



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

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

Summary record (partial)* of the 1166th meeting

Held at the Palais des Nations, Geneva, on Friday, 4 October 2013, at 3 p.m.

Chairperson: Ms. Ameline

Contents

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

Combined second and third periodic reports of Andorra (continued)

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

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The meeting was called to order at 3 p.m.

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

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

1. *At the invitation of the Chairperson, the delegation of Andorra took places at the Committee table.*

Articles 10 to 14

2. **Ms. Haidar** requested further details about the status of female migrant workers in the country and data on the main sectors in which they worked. Information on access to housing and the education and health services available to the families of male migrant workers would also be appreciated. She wondered whether the State party planned to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the European Convention on the Legal Status of Migrant Workers, and the Council of Europe resolution 1811 (2011) on protecting migrant women in the labour market. Finally, it would be useful to have details of any mechanisms to monitor the results of services provided to migrant women, including relevant statistical data, and on the educational support available to migrant children.

3. **Ms. Nwankwo** asked for clarification of the residency requirements in Andorra and how they affected migrant women, particularly their access to health services, including reproductive health services. Noting with concern that the Andorran parliament had voted to reject a white paper aimed at amending the Criminal Code to decriminalize abortion in cases of a threat to the life or health of the mother and that abortion therefore remained a crime in all cases, and in view of the State party's commitment to implement the recommendation put forward under the universal periodic review process to decriminalize abortion under certain circumstances, she wondered what action the State party had taken to amend legislation so that women who underwent the procedure were no longer punished. She requested data on the number of deaths arising from illegal and unsafe abortions. What measures had been taken to prevent unwanted pregnancies, including providing access to affordable contraception at the primary health-care level, and was information on available services disseminated? She would be grateful for the results of the assessment of HIV/AIDS cases performed by the Epidemiological Monitoring Section in 2004, information on HIV/AIDS care and testing for migrant women and procedures following positive test results. Further information would be appreciated on any measures that had been adopted in the context of the Public Health Act to ensure girls' and women's access to sexual and reproductive health services and information, and on programmes that had been developed for adolescents to prevent and treat sexually transmitted diseases, including HIV/AIDS.

4. **Ms. Marti** (Andorra) said that while the majority of Andorran university students studied in Barcelona or Toulouse, there were just under 500 students registered at the University of Andorra for the 2013/14 academic year. Just over a third of university teaching staff were women and women held just under half of the senior positions. Female university students were strongly represented in the social sciences, including law and economics, and comprised approximately 10 per cent of students specializing in information technology. Sport was part of mainstream education; the delegation would provide more information in that regard, especially on extracurricular sport activities. In 2012/13, the secondary education certificate was obtained by 94 per cent of girls and 87 per cent of boys. A study into the employment opportunities available for vocational training graduates had been launched, the results of which would be available in the second half of

2014. While the rate of immigration in the State party had declined, classes for newly arrived migrant children had nevertheless been established at all levels of the educational system. They were designed to meet the specific educational needs and accelerate the integration of those children into the schools chosen by their parents. As the number of pupils in special education programmes was so low, totalling around 150 pupils, it was not possible to explain why more male pupils than female pupils benefited from them. Nevertheless, the principles of inclusive education were upheld and boys and girls were treated equally in the educational system. In addition, human rights issues formed a cross-cutting dimension of the training provided to teachers in Andorra and an initiative was under consideration to include human rights in lifelong learning programmes. Lastly, the Government viewed the high number of female teachers in a positive light, and was open to the Committee's feedback on their numbers.

5. **Ms. Cascales** (Andorra) regretted that no data on the number of female migrant workers and their main employment sectors were available. The Government regularly issued work permits on the basis of a quota system in sectors that might benefit from the employment of foreign workers. Migrant workers with work permits who could show that they could support their family financially were entitled to family reunification; the children of migrant workers were then granted access to medical insurance cover and education services. In any event, regardless of the immigration status of their parents, all children were entitled to free education in Andorra. State health care was available for all persons who had legal residency in the country.

6. Unequal working conditions affected both the public and the private sector. The Labour Code stipulated equal pay for men and women, including with respect to the minimum wage and overtime and night-shift pay. While no positive discrimination quotas were in place to guarantee women's employment, a series of measures had been introduced to ensure the right to equality in employment. Those measures included flexible maternity leave arrangements, which facilitated women's re-entry into the labour market and improved the restrictive conditions that prevented women from engaging in overtime work.

7. In 2009, a legal framework for the right to freedom of association entered into force, which provided for the right to collective bargaining and legal remedies in the event of discrimination. However, that legislation was still not being fully implemented by employers mainly owing to the small size of some companies and the lack of awareness among employees of their right to collective bargaining; efforts to raise awareness about that right therefore needed to be made. The law provided for remedies in the event that the principle of equal pay for work of equal value was contravened: the Labour Inspectorate was competent to impose fines on companies and, in the case of discriminatory dismissal, employees were entitled to compensation. In all cases, the burden of proof lay with the employers, not the employees, to justify a decision of unequal pay. Furthermore, employers were responsible for preventing the psychological and sexual harassment of their female employees and providing remedies in the event of harassment.

8. **Ms. Marti** (Andorra) said that in matters concerning the education of children from migrant worker backgrounds, the rights of the child prevailed regardless of whether the children's parents had residency or work permits.

9. **Mr. Forner** (Andorra) said that migration was a complex issue in Andorra owing to the State's comparatively small size and the relatively large migrant population. Although the Government was not in a position at present to commit to the membership requirements of the International Labour Organization (ILO), it had adopted a modern Labour Code that encompassed the relevant international standards concerning migrant work, including ILO conventions and recommendations. It remained willing, however, to reconsider its current position should the national situation change. Turning to the issue of seasonal migrant workers, he said that the Government had recently signed a treaty with Argentina in an

attempt to regulate the working conditions of Argentine ski workers. The State party intended to continue with its efforts to protect seasonal workers in its territory and to ensure that legal migrants had equal access to the same services as Andorran nationals.

10. **Ms. Gbedemah** urged the State party to address occupational segregation and asked which specific measures had been taken to increase the enrolment of women in traditionally male-dominated fields of study. In terms of children with disabilities, she asked the delegation to provide further clarification on the reasons why there were more than twice as many boys as girls who attended ordinary schools under special education programmes.

11. **Ms. Pimentel** said that article 8 of the Andorran Constitution on the right to life contravened article 2 of the Convention concerning the obligation to repeal all national penal provisions which constituted discrimination against women. She wished to know what efforts had been made to balance considerations regarding a child's right to life with that of the mother and whether steps had been taken to modify the Constitution so as to allow for the decriminalization of abortion, particularly in cases of rape or when a mother's life was in danger.

12. **Ms. Jahan** asked whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in view of the substantial number of migrant workers in Andorra.

13. **Ms. Haidar** asked the delegation to explain why, despite the country's strict quota system, no sex-disaggregated data on migrant workers were available.

14. **Ms. Nwankwo** asked the State party to provide sex-disaggregated data on the number of people living with HIV/AIDS in Andorra and information regarding the accessibility and availability of sexual and reproductive health care.

15. **Mr. Bruun** asked whether the Labour Code provided for paternity leave and, if so, how many men availed themselves of such leave. He also asked the delegation to provide information on the number of women migrant workers residing legally, and illegally, in Andorra.

16. **Ms. Marti** (Andorra) noted the Committee's suggestion regarding temporary special measures within the educational sector and said that she would discuss the matter with her parliamentary colleagues. The Government had already put in place several initiatives to increase the number of girls studying non-traditional subjects and counteract the underrepresentation of women within the scientific community. However, sustained long-term efforts would be required before any tangible progress could be made in addressing long-standing gender-based stereotypes and pervasive patriarchal attitudes. In an attempt to encourage the right candidates to pursue a career in education, annual salaries in the sector had been set at two to three times the national minimum wage.

17. Turning to the issue of children with disabilities, she said that it was unclear why more boys than girls attended ordinary schools, but the Government would look into the matter and could try to provide the Committee with further information in writing at a later date. Special days with a focus on sexual and reproductive health were organized in all three of the coexisting school systems (French, Spanish and Andorran) to ensure that pupils received all the relevant information that they required to make informed choices.

18. **Mr. Forner** (Andorra) said that the Government recognized the controversial nature of article 8 of the Constitution on the right to life. However, the decriminalization of abortion was a particularly sensitive topic in Andorra. Under the current political system, a prominent member of the Catholic Church, the Bishop of Urgell, along with the President of France, acted as a co-prince and Head of State. Societal attitudes in Andorra had evolved, but despite initiatives to address the issues of abortion and gay marriage, further progress would depend on a shift in cultural norms. At present, prevailing societal attitudes

provided no impetus to amend the Constitution and decriminalize abortion, since most women requiring an abortion could easily travel to neighbouring third countries for treatment. However, the Government was prepared to make the required modifications to article 8 of the Constitution should the Andorran population demand it.

19. The Government had not ratified the conventions of the Council of Europe concerning migration for the same reasons that it had not become a member of ILO. Migration was a politically sensitive issue which required further parliamentary debate and input from civil society. The Government had not ruled out ratifying the various international instruments concerning migration and migrant workers at a future date, but only if the national situation called for it.

20. **Ms. Cascales** (Andorra) said that the Government had no concrete data on the number of fathers who took paternity leave. It had taken steps, however, to extend the paternity leave provisions contained in the Labour Code, notably by affording new fathers an additional 15 days of leave. Parents of either sex were also eligible for a two-hour reduction in their working hours, upon request, once their child had reached 9 months of age.

21. **Mr. Forner** (Andorra) said that the collection of sex-disaggregated data continued to represent a challenge for Andorran society and that the State party had consequently struggled to adapt its gender strategies accordingly. The Government intended to rectify such failings through the adoption of a new law designed to assign sole responsibility for data compilation to the Ministry of Statistics.

22. **Mr. Villaverde** (Andorra) said that health-care coverage for people who were not legally resident in the country was provided for under the law. Reproductive health care was wholly subsidized by the social security fund, while patients were required to bear a certain proportion of their general health-care costs. However, should patients prove unable to cover their share of the treatment, the State assessed the merits of the cases in question and often covered the costs.

23. Primary health-care centres provided information on health and reproductive health issues, including contraception and prevention of early pregnancies, and worked with schools and teachers on the issue. The State party did not have reliable data on the number of people living with HIV/AIDS in Andorra, as many cases went unreported because of the stigma attached to the disease that continued to persist in society at large. The persons diagnosed with HIV/AIDS in the country received comprehensive care and treatment, but others preferred not to disclose their condition and sought treatment in neighbouring countries instead.

24. **Ms. Pomeranzi** stressed the importance of women's economic empowerment and access to credit facilities as they were strong indicators of women's full enjoyment of human rights and their quality of life. She said the report contained no data on women entrepreneurs and wished to know why and to what extent women had profited from the opportunities arising from the rapid development of Andorra in recent times. How many women were there in decision-making positions in the country's many small and medium-sized enterprises? Were any microcredit schemes available and how many women were applying for such financing? Keeping abreast of technological developments was an important aspect in the economic empowerment of women and she wished to know if the State provided any programmes to train women in the use of new technologies.

25. The report stated that women were clearly the principal beneficiaries of public welfare, highlighting their role as caregivers for the family. However, the situation obviously reflected their economic status and was an indication of poverty among women. She wished to know if the social security system provided sufficient maternity and widows' benefits to support women living below the poverty line.

26. **Mr. Villaverde** (Andorra) said that the State party at that time had no data on the number of women entrepreneurs and women in managerial positions, but he would try to provide the Committee with that information. There was no public credit system; however, women enjoyed the same access to bank loans and other forms of financial credit as men. There was a national office which helped men and women alike to start up businesses. However, there were no women's entrepreneurship programmes as such.

27. Much of the public welfare was provided to single-parent families, the vast majority of which were led by women with little or no support from their former spouses or partners. Women who did not receive spousal or child support often experienced serious financial difficulties, which the State party tried to address through legal action and public welfare. Andorra sought to provide the greatest possible benefits to cover the upbringing of children from single-parent families with the lightest possible eligibility criteria for assistance. There were various provisions for widows, with benefits differing according to age and the circumstances surrounding the death of their partners. However, if the amount received fell short of the minimum wage, the State made up the difference. Nevertheless, the national association for widows considered the measures insufficient and was calling for reform, which was something the State party would look into.

28. **Ms. Pimentel** urged the State party to give special consideration to the public welfare schemes for widows. In addition, she wished to know if the State party had considered expanding its use of the Internet and information technology to promote women's rights and begin raising awareness of international instruments such as the Convention.

29. **Ms. Bareiro-Bobadilla** said that Andorra could do more to enhance its statistical monitoring of human rights issues and suggested becoming a more active participant in the Gender Equality Observatory for Latin America and the Caribbean under the Economic Commission for Latin America and the Caribbean, which allowed States to share best practices and data on gender issues.

30. **Mr. Villaverde** (Andorra) said that relevant international instruments, including the Convention, had been published on the website of the Ministry of Health and Welfare. However, the site had been undergoing reconstruction and no other page had been established in its absence. Nevertheless, the updated sites should be online in the near future and would cover the necessary information. He welcomed the suggestion of expanding participation in the Gender Equality Observatory for Latin America and the Caribbean, saying that it was an avenue worth exploring, and stressed the State party's commitment to filling all data gaps.

Articles 15 to 16

31. **Ms. Pomeranzi** congratulated the State party for its legislative efforts in promoting equality in marriage. However, she wished to know if Andorra was going to implement the recommendation of raising the minimum age of marriage from 14 to 18, which was a matter of great importance. She also asked if civil partnerships under the law concerning couples in stable unions received the same benefits as married couples, particularly in terms of pensions. Noting that having a Catholic bishop as Head of State made it difficult to tackle issues such as abortion and same-sex marriage, she enquired as to whether it might also prove to be a catalyst for improving the State's position on migration given the Catholic Church's approach to supporting all members of the community and Pope Francis's desire to open new frontiers.

32. **Mr. Forner** (Andorra) said that having the Bishop as Head of State was not a problem; rather, it was an obstacle for those who wished to resolve certain issues which needed to be dealt with carefully. The recommendation to raise the minimum age of

marriage had already been made and the State had been slow to act on it. However, the State party saw no reason not to raise it to 18 and did not anticipate any problems in amending the law. Hopefully, the openness of Pope Francis would be reflected in the Bishop's positions. Couples in civil partnerships had the same rights as married couples. There had been one case where one partner had asked for and received a widower's benefit when his partner had died.

33. **Ms. Haidar** asked if Andorra was able to benefit from having two Heads of State from both the secular and religious worlds. Could the obstacles arising from one be overcome by turning to the other?

34. **Mr. Forner** (Andorra) said that establishing a balance between the two Heads of State had always been a challenge, but that balance had been successfully achieved and had helped the country to overcome difficulties and ultimately to make progress. Furthermore, people appeared happy with the system of government and had little interest in becoming a republic. Combining two heads of State seemingly opposed to each other was a great source of pride and enriched the national tapestry. Slowly but surely all obstacles would be overcome.

35. **Mr. Villaverde** (Andorra), thanking the members of the Committee for their questions, comments and warm cooperative spirit, said that his delegation would provide additional written responses at a later date.

36. **The Chairperson** thanked the delegation for providing an in-depth view of the status of implementation of the Convention in Andorra and urged it to act on all recommendations to attain a more comprehensive implementation. The Committee looked forward to receiving Andorra's next periodic report.

The discussion covered in the summary record ended at 4.50 p.m.