



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

Distr.: General
17 September 2001

Original: English

**Committee on the Elimination of Discrimination
against Women**
Twenty-fifth session

Summary record of the 523rd meeting

Held at Headquarters, New York, on Friday, 13 July 2001, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.15 p.m.

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

Initial report of Andorra (continued)
(CEDAW/C/AND/1)

1. *At the invitation of the Chairperson, the members of the delegation of Andorra resumed their places at the Committee table.*

2. **Ms. Gabarre** (Andorra), thanking the Committee for its support and encouragement, said that her delegation had taken note of all its remarks and recommendations, and hoped to put them to good use. She herself undertook to ensure that the issues raised by the Committee would be taken into consideration in programme planning for the next four years. The current legislature had begun its work several months ago, and her department, the Office of the Secretary of State for Family Affairs, had been established as recently as May. It was therefore too soon to describe specific action plans. The Secretary of State for Family Affairs would be the focal point for questions related to the situation of women and the structure of the family. The Ministry of Health and Welfare would nevertheless remain in charge of such activities as the action plans for single-parent families with emphasis on those that received no food assistance. A project of great interest to her was the draft amendment to the law on childcare institutions. The family mediation service would be extended, and would continue to assist families at risk. Work would also continue on the adoption law. During the coming months, her department would conduct a detailed analysis of the Beijing Platform for Action and of the recommendations of the special session of the General Assembly held in New York in June 2000.

3. The problem of statistics was not only the lack of data disaggregated by sex but also the absence of specific programmes for the collection of data. A first step had been the establishment, in June 2000, of the Sociological Research Centre of the Institute of Andorran Studies, whose objective was to study Andorran society.

4. Responding to a question about the ratification of international instruments, she said that the dates earlier cited by her delegation corresponded to the dates of the instruments' entry into force in Andorra.

5. The Constitution provided that foreigners residing legally in Andorra could freely exercise all the rights and freedoms set out in chapter III of that document. The protection of rights and freedoms under the Constitution was guaranteed by the courts under an urgent preferential procedure that required a judgement to be handed down within a maximum of 30 days. The law also provided for an exceptional *amparo* procedure before the Constitutional Court, which could be invoked in cases dismissed by the ordinary courts under the urgent preferential procedure. The constitutional principle of non-discrimination on the basis of sex also applied to economic, social and cultural rights, as described in chapter V of the Constitution.

6. On the question whether employers and trade unions were aware that the Convention was directly binding, she said that human rights treaties and international agreements to which Andorra was a party became part of the domestic legal order at the time of their publication in the official gazette. Their content then became binding and could not be amended or nullified by internal laws. To date, neither the ordinary courts nor the Constitutional Court had handled a case of discrimination based on sex, and since no jurisprudence existed, it was impossible to cite the punishments applied.

7. When it announced that the Andorran Government had signed the Optional Protocol to the Convention in July 2001, her delegation had neglected to note that it had also accepted the amendment to article 20, paragraph 1, on the same occasion.

8. Article 30 of the Constitution recognized the right to health protection, and established that the State should provide a social security system, a right also guaranteed by the General Law on Health of March 1989, which pre-dated the Constitution.

9. The Ministry of Health and Welfare had worked hard on the question of violence against women, and the action plan designed in June 2001 had been the result of intense inter-ministerial activity. It envisaged communications mechanisms that would encourage women to report acts of violence against them and to prosecute their perpetrators, and established procedural mechanisms for all personnel handling cases of violence. General training programmes were designed to improve the knowledge and raise the awareness of all such personnel, and specific programmes for police,

judges, health workers, and psychologists and social workers were also in place. In addition, the plan provided for the formulation of legislative measures to punish perpetrators of violence. It was not yet fully operational, and an evaluation of preliminary results would need to be undertaken in order to adopt additional measures or, where necessary, to modify existing ones.

10. Prostitution was prohibited in Andorra; the Penal Code defined the crime and provided for penalties of up to six years imprisonment for prostitution or action abetting, aiding or fostering prostitution. Since prostitution was illegal, however, there were no statistics on its prevalence, and official data would be very difficult to obtain.

11. The current Government had recently assumed office, and therefore she could not yet provide details of the work of the Ministry of Health and Welfare. That Ministry facilitated cooperation between non-governmental organizations and the Government by selecting the national and international projects to which the Government would provide financial support, priority being given to projects that emphasized participation by the civil society. In 2001, for example, funds were being provided to the Association of Migrant Women of Andorra, for the publication of a booklet describing legislation related to women; and to the Andorra Women's Association, for the development of legal assistance, social mediation projects, and participation in women's congresses and conferences. The Andorra Women's Association had published studies on the situation of women and of single-parent families, and had produced pamphlets discussing legal questions that were important to women, such as marriage, separation and divorce. Both associations provided assistance to families in crisis.

12. The educational structure of Andorra was complex but rich. The three education systems, Andorran, Spanish (denominational and non-denominational) and French were directed by the ministries of education in the Andorran, Spanish and French Governments respectively. The Andorran Government had signed various agreements with Spain and France, ensuring that education would be free and compulsory from ages 6 to 16. Those agreements had permitted Andorra to establish programmes for all children in the Principality in the Catalan language as well as in Andorran history, geography and civics,

which sought to instil respect for basic rights and freedoms and an understanding of democratic ideals, diversity, tolerance, and plurality. Since the French and Spanish Governments had sole jurisdiction over their education systems, the Andorran Government was not in a position to rewrite textbooks. It was sure, however, that those Governments were taking measures to combat discriminatory stereotypes. In addition, the Andorran Government provided obligatory training programmes to all Andorran teachers, which included training in human rights and in the principles of diversity.

13. Although in the early twentieth century most Andorran girls had been enrolled in Catholic schools, that was no longer the case. In 1999, just over 1,750 girls had attended the French schools, while the Spanish, denominational (Catholic), Spanish non-denominational and Andorran schools had been attended by approximately 900 girls each. The Andorran Government was in the process of developing an orientation centre for all the education systems to help young people to select a school on the basis both of their skills and desires and also of the needs of the country. It hoped that the measure would encourage girls to choose unusual careers, particularly in technical areas. In the Andorran system, 11 of the 17 school directors were women.

14. With respect to article 11, the Government was firmly committed to revising the existing Employment Regulations, a task which fell to the Employment Department within the Ministry of Justice and the Interior. The Secretary of State for Family Affairs would closely observe the revision of that document in all questions concerning women. The Ministry of Health and Welfare also intended to revise the Regulations of the Andorran Social Security Fund, which would cover the situation of domestic workers.

15. In June 2001, Andorra had signed the European Social Charter, which obliged States parties to implement certain provisions. The Government intended to study the underlying causes of pay discrimination and to review data on pay and occupations disaggregated by sex. Currently, a working group was developing new proposals to diversify and augment economic activity; in that context, the Secretary of State for Family Affairs would be proposing projects involving women entrepreneurs.

16. Housewives were eligible for all social security benefits provided by law if their spouses contributed to the social security scheme.

17. Her delegation wished to emphasize that it had never invoked physical strength to explain the gap between men's and women's pay. It had stated that certain sectors, such as the primary sector, construction and garages, were predominantly male, reflecting deep-rooted stereotypes in Andorran society.

18. Abortion was illegal in Andorra. Women who underwent abortions were subject to a maximum of two and a half years imprisonment, and the practitioner to a maximum of six years. Andorra had no official statistics on that subject and believed that it would be difficult to obtain them. The text of her speech, which she had distributed, contained charts on tobacco and alcohol consumption in Andorra. Finally, the mental problems experienced by Andorran women were depressions, neuroses, and sadness.

19. She wished, lastly, to reiterate her Government's commitment to the Convention and its support for the work of the Committee.

20. **The Chairperson** commended Andorra for signing the Optional Protocol and for accepting the amendment to article 20, paragraph 1, of the Convention. She thanked the delegation for its replies, and took note of its promise to forward further information at a later date. Finally, she hoped that the next report would contain sufficient statistical information disaggregated by sex to allow the Committee to analyse the situation of Andorra objectively.

The meeting rose at 3.45 p.m.