



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-ninth session

SUMMARY RECORD (PARTIAL)* OF THE 772nd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 29 January 2002, at 3 p.m.

Chairperson: Mr. DOEK

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Andorra [CRC/C/61/Add.3; CRC/C/Q/AND/1 (list of issues); addendum to the initial report and written replies (document without a symbol, distributed in the conference room in English only)]

1. At the invitation of the Chairperson, the members of the delegation of Andorra resumed their places at the Committee table.
2. Mr. FORNER ROVIRA (Andorra) said that the law contained no provisions to protect the rights of illegal migrant workers and their children, simply because of the unlawful nature of their presence in the national territory. Nevertheless, some funds were designed from the health budget to pay for the care of individuals - such as tourists - who were not participants in the social security system or did not have a work permit. Illegal workers and their children could, therefore, receive care on that basis. Furthermore, the emergency department of Andorra's hospital was open to everyone.
3. The children of seasonal workers in Andorra were not legally obliged to attend school, unlike in neighbouring countries. Pursuant to requests made by the diplomatic representatives of Spain and France, the Secretary of State for the Interior was making arrangements to rectify the situation. One of the solutions envisaged was to issue permanent work permits to seasonal workers on a case-by-case basis, taking into account each individual's circumstances including for example, the number of children concerned and whether the mother was in the Principality.
4. Until recently, parish priests had been responsible for keeping birth registers. A law passed in 1996 had established a civil registry system making it compulsory to register all children born on the national territory, including the children of migrant workers. Such children could obtain Andorran nationality, especially if the nationality laws of the father's country of origin recognized only the principle of *jus soli*. All foundlings in Andorra were Andorran nationals.
5. Ms. GABARRE IGLESIAS (Andorra) said that an inter-ministerial commission had set up a programme for school children to inform them of their rights and to increase their participation in activities carried out in all areas covered by the Convention.
6. Mr. FORNER ROVIRA (Andorra) said that, as part of the Global Movement for Children, UNICEF was conducting a campaign in cooperation with the Government and the Parliament to encourage the participation of children in decision-making processes.
7. Informational activities on problems linked to drug and alcohol abuse were organized in schools for the benefit of children and teachers; it would be useful to involve parents as well.
8. Ms. da SILVA CERQUEIRA (Andorra) said that only 40 per cent of childcare and pre-school education needs were provided for, while the percentage of female workers in Andorra was one of the highest in Europe. A study had been conducted to assess the needs in respect of

children aged from 3 months to 9 years, taking into account the wishes of parents, and to appraise the situation of those who looked after children at home. As a result of the study, a set of regulations on childcare had been adopted in September 2001 and a training programme for childcare workers had commenced in January 2002. The general objective was not only to open new nurseries and kindergartens and to improve in-home care services, but also to adapt the system to parents' needs by offering them a wide choice.

9. Ms. KARP asked whether the State party had studied the impact on the family of the problems caused by the fact that parents employed in the tourism sector worked essentially at weekends.

10. Mr. BONET CASAS (Andorra) said that, although the forty-hour week - with a weekly day of rest and thirty days of annual holiday - was enshrined in the labour law, those rules could not easily be applied to the tourism sector.

11. Ms. GABARRE IGLESIAS (Andorra) said that the Secretary of State for the Family was taking steps to assess the problems and find solutions. Awareness-raising programmes would be conducted to inform families of the childcare options available.

12. Ms. da SILVA CERQUEIRA (Andorra) said that regular inspection visits were conducted to monitor the situation of children placed in foster families and in children's homes in order to help children experiencing problems and to improve the quality of services.

13. The Family Mediation Service dealt primarily with couples who were separating. Children were invited to participate in the mediation process only if their parents and the professionals concerned felt it necessary. In 2002, it had been decided that specialized social services would be asked to mediate in all disputes involving minors.

14. A commission comprising representatives of the Ministries of Education, Health and Social Protection had been established to examine the problem of violence at school. In 2001, it had conducted a study covering the entire school system in an attempt to determine how many children were affected and how many were at risk. The results would be known in February 2002 and the Government would then decide what measures should be taken to ensure that the problem, which was currently negligible, did not become a chronic one. In cooperation with UNESCO and UNICEF, the Government had also organized an awareness-raising campaign, involving about a thousand children from different systems of education, and the Ministry of Education, with the help of UNICEF, had organized a number of dispute settlement training seminars for pupils and teachers.

15. No research appeared to have been conducted into anxiety and depression problems among children. The delegation would inform the Mental Health Centre of the concerns expressed by the Committee in that regard. Psychological treatment was not covered by the social security fund, either for adults or for children, but the Centre could provide free care if necessary.

16. Ms. KARP asked whether the Mental Health Centre could meet all needs and whether it had the necessary human resources.

17. Ms. da SILVA CERQUEIRA (Andorra) said that the Mental Health Centre could make psychiatric counselling and specialists available, but it currently lacked facilities specifically structures for children. The Principality was aware of the need to improve services in that field and the Andorran School of Psychiatrists was now looking into the matter.

18. No data was currently available about HIV/AIDS infection. The Government had started to implement several programmes to prevent sexually transmitted diseases and intended to organize AIDS information campaigns targeting school children and students. Any minors concerned could go to parish health centres for a consultation and, if necessary, have an AIDS test free of charge.

19. Dyslexia was generally detected at school. School establishments ensured that the children involved received appropriate care. Treatment for dyslexic children was fully covered by the social security system.

20. Corporal punishment was prohibited in schools. There were no laws banning it in the home.

21. Mr. BONET CASAS (Andorra) indicated that only one ruling had ever been made during the previous twenty years, against parents who had clearly abused their right to discipline their child.

22. Mr. FORNER ROVIRA (Andorra) said that Andorra hosted a number of migrant workers. The Government was in the process of preparing an immigration law, which would draw on the principles enshrined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, even though it had not ratified that Convention.

23. Regarding judicial matters, while it was true that the maximum sentence that could be imposed on a minor was 15 years' imprisonment, a penalty of such severity had never yet been handed down. Juvenile delinquents were kept in separate quarters from adults.

24. The National Committee on Information Technology had been given the task of designing a system that would make it possible to restrict children's access to certain Internet sites. The Principality of Andorra, which had ratified the Optional Protocol on the sale of children, child prostitution and child pornography, had introduced some provisions into its Penal Code to make the possession of pornographic material involving children a criminal offence. Furthermore, a committee of experts had been appointed to monitor compliance with the law on radio and television, which prohibited any programmes that could be disturbing to children.

25. Ms. GABARRE IGLESIAS (Andorra) said that the Andorran Government, which had submitted its initial report to the Committee on the Elimination of Discrimination against Women in July 2001, had prepared a protocol on domestic violence that had been approved by the Ministry of Justice, the Ministry of the Interior and the Ministry of Health and Welfare. The second phase of implementation of the protocol had recently been initiated; it was based on cooperation – through a number of working groups – between experts from the legal system, the police force and social services. One of the principal topics for consideration by those

working groups was the question of shelters for abused women. It was also planned in 2002 to prepare a protocol on abused children and to revise school text books to remove any sexist stereotyping.

26. Mr. BONET CASAS (Andorra) said that the minimum age for marriage was 16 years and that any minor contracting a marriage was automatically emancipated. The law prohibited parentally arranged marriages.

27. Mr. FORNER ROVIRA (Andorra) said that the Government intended to withdraw its declarations on articles 7 and 8 of the Convention - concerning birth registration and the preservation of a child's identity and nationality - even though the provisions of the law on nationality for the most part already met the objectives set out in those articles. Andorran legislation did not provide for dual nationality.

28. Replying to questions from Ms. TIGERSTEDT-TÄHTELÄ, he said that although Andorra had, inter alia, signed an agreement on police training with Spain, its aim over the next 20 years was to reduce its dependence on France and Spain for the training of specialized personnel. Thus, for example, there was now a nursing college in the Principality.

29. Ms. da SILVA CERQUEIRA (Andorra) said that the authorities were aware of the need to reduce efforts to raise awareness of the provisions of the Convention among all types of professionals working with children and to draft a set of rules guaranteeing children full enjoyment of their rights.

30. Mr. BONET CASAS (Andorra) said that judges were trained at the Judicial School in Barcelona and completed their studies by attending meetings of the Council of Europe in Strasbourg.

31. Ms. GABARRE IGLESIAS (Andorra) said that the Government had started to enter into bilateral agreements with several countries now that it had ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption, with a view to increasing adoption possibilities for Andorran families.

32. Ms. da SILVA CERQUEIRA (Andorra) said that social benefits, particularly those for disadvantaged families and individuals, were paid out to all residents regardless of their nationality. The authorities also ensured that the fundamental needs of persons residing illegally on national territory were met.

33. Mr. FORNER ROVIRA (Andorra) said that foreigners holding work contracts were automatically issued with a residence permit. There were few people in an irregular situation in the Principality of Andorra. The situation was easy to monitor because of the small size of the country, and mostly concerned individuals who failed to return to their country of origin after the expiry of their seasonal work permit.

34. The CHAIRPERSON, speaking as a member of the Committee, asked whether any governmental bodies provided for those individuals who had no social security coverage, bearing in mind that dismissed employees lost their social security entitlements 25 days after they stopped work.

35. Ms. da SILVA CERQUEIRA (Andorra) said that the Principality had a State-run social welfare system designed to help those in need, inter alia by providing free basic social services.

36. Ms. GABARRE IGLESIAS (Andorra) added that her country was planning to extend the period of social security coverage following dismissal, making it proportionate to the number of years of an employee's contributory service.

37. Mr. FORNER ROVIRA (Andorra) said that no divorced mother in the Principality of Andorra, had ever denied the right of a father to visit his child. Regarding maintenance payments, the Principality had signed a convention on cooperation in judicial matters with France and Spain, under which it was possible to notify a father living in one of those countries of a decision made by an Andorran judge ordering him to pay maintenance to the mother of his child living in Andorra.

38. Ms. GABARRE IGLESIAS (Andorra) said that the Technical Commission for Children and Young People was an interdisciplinary advisory board which aimed to facilitate the early detection of risk situations for children and to intervene when the rights of the child were threatened. It was due to be reorganized in the near future.

39. In accordance with the law on adoption and other forms of protection of abandoned minors, it was always for the juvenile judge to issue a ruling on placement in care. The choice of the type of placement that would be most appropriate for the child given his or her personal and family history was made by the Department of Social Services on the basis of reports by experts and the Technical Commission for Children and Young People.

40. Mr. BONET CASAS (Andorra) said that the Ombudsman's task was to gather and examine complaints from private individuals - adults and children alike - and from corporate bodies, about the functioning of the public administration in the areas of health, welfare and education. If the complaint concerned a private service, the only other course of action for the individual would be to apply to the courts and institute civil proceedings.

41. To carry out that task, the Ombudsman had a budget approved by the Parliament. He was required to report each year to the Parliament on his activities, summarizing on an anonymous basis each of the cases of which he had examined.

42. Ms. KARP, joined by Ms. CHUTIKUL, asked whether the Ombudsman was empowered to take decisions himself or whether he could only make recommendations to the authorities. In the latter case, were those recommendations immediately acted upon? Lastly, what follow-up was given by members of Parliament to the annual report on cases brought to the Ombudsman's attention?

43. Ms. GABARRE-IGLESIAS (Andorra) said that if an inquiry by the Ombudsman revealed evidence of injury having been caused to a child, steps would be taken immediately to remedy the situation, generally leading to the award of financial compensation. The Ombudsman could also be consulted on any other matters relating to children, such as the maintenance of the child in his or her family environment and applications for inter-country adoption.

44. Ms. da SILVA CERQUEIRA (Andorra) reported that a recent study had shown that more than 50 percent of children enjoying special measures of protection from the State came from single-parent families. The Government intended to implement a policy aimed at helping such children, as well as children of immigrant families, who in many cases also suffered from neglect.

45. Mr. BONET CASAS (Andorra) pointed out that the Andoran Penal Code prohibited abortion. Changing that provision was currently a subject of lively debate in the Parliament.

46. No in-depth study had been conducted on the incidence of early pregnancies in Andorra, but it was common knowledge that adolescents finding themselves in such situations would go to have abortions in the health services of neighbouring countries. To address the problem of early pregnancies, the Government had introduced sex education courses in schools.

47. Ms. KARP asked whether the sex education courses were part of the curriculum or simply introductory courses. Furthermore, was the Government encountering opposition from the church towards education of that kind?

48. Ms. CHUTIKUL inquired whether adolescents requiring such guidance were advised by their sex education teachers to contact the family planning services.

49. Ms. OUEDRAOGO said that she would like to know whether young girls could resume their school education easily after a pregnancy and childbirth.

50. Ms. da SILVA CERQUEIRA (Andorra) said that abortion was prohibited but family planning, on the other hand, was encouraged. Guidance was available in health-care and youth centres, and also at schools in sex education courses, which were optional. A girl would have no difficulty in returning to school after childbirth; quite to the contrary, the State gave her every encouragement to do so, including by placing child-care facilities at her disposal.

51. Regarding the integration of disabled persons, a new law was about to be passed; it went much further than the previous legislation in guaranteeing the disabled access to particular social benefits, healthcare, education, employment and social services.

52. Ms. OUEDRAOGO asked what proportion of mothers breastfed their children and what measures were taken to promote that practice.

53. Ms. da SILVA CERQUEIRA (Andorra) replied that all mothers were entitled to 16 weeks' of maternity leave. After returning to work, nursing mothers were also entitled to a certain number of hours per day to breastfeed their children.

54. Mr. FORNER ROVIRA (Andorra) said that the mother could decide, in agreement with the father, to share with him the number of days of leave to which she was entitled, in which case it would be more appropriate to talk of parental leave.

55. The CHAIRPERSON, speaking as a member of the Committee, asked the delegation to explain the procedures for reporting on and handling complaints about sexual abuse of a minor and to indicate whether police officers were trained in working with children.

56. Ms. da SILVA CERQUEIRA (Andorra) said that cases of sexual abuse were often noticed in schools and day-care centres or by members of the medical profession. Anyone suspecting abuse had a duty to contact the child welfare service, which would make inquiries and inform the prosecution service if the suspicions appeared to be justified. The prosecution service would then take whatever steps might be necessary to protect the victim. The police force had a special unit for minors, which was given specific training. The questioning of minors was, moreover, subject to precise rules and regulations, and took place in the presence of a lawyer and also of a psychologist in certain cases.

57. Ms. SARDENBERG said that she would like to know whether the Gavernera home mentioned in the written replies was also for victims of sexual abuse.

58. Ms. KARP asked whether any evaluation had yet been made of the effectiveness of the steps taken to combat sexual abuse and to assist victims, and also of the possible need for further action.

59. Ms. da SILVA CERQUEIRA (Andorra) said that the Gavernera centre was intended to cater for children victims of ill-treatment, including violence, sexual abuse and neglect. It was the only centre of its kind in the country and could take in a limited number of children, but it offered the advantage of being able to provide highly individualized treatment and had a large number of qualified staff. No study had as yet been conducted to evaluate measures taken with regard to sexual abuse. The State had, in fact, been pursuing an active policy in that area for only a very short time; it was maintaining close contacts with professionals in neighbouring France and Spain for the purpose of specialist training.

60. Ms. OUEDRAOGO inquired whether, like most countries which attracted many tourists, Andorra had to deal with cases of sex tourism and sexual exploitation.

61. Ms. SARDENBERG, supported by Ms. KARP, observed that it would be appropriate to re-examine the activities and programmes to combat sexual abuse and to assess their effectiveness. The legislation should also be reviewed. Acceding to the Convention meant bringing domestic law into conformity with its provisions. It would also be worthwhile to conduct a study on sexual exploitation, a phenomenon that seemed to exist at all tourist destinations, even if some of the countries concerned were still not aware of the fact.

62. Mr. FORNER ROVIRA (Andorra) pointed out that Andorra was a very small country. While certainly not a police State by virtue of its size, it could be extremely well supervised. One of the other features of Andorra was that it welcomed tourists who passed through the country but remained there only very briefly, just enough time for some skiing and shopping. Andorra over its entire history had seen only one case of sexual exploitation, which had immediately been punished. The case had concerned a mother who had obliged her disabled daughter to prostitute herself. Any new case that occurred would certainly also be detected very quickly. It was true that the provisions of the Penal Code had not been brought into conformity with international norms against the sale of children, the trafficking of organs and

illegal adoption, but the lawmakers had not seen those issues as priorities in the Andorran context. They had, by contrast, decided to be very tough on questions of child prostitution and child pornography. Thus, the mere possession of pornographic material of a paedophilic nature was, for example, a criminal offence.

63. Mr. BONET CASAS (Andorra) said that under the Penal Code an Andorran citizen could be prosecuted and punished in Andorra for acts committed outside the national territory, and that applied to acts of paedophilia. Andorra had, moreover, taken an active part in the drafting of the Global Code of Ethics adopted by the World Tourism Organization.

64. Ms. CHUTIKUL thanked the Andorran delegation for the clarity of its replies. The Committee's concluding observations would focus, inter alia, on monitoring and evaluation, the coordination of data collection, the participation of children and respect for their views, cases of abuse and violence, child-care services and facilities for the children of migrant seasonal workers. She hoped that the fruitful dialogue between the delegation and Committee members would contribute to ensuring progress in Andorra and, in particular, to acceptance of the idea that children had rights and must be taken into account in the formulation of State programmes and policies.

The part of the meeting covered by the summary record rose at 5.35 p.m.