 on the Rights of Children and Adolescents recognizes the principle of the primacy of the free development of the personality of children and adolescents. This principle implies that their physical growth and their mental, spiritual and social development must be free, full and harmonious, while their learning abilities must be strengthened and their general well-being ensured.

269. In accordance with these constitutional values and legal provisions, the Andorran education system ensures that future generations are educated in a context in which diversity is recognized as a source of enrichment. This context must ensure impartiality, access to knowledge, full participation and the exchange of ideas and opinions, in accordance with democratic principles and for the benefit of all students.

270. In accordance with the case law of the European Court of Human Rights, the State’s role in education is to act as a neutral and impartial organizer of community relations in order to ensure public order, harmony and tolerance, which are the fundamental pillars of any democratic society. With this in mind, and to ensure coexistence and safeguard the values and principles that must govern the Andorran education system, the use of religious signs and symbols has been regulated. Compliance with these regulations is required not only of students, but also of teachers, head teachers, heads of institutions and all school staff. This measure aims to ensure neutrality in schools and to protect the rights of all members of the educational community.

271. Article 1 of Act No. 10/2022 of 7 April 2022, amending the Qualified Act on Education of 3 September 1993 and Act No. 17/2018 on the Organization of the Andorran Education System, amends the Qualified Act on Education by providing for the addition of an article 17 bis prohibiting the wearing of conspicuous religious signs and symbols by students, teachers, head teachers, heads of institutions and all school staff. Although this provision may affect religious freedom, its application is limited to prohibiting the display of conspicuous religious symbols, while ensuring compliance with the standards established by international instruments ratified by Andorra. This measure is therefore proportionate to the objective pursued.

272. In order to allow all students to exercise their freedom of conscience while preventing proselytizing in schools, article 2 of Act No. 10/2022 amends article 20 of Act No. 17/2018 of 26 July 2018 on the Organization of the Andorran Education System. The amended text provides that, during compulsory schooling, students who do not choose Catholic religious education have the option of taking courses in philosophy, ethics and the history of democracy. This provision was implemented during the 2023/24 school year.

Freedom of expression, assembly and association (arts. 2, 19, 21 and 22)

Reply to the issues raised in paragraph 21

273. Article 12 of the Constitution guarantees the right to freedom of opinion and expression and the right to freedom of communication and information. Andorra has also

ratified the European Convention on Human Rights, which requires domestic compliance with the articles on freedom of expression (art. 10) and the right to a fair trial (art. 6).

274. Neither the Government of Andorra nor the Andorran justice system subjects anyone to judicial harassment. The judiciary is an independent entity that follows the procedures established by law.

275. It should be noted that judges and prosecutors take part in training courses offered by the High Council of Justice on ethics and integrity and other subjects, both in Andorra and in Spain and France, in accordance with a training plan developed each year and on the basis of agreements signed with the General Council of the Judiciary of Spain and the National School for the Judiciary of France.

276. It should also be noted that legal professionals regularly attend training courses of the Council of Europe Human Rights Education for Legal Professionals Programme, which supports member States in implementing the European Convention on Human Rights at the national level.

277. This set of legal instruments and guidance is aimed at ensuring that human rights defenders can continue their work without fear of malicious criminal prosecution, threats or intimidation.

278. Furthermore, although no legislative measures have been adopted to decriminalize defamation at this stage, the courts, and more specifically the Criminal Court (Tribunal de Corts), in its ruling of 17 January 2024, established that the point at issue was the application of article 325 of the Criminal Code. The wording of this article, as of the date of the facts referred to in paragraph 21 of the list of issues, is as follows:

Any person who, with full knowledge of the facts or with reckless disregard for the truth, publicly makes accusations against the actions of the parliament, the Government, the High Council of Justice, the judicial bodies, the Public Prosecution Service or the parish councils that are likely to damage their prestige shall be liable to a fine of up to €30,000 and a ban on holding public office for up to four years, without prejudice to any penalties that may apply to damage to a person's honour.

279. This concerns offences against the prestige of institutions, as defined in chapter 2, "Offences against institutions", under title XVIII, "Offences against the Constitution", of the Criminal Code, where the legal interests protected go beyond those of the individuals who make up the institutions referred to in this article (the parliament, the Government, the High Council of Justice, the judicial bodies, the Public Prosecution Service and the parish councils), who may nonetheless also be indirectly affected, to protect the prestige of these institutions themselves, given the relevance and importance of the functions that they perform within a democratic State.

280. With regard to the case referred to in paragraph 21, the objective element consists of accusations relating to the actions of the relevant institution or institutions, with knowledge of their falsity or with reckless disregard for the truth. The subjective element is the desire to affect their prestige.

281. Thus, accusations that are made with full knowledge of their falsity or with reckless disregard for the truth must be sufficiently offensive to damage the prestige of the relevant institution, regardless of whether such harm actually occurs. Accordingly, expressions that are unlikely to generate public opinion capable of calling into question the institution's democratic legitimacy or the legality of its actions are insufficient to damage its prestige. This prestige is based on its constitutional role within the framework of the rule of law, and isolated defamatory statements cannot affect it, given the context in which they are made. Furthermore, such accusations must exceed the bounds of permissible criticism, which are broader when the criticism is directed against public figures or institutions, as they are subject to more rigorous scrutiny of their activities, than when it is directed against private individuals without a public profile. This offence is therefore highly circumstantial. In determining whether it has been committed, it is necessary to consider all the circumstances under which the accusations in question were made, as it is these circumstances that reveal not only their nature and potential impact, but also, crucially, the presence of the requisite intent, namely the intention to damage the prestige of the institution in question.

282. The Criminal Court ruling also established that social activists, in discussions on matters of public interest, and as long as the limits set out in article 10 (2) of the European Convention on Human Rights are respected, deserve enhanced guarantees to protect their freedom of expression. In view of these factors and the Court's interpretation, the person was acquitted of the continuing minor offence against the prestige of institutions with which she had been charged and was found not to have incurred any civil liability.

283. Lastly, it should also be pointed out that other actions have been taken, such as the amendment of the Act on the Establishment and Work of the Ombudsman by Act No. 16/2024 of 7 November 2024, which, among other aspects, reaffirms the independence of the Ombudsman institution and broadens the scope of its functions with the aim of strengthening the public interest, freedom of expression and the protection of human rights.

Reply to the issues raised in paragraph 22

284. The purpose of Act No. 31/2021 of 22 November 2021 containing the consolidated text of the Qualified Act on Public Safety is to preserve public order and safety so that all citizens can fully exercise the fundamental rights and civil liberties recognized in the Constitution and in other legal provisions. In addition, this Act builds upon the rights of assembly and demonstration recognized by the Constitution, regulates actions and activities that could undermine the protection of persons and property or disturb the public peace and establishes a system of offences and penalties to prevent or avoid such occurrences.

285. The Labour Relations Act (No. 31/2018) of 6 December 2018 regulates, in its titles IV and V, fundamental aspects of the relationship between workers and companies, such as workers' collective rights and collective bargaining. This Act reflects a significant reform under a unitary representation model, whereby trade unions will be able to operate within companies thanks to a relationship between unitary representatives and the trade union.

286. This new legal framework opens up a range of possibilities for companies and workers to implement work organization mechanisms that can be adapted to the needs of each stage of development and each economic situation through collective bargaining within the company.

287. Provisions have therefore been introduced to facilitate and encourage the organization of elections for staff representatives. A new representative body has been established: the Works Council. The minimum number of workers required in a company to elect representatives has been reduced, while powers and safeguards have been extended to promote representation as much as possible.

288. Furthermore, in order to better regulate and ensure the proper development of labour relations from a social perspective, it remained necessary to legally establish the fundamental right provided for in article 19 of the Constitution, namely that workers and companies have the right to defend their economic and social interests. This article refers to a law that must set out the conditions for exercising this right in order to ensure the proper functioning of essential community services.

289. In this context, it is essential to highlight Qualified Act No. 33/2018 of 6 December 2018 on Measures relating to Collective Labour Disputes. This Act is aimed at developing this fundamental right through the regulation of various collective dispute measures: collective disputes themselves, the right to strike and the right to implement lockouts. These instruments make it possible to defend the economic and social interests of workers and companies with the necessary legal certainty.

290. Chapter II (arts. 7–23) of Act No. 33/2018 regulates the right to strike, which consists of a temporary interruption of work, decided jointly by employees or their representatives and exercised collectively to defend their interests. The Act defines the individual and collective dimensions of this right and also regulates its scope of application, listing cases considered to be prohibited or unlawful strikes. It specifies which persons or organizations may legitimately exercise this right collectively, and the procedures for approval and notification of strikes. It also defines the strike committee, its composition, which varies depending on the dispute, and its powers. This chapter also deals with the services and maintenance work necessary for a normal resumption of activities after the strike.

Furthermore, it includes provisions that protect the right to strike by prohibiting the replacement of striking employees, except in strictly defined, exceptional cases.

291. If a strike threatens the country's economy or the future viability of the company or companies involved, the Government may decide to refer the dispute to binding arbitration. It may also take reasoned decisions aimed at ensuring the functioning of essential services or appoint a representative to mediate in the dispute. Lastly, the circumstances in which a strike may be called off are explained in detail, along with the impact of strikes on employment contracts, particularly with regard to remuneration, leave and Social Security contributions and benefits.

292. As far as trade union action is concerned, developments in labour and economic relations, changes in society and the concerns expressed by businesses and employees have highlighted the need for further legislative reform. This led to the adoption of the above-mentioned Labour Relations Act and the Qualified Act on Action by Trade Unions and Employers at the same time.

293. Qualified Act No. 32/2018 of 6 December 2018 on Action by Trade Unions and Employers regulates the actions of trade unions and employers and the national Economic and Social Council. Its objective is to promote the participation of trade unions, employers' organizations and other social actors in social dialogue. It grants new powers to trade unions and employers' organizations and regulates their participation in the Economic and Social Council, thereby meeting the standards recommended by International Labour Organization conventions.

294. Chapter I, devoted to trade union action, regulates the right to establish and operate democratic trade union organizations, the right to join trade unions, the rights of trade union organizations, the conditions for setting up trade unions, the minimum content of statutes, the establishment of the register of trade union organizations and trade union representation. One of the most notable aspects is the right of employees who are trade union members to promote their own candidacy and stand as independent candidates in elections for company representatives.

295. Above the company level, the Act sets out the institutional role of representative and most representative trade unions through their participation in the Economic and Social Council. The purpose of this advisory and support body is to ensure the institutional participation of the social partners. Its mission is based on consultation, dialogue and cooperation in labour relations, employment promotion and vocational training, and other functions assigned to it by regulation. It is composed of representatives of the Government and social partners, with priority given to the most representative trade unions and employers' organizations.

Rights of the child (arts. 23, 24 and 26)

Reply to the issues raised in paragraph 23 (a)

296. In Andorra, preventing and combating all forms of violence against children is a fundamental priority to ensure their well-being and harmonious development. This approach includes protection against physical, psychological and sexual violence, and sexual exploitation and abuse. Particular attention is paid to new and emerging threats, including those facilitated by information and communication technologies, such as cyberbullying.

297. Under Act No. 14/2019 on the Rights of Children and Adolescents, Andorra has strengthened its legal and institutional framework to offer effective protection tailored to the needs of minors exposed to situations of risk. This Act not only establishes the rights and duties of children, but also provides for specialized intervention and care mechanisms to ensure a rapid and appropriate response in cases of violence, abuse or any other form of threat to their physical or mental integrity.

298. To provide for this protection, several specific services and resources are available to vulnerable children and their families, including:

- Child protection services, whose mission is to identify, assess and intervene in situations of risk or danger involving minors. They provide social and educational support and work with the judicial and police authorities when protective measures need to be taken.
- The Department for Child and Adolescent Care, which plays a central role in guiding and caring for children and adolescents who are victims of violence or neglect. It offers support, protection and personalized follow-up to ensure their safety and well-being.
- Specialized resources for the prevention of and response to sexual violence, which include receiving and supporting victims, providing psychological care and coordinating with judicial and police authorities to ensure the protection of children and the punishment of perpetrators.
- Awareness-raising and training campaigns: in addition to interventions, Andorra is implementing educational programmes aimed at raising awareness among children, families and professionals about the risks of violence and abuse. These initiatives aim to strengthen prevention by giving minors the tools they need to recognize risk situations and seek help when necessary.

299. The measures adopted to combat violence against children are:

- The immediate action protocol, which is a framework for coordination between institutions to protect children who are victims of sexual abuse. It establishes clear procedures to ensure that victims are cared for and supported in a secure environment.
- The Ministry of Social Affairs and the Civil Service has set up a telephone hotline to provide, on a confidential and anonymous basis, information and advice in cases where a child or adolescent is suspected to be in danger or at risk. This telephone number (175) is a free hotline offering assistance 24 hours a day, 365 days a year. This measure complies with the Qualified Act on the Rights of Children and Adolescents, which emphasizes the importance of reporting situations of vulnerability that minors may face.

300. Children and adolescents can also submit a notification via the web page of the Ministry of Social Affairs and the Civil Service. These communication channels receive all kinds of petitions, including situations where children are victims of exploitation and sexual abuse facilitated by information and communication technologies (ICTs).

- Since the 2016/17 school year, Andorra Telecom, the public telecommunications operator of Andorra, has implemented an application for children between the ages of 12 and 16 so that they can report any situation or problem they encounter inside or outside their school. This tool is made available to students to detect cases of bullying, cyberbullying, eating disorders and any type of conflict between teenagers using mobile technology.

301. It gives students the opportunity to report conflicts or bullying anonymously at any time of day. This makes it easier for school leaders to identify problems, intervene and resolve difficult situations.

- With regard to victim support, Andorra is working on setting up a project inspired by the Barnahus model. Currently, statements from child or adolescent victims are taken by trained professionals and constitute pre-recorded evidence. The statements are taken in a space suitable for children and adolescents. Support is also available for victims and families outside the judicial process.

- Article 73 bis was added to the Qualified Act on the Code of Criminal Procedure of 10 December 1998, and reads as follows:

“Article 73 bis

1. The judicial authority may agree that the statement of the minor or person with disabilities should be taken through psychosocial teams. In this case, the parties shall submit the questions they deem appropriate to the judicial authority, which shall provide them to the experts after verifying their relevance and usefulness. Once the testimony of the minor or person with disabilities has been given, the parties may, under the same conditions, ask the witness for clarification.

2. In the event that the accused person is present at the deposition, the person’s visual confrontation with the witness shall be avoided, using any technical means, including any means capable of recording and reproducing sound and images, which ensures, in any case, confrontation of the parties and allows the judicial authority and the parties to remain in the courtroom, while the witness is in a specially equipped location.

3. The deposition shall always be recorded and remain in the custody of the registrar, with a copy attached, as pre-recorded evidence. The recording shall be accompanied by a brief report containing the identities of the parties and the witness statements in accordance with the rules laid down in this article, insofar as they do not contradict this article.”

- Since 2021, the Department for Child and Adolescent Care has implemented a project called UNITS (united) to identify, train and support professionals in the education sector who work with children under the age of 12 and to provide advice and monitor social interventions resulting from the activation of protocols designed to address situations that pose a risk to children.

302. The aim of this project is to improve the detection and reporting of risk situations affecting children in daycare centres, nursery schools and primary schools through preventive measures and coordinated action between education and social care professionals.

303. The main function of this project is to promote ongoing coordination between the educational and social spheres, in order to train professionals and support them in detecting and acting in situations where a minor is at risk, and to activate the appropriate protocol.

304. This also allows direct contact to be maintained between the two areas in order to pass on the necessary information to educational centres, nursery schools and daycare centres and to maintain a network that also makes it possible to identify and mobilize the resources appropriate to the situation of the child and his or her family.

- For World Children’s Day in 2024, the Department for Child and Adolescent Care gave children a matching pairs game with different images on the cards about the right to protection from abuse.
- The State Secretariat for Digital Transformation and Telecommunications of the Government of Andorra is implementing its Digitalization Strategy 2020–2030, which includes the protection of minors online. Andorra has joined the International Telecommunication Union (ITU) working group set up to support this strategy, which has prepared an advisory report for Andorra. To continue working in this direction, Andorra has concluded a cooperation agreement with ITU.

305. An action plan to improve the digital well-being of children and adolescents aims to implement preventive measures to reduce dangerous or risky behaviour and to develop tools for the early detection of such behaviour. Among the important initiatives is the establishment of the Centre for Technological Well-being and Technological Knowledge and Skills. This is a space that will provide advice and training to help people adapt to digital transformation.

306. The new centre will offer spaces for device configuration and digital skills training. It will also have a specific service for the protection of minors in the digital environment, aimed at families and schools.

- Since 2018, a project to prevent sexual assault in sport has been implemented, with specific training for sports professionals who work with children, awareness campaigns and lectures.
- Andorra is also working to approve regulations governing the certification of criminal records for offences against sexual freedom in the context of professional or voluntary activities involving regular contact with children and adolescents.
- Various training courses have been organized for professionals who work with adolescents and young people. In 2024, some training courses included a section on the use of ICTs and sexual abuse or pornography. These training sessions focused on:
 - Risk factors, detection and prevention of harmful ICT use by children and adolescents. The training aimed to provide tools for the early detection of addiction and to identify minors who abuse ICTs. This training covered all types of addictions but specifically included the use of ICTs.
 - A new sexuality for the twenty-first century. Risk factors, detection and prevention of harmful ICT use by children and adolescents.

307. These training courses are not solely focused on ICTs and sexual abuse; addiction and consumption of pornography are also covered. The human resources of the Child Protection Service and the Department for Child and Adolescent Care have gradually increased and currently include:

- A chief of service
- A coordinator
- Five social workers
- Three social educators
- Four psychologists
- Two clinical psychologists

308. Professionals working in various social services undergo ongoing training in child and adolescent protection, and also sexual abuse prevention and exploitation risk mitigation.

309. Financial resources for the care of children and adolescents have also increased in recent years, as follows:

- 2022: €641,949.92
- 2023: €721,317.31
- 2024: €1,165,996.43
- 2025: €1,237,958.58

Reply to the issues raised in paragraph 23 (b)

310. In Andorra, the commitment to protecting children and their rights includes the total eradication of corporal punishment in all settings: within the family, in schools and childcare facilities and in any other environment where children are present.

311. This commitment is in line with Act No. 14/2019 on the Rights of Children and Adolescents, which enshrines the right of minors to a non-violent upbringing based on respect for their dignity and well-being (arts. 14, 34, 35, 59, 80 (i) and 112).

312. Given the low prevalence of corporal punishment in Andorra, awareness and information campaigns focus mainly on other areas.

313. Nevertheless, training initiatives and the dissemination of protocols include this aspect as a risk indicator. To ensure the effective elimination of corporal punishment and promote alternative child-rearing methods, Andorra has implemented:

- Workshops and conferences for parents, teachers and childcare professionals, led by experts in nurturing child-rearing and child psychology

- Specific training for teachers, educators and social workers to ensure a uniform and consistent approach to child protection

314. Growing awareness among both professionals and the general public is leading to better recognition of these acts as offences that should be reported.

Reply to the issues raised in paragraph 23 (c)

315. The minimum age of criminal responsibility is set at 12 years of age. However, there has been discussion about raising this age to align with recommendations from international bodies. Qualified Act No. 14/2019 on the Rights of Children and Adolescents recognizes a series of rights for minors who have been removed from their family environment and are under the guardianship of State institutions, in order to ensure their well-being, development and protection.

316. The rights of children and adolescents under the Act consist of:

- (a) The right to be protected, even if their parents or guardians object, once a situation of risk or negligence has been identified;
- (b) Ensuring that the best interests of the child are a primary consideration to which priority is given in all actions and decisions arising from protective intervention;
- (c) The right to receive, depending on their age and level of maturity, information about their personal situation, the measures to be taken, the duration and content of such measures and their corresponding rights; the information must be truthful, comprehensible, appropriate to the circumstances of the child or adolescent, continuous and as complete as possible throughout the intervention process;
- (d) The right to be heard and, if they are aged 12 years or over or if they have sufficient maturity and capacity, to participate in decision-making concerning their situation, without prejudice to cases where they must give their consent in accordance with applicable regulations;
- (e) The provision of the necessary legal and emotional security through the handling of the intervention as efficiently and quickly as possible; in this regard, any unnecessary prolongation of provisional measures should be avoided, intrusions into children's and adolescents' private life should be kept to a minimum, and interference in their personal and family life should be limited as much as possible;
- (f) A designated professional appointed by the Ministry of Social Affairs and the Civil Service, who must have all relevant information on the situation and who must be easily reachable by the child or adolescent;
- (g) Respect for their identity and individual characteristics;
- (h) Enjoyment of the rights set out in article 5 of Act No. 1/2015 of 15 January 2015 on the Eradication of Gender-based Violence and Domestic Violence, when the risk arises from a situation of gender-based violence or domestic violence;
- (i) Respect for the confidentiality of their personal information and privacy and that of their families, except when compromise is strictly necessary to ensure effective intervention, and always in accordance with their best interests;
- (j) Ensuring that there is a direct liaison with the court with jurisdiction over cases involving minors, the Public Prosecution Service and the experts and administrative staff responsible for their protection;
- (k) In the case of foster care, and always depending on their age and maturity, the right to know their personal and family history, in accordance with the aforementioned Act No. 14/2019;
- (l) Timely reporting to the Public Prosecution Service or the Ombudsman of complaints and claims concerning the protection measures adopted and affecting them.

317. The La Gavnera residential centre for children and adolescents under State guardianship sees to it that a secure and stable living environment is provided for the minors in its care. Children and adolescents at the residential centre have the following specific rights:

- (a) To be informed by the centre's staff of their rights and obligations and their legal situation;
- (b) To be heard in decisions that concern them, according to their age and level of maturity;
- (c) To be cared for without any form of discrimination;
- (d) To have their basic daily needs met to ensure their well-being, health and overall personal development;
- (e) To participate in the development and periodic assessment of their individual project;
- (f) To enjoy a balance between activities, leisure and rest in their daily lives;
- (g) To be treated with dignity by the centre's staff and other residents;
- (h) To have the confidentiality of their personal data respected;
- (i) To maintain relationships with their family and loved ones unless doing so is contrary to their best interests;
- (j) To have their privacy and the privacy of their personal belongings within the centre respected; they also have the right to inviolability of correspondence and to make or receive telephone calls in private, unless doing so would endanger their protection or be contrary to their best interests;
- (k) To actively participate in the development or modification of the rules of communal life, as set out in the residential centre's internal regulations, and in the planning and running of the centre's internal and external activities;
- (l) To be heard in the event of a complaint and to be informed of all the appeal and complaint mechanisms available to them;
- (m) To participate in the assessment and inspection processes to which the centre is subject;
- (n) Not to be separated from their siblings, unless separation is in their best interests.

318. Article 77 of Qualified Act No. 14/2019 of 15 February 2019 on the Rights of Children and Adolescents includes specific rights for children and adolescents at risk and in situations of neglect.

319. All children and adolescents who are at risk or neglected are entitled, where appropriate, to those specific rights.

320. Article 45 of Act No. 14/2019 recognizes the right of children and adolescents who are at risk or neglected to continue their education in the same educational centre where they were previously enrolled, unless this is contrary to their best interests.

321. Furthermore, article 73 of Act No. 14/2019 recognizes the right to priority access to services and programmes that facilitate their recovery and reintegration, such as those related to mental health, psychological and legal assistance or any other resource that helps them to this end.

Political participation (art. 25)

Reply to the issues raised in paragraph 24

322. The legal framework of Andorra ensures the effective and informed participation of the entire population residing in the country, regardless of nationality, in the public policymaking process. Such participation is ensured under Act No. 33/2021 on Transparency,

Access to Public Information and Open Government and Decree No. 444/2022 of 26 October 2022, whereby regulations were adopted on civic engagement.

323. The Act thus urges public administrations to promote the participation and collaboration of citizens in the most important public policies, while maintaining an ongoing dialogue between public administrations and the citizens. This framework recognizes civic engagement as a right of the entire population residing in Andorra, extending the application of this right beyond the electoral roll, with the exception of popular regulatory initiatives.

324. Act No. 33/2021 further defines civic engagement as “the right of citizens to intervene, directly or indirectly, in public policies by submitting proposals or suggestions for consideration and consensus-building” (art. 32 (1)).

325. Decree No. 444/2022 of 26 October 2022 setting out regulations governing civic engagement builds on the principles set out in Act No. 33/2021 and establishes the instruments and tools for civic engagement (such as participatory processes, the Citizens’ Audience, the digital civic engagement platform, the civic engagement master plan and the civic engagement directory) and the relevant spaces and bodies (Citizens’ View, the Operational Commission for Civic Engagement and the Andorran Associations Round Table). These mechanisms are designed to incorporate diverse perspectives and promote constructive dialogue between the Government and citizens.

326. Article 6 of the regulations on civic engagement sets out the guiding principles of this participation. The following principles, among others, should be emphasized: universality (the right to civic engagement applies to all citizens, taking into account generational, territorial, social and economic diversity); transparency (proactive access to information from the Service for Civic Engagement); truthfulness (transparent, accurate and truthful public information provided in participation procedures); and the strengthening of social participation (the Administration, in the name of an advanced and participatory social democracy, promotes the organized and active participation of the entire population and associations).

327. In this way, the existing normative framework for civic engagement ensures citizens’ right to participate in public decision-making and lays the groundwork for promoting transparency and dialogue between institutions and civil society.

Dissemination of information about the Covenant (art. 25)

Reply to the issues raised in paragraph 25

328. The present document constitutes the initial report of Andorra. Consequently, in order to provide the best possible answers to the various questions raised, the Ministry of Foreign Affairs, as the coordinating body for the drafting of the report, has enlisted the assistance of all government ministries and Andorran judicial bodies. After context was provided for the request for information, the various ministries, bodies and departments set about responding to it, consulting external or semi-public services such as Andorra Telecom or the Andorran Social Security Fund where necessary.

329. A link to the Human Rights Committee website, where the report will be posted, will be added to the Ministry of Foreign Affairs website. The annual external action report of the Ministry of Foreign Affairs will also mention this report. The annual report is addressed to the parliament, but it is public. The Committee’s recommendations to Andorra will also be published on the Ministry’s website and included in its annual report. Furthermore, the Government will hold a press conference on the Committee’s recommendations upon their publication, and they will be independently reported on by various Andorran media outlets, enabling the entire Andorran population to become acquainted with them.