



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

Distr.: General
31 October 2019

Original: English

**Committee on the Elimination of Discrimination
against Women
Seventy-fourth session**

Summary record of the 1722nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 23 October 2019, at 10 a.m.

Chair: Ms. Gbedemah

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The meeting was called to order at 10.15 a.m.

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

Fourth periodic report of Andorra (CEDAW/C/AND/4; CEDAW/C/AND/Q/4 and CEDAW/C/AND/Q/4/Add.1)

1. *At the invitation of the Chair, the delegation of Andorra took places at the Committee table.*
2. **Mr. Villaverde** (Andorra), introducing his country's fourth periodic report (CEDAW/C/AND/4), said that, in recent years, significant efforts had been made in Andorra to develop policies to address problems that affected women. The establishment, in 2016, of the Equality Policies Unit and of the Equality Service had been influential in that regard. The two bodies were tasked with, among other duties, developing and promoting cross-cutting programmes and activities to prevent and combat gender-based violence and guarantee effective equality between women and men.
3. In 2015, the parliament (*Consell General*) had launched a project to prepare a white paper on equality through a participatory process involving social partners and the general public. The work carried out had resulted in the identification of conclusions and priorities that had been reflected in Act No. 13/2019 on equal treatment and non-discrimination, which had been adopted on 15 February 2019.
4. The Act was expected to serve as a framework law that developed the principle of equal treatment and non-discrimination in a comprehensive, cross-cutting manner. Thanks to the Act, the concept of reverse onus had been introduced in the national legal order, as had the possibility of making payments to redress the gender pay gap as soon as discrimination was detected. The Act also provided for specific sanctions to encourage compliance and for the establishment of the Equality Observatory, which had been endowed with the necessary resources and had adopted a four-year workplan.
5. Training had been provided to technical staff in order to promote the systematic introduction of a gender perspective in the development of programmes and policies. In that connection, the Regulations of the parliament had been amended on 7 February 2019 to stipulate that bills approved by the Government had to be accompanied by an explanatory memorandum showing that the gender perspective had been adequately incorporated.
6. Act No. 13/2019 provided for the adoption of temporary special measures to tackle inequalities identified in the white paper on equality and for campaigns to raise awareness of the principle of equality and non-discrimination, and foster a culture of equality, respect for diversity and full participation in public and private life by both women and men.
7. Under the Act, "sexual harassment" (*acoso sexual*) was understood to mean any behaviour of a sexual nature, whether verbal or physical, directed at a woman with the purpose or effect of violating her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment, while "gender-based harassment" (*acoso por razón de sexo*) was considered to refer to any behaviour motivated by sex or gender that had the same purpose or effect.
8. The Act established that unfavourable treatment on the grounds of pregnancy or maternity amounted to gender-based discrimination; amended Act No. 1/2015 of 15 January to include the definition of "violence against women" set out in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention); enshrined the principle of equal pay for work of equal value; required public- and private-sector companies to develop methods and tools to identify discrimination and adopt appropriate preventive and reactive measures or face being held criminally liable or civilly liable for any damage incurred as a result of discrimination; provided for the adoption of a four-year gender equality programme that included specific measures to facilitate the achievement of a work-life balance; incorporated social criteria in public-sector recruitment processes; and provided for positive discrimination measures.

9. In 2017, the Equality Policies Unit had launched a project to promote gender equality in the workplace by granting the “Olympe de Gouges” award to companies that displayed commitment to equality between women and men. Following the parliamentary elections of April 2019, the State Secretariat for Equality and Public Engagement had been established and tasked with implementing Act No. 13/2019 and promoting the adoption of a law on effective equality between women and men.

10. Andorra had ratified the Council of Europe Convention on Action against Trafficking in Human Beings, and, pursuant to recommendations issued by the Group of Experts on Action against Trafficking in Human Beings, had amended its Criminal Code to criminalize human trafficking for the purposes of sexual exploitation, slavery or servitude, and had adopted Act No. 9/2017 of 25 May 2017, on measures to combat trafficking in persons and protect victims, which provided for a three-month period of reflection and recovery for victims without legal residence, so that they could not be subject to any administrative deportation measures regardless of the extent of their cooperation with investigations into their trafficking.

11. The Act had led to the adoption of the Protocol of Action for the Protection of Victims of Trafficking in Persons and, in 2017, the creation of the Support Service for Victims of Trafficking in Persons, which offered interdisciplinary support to trafficking victims and their children, was composed of a trained legal expert, a social educator and a psychologist, and operated a free 24-hour helpline staffed by skilled professionals. The Service also carried out prevention, training and awareness-raising activities.

12. Earlier in 2019, a social worker and the director of the human trafficking unit of Barcelona City Council had given professional technical training to all persons potentially involved in the detection of trafficking and treatment of victims. The aim had been to share good practices and raise awareness of effective detection tools.

13. The ratification of the Istanbul Convention and the adoption of Act No. 1/2015 of 15 January 2015 had provided Andorra with a legal framework for the prevention and detection of gender-based and domestic violence, and the treatment of victims. The National Commission for the Prevention of Gender-based and Domestic Violence, which had been set up in 2016, was a political and technical body responsible for ensuring coordination and cooperation among relevant government ministries and departments. The Collaboration Guidelines for gender-based and domestic violence of 5 June 2018, approved pursuant to Acts Nos. 1/2015 and 6/2014, established protocols for action for those ministries and departments, and constituted a first-level technical tool for the management of resources, the provision of assistance and the prosecution of gender-based and domestic violence.

14. The application of the Guidelines and of sectoral action plans was key to the effectiveness of measures to defend women victims of gender-based violence. In that regard, the provision of ongoing specialized training on the treatment of the causes and consequences of violence against women and efforts to raise awareness of existing resources among professionals and the general public would improve victims’ exercise of their rights.

15. Act No. 1/2015 provided for a range of preventive and awareness-raising measures, and highlighted the need to work with a gender perspective so that boys and girls had equal access to educational materials and felt free to choose their academic paths without gender bias. The Equality Policies Unit held gender-based and domestic violence prevention workshops in schools for children aged 13 to 14 years, which dealt with gender stereotypes, misconceptions about romantic love, what was meant by “gender-based violence”, types of abuse and the resources available in the country to combat gender-based and domestic violence.

16. Since 2016, in accordance with article 11 of Act No. 1/2015, ongoing training on the detection and prevention of gender-based and domestic violence had been provided to police and judicial officers, government officials and hospital staff, among others. Two training courses, one basic and the other more advanced, were being run for representatives of the media with the overall aim of drafting a document on good practices.

17. The Act had led to the establishment of a care programme for perpetrators of gender-based and domestic violence. Moreover, the Equality Policies Unit implemented a programme for the promotion of non-violent relationships, the aim of which was to encourage perpetrators to take responsibility for the harm that they had caused and promote healthy relationships built on respect and equality.

18. The Act had also resulted in the creation of a family meeting point service, which had become operational in 2018 and was responsible for organizing court-ordered supervised visits. The service, which was under the direct authority of the Department of Social Affairs, was run by professionals trained in gender-based and domestic violence, and the protection of children.

19. Implementing international conventions and responding to questionnaires and evaluations entailed a considerable effort for a Government as small as that of Andorra. Nevertheless, in line with its international responsibilities and its commitment to the fulfilment of women's rights, Andorra had issued a number of reports on a voluntary basis, including with regard to the implementation of the Sustainable Development Goals and on the occasion of the twenty-fifth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action. It had also submitted a report to the Group of Experts on Action against Violence against Women and Domestic Violence concerning the implementation of the Istanbul Convention.

Articles 1 to 6

20. **Ms. Peláez Narváez**, congratulating Andorra on the important legislative developments that had taken place in the country during the period under review, said that she was nevertheless concerned that the Convention had not been invoked in any court proceedings or been given sufficient visibility.

21. She would be interested to know how, in the implementation of Act No. 13/2019 on equal treatment and non-discrimination, intersectionality and interministerial coordination were achieved, given that the Act was designed to protect a number of vulnerable groups through actions taken by various ministerial bodies.

22. Although the Act addressed the issue of discrimination against women, it did so only partially, so she hoped that the State party would pursue efforts to develop and adopt a specific law on gender equality. Referring to paragraph 14 of the State party's replies to the list of issues ([CEDAW/C/AND/Q/4/Add.1](#)), she noted with concern that no comprehensive study had been carried out on the situation of women's access to justice.

23. Noting that the Act provided for the possibility of payment of wage differences from the moment that discrimination was identified, she asked whether any women had so far received compensation. Details of how long courts took, or were given, to deal with discrimination claims would also be appreciated.

24. In reference to paragraph 19 of the list of issues ([CEDAW/C/AND/Q/4](#)), she asked what measures had been taken, including pursuant to Act No. 13/2019, to decriminalize abortion in all cases and to legalize abortion in cases of rape, incest, risk to the physical or mental health of the pregnant woman and severe fetal impairment.

25. She wished to know whether the State party intended to establish specialized courts to handle cases of violence against women, how women's access to free legal aid was ensured or facilitated and whether steps would be taken to provide specialized training on discrimination and violence against women to members of the judiciary.

26. Noting that the Ombudsman had a surprisingly long term of office of eight years, and that the post had only ever been held by a man, she asked how many complaints of discrimination against women the Office of the Ombudsman had received.

27. She would welcome information on any steps taken to provide specialized training on caring for victims of violence against women to law enforcement and medical personnel, on whether the University of Andorra offered courses on women's rights and on how it was ensured that the free 24-hour helpline operated by the Support Service for Victims of

Trafficking in Persons was able to respond to the needs of women victims of violence. Lastly, she would be grateful for an explanation of how femicides were recorded.

28. **Ms. Ameline** said that she wished to know whether the provisions of the Convention were considered by the Constitutional Court to have constitutional, rather than merely interpretative, value, what procedures were in place to enable citizens to access constitutional justice and whether the scope of application of the remedy of *amparo* (*recurs d'empara*) was not too narrow, given that the Convention had not been invoked in any court proceedings.

29. **Ms. Mingorance** (Andorra) said that the Convention had constitutional value and could thus be invoked directly. If citizens felt that their constitutional rights had not been adequately defended by courts of first instance or appeal, they had the right to petition the Constitutional Court, although none had yet availed themselves of that opportunity.

30. While it was true that no studies had yet been conducted on barriers to women's access to justice, no such barriers existed. As a victim of an offence, including discrimination, a woman could report the incident to the police or civil guard, who would automatically open a criminal investigation, and the prosecutor would act *ex officio*. She had the right to request a court-appointed lawyer, if she so wished. Access to free legal aid was subject to means testing; however, the income threshold was higher for women heads of household and women with dependent children. In certain circumstances, access to free legal representation and mediation was also available for women seeking divorce.

31. Training on gender issues was obligatory for all judges in Andorra. In addition, judges had free-of-charge access to a range of courses on gender, run by the French Legal Service Training College and the Spanish General Council of the Judiciary.

32. The number of cases of domestic violence in Andorra was not sufficiently high to warrant the establishment of a specialized court. Such a court would require five specialist judges in order to be able to guarantee the 24-hour service provided by the current system of generalist judges, who, it should be pointed out, received training on gender-based violence. Considering that there were just five investigating judges dealing with all criminal matters for the entire country, a specialized court was simply not feasible. Lastly, information on all cases of gender-based violence was recorded, including the type of offence that had been committed. However, no cases of femicide had occurred in recent years.

33. **Ms. Porras** (Andorra) said that appropriate training was provided for all government departments and institutions that were involved in the prevention and prosecution of gender-based violence and the provision of assistance to victims. In accordance with Act No. 1/2015 on the eradication of gender-based violence and domestic violence, specific protocols and the Collaboration Guidelines for gender-based and domestic violence had been drawn up to prevent secondary victimization during victims' dealings with those departments and institutions. Basic and continuous training on gender-based violence and the legislative framework was also conducted. The hospital protocol provided for the establishment of a specially trained team of doctors, nurses, psychologists and social workers, who were responsible for attending to women victims of gender-based violence and preventing their revictimization. Lastly, while it was true that Act No. 13/2019 on equal treatment and non-discrimination was a general law covering all vulnerable groups, including women, a specific bill on gender equality was currently being drafted in collaboration with women's organizations.

34. **Ms. Fernández** (Andorra), providing an overview of the system of legal assistance with regard to women victims of gender-based violence, said that advisory services were provided through the Gender-based Violence Victims Support Service, which informed women victims of the remedies that were available to them for their protection. It also provided victims with comprehensive support during the course of judicial proceedings – irrespective of whether the victim had the right to free legal aid and representation – with the aim of ensuring the application of Act No. 1/2015 and relevant protocols. In 2017, the decree regulating access to free legal aid had been amended to guarantee women victims of domestic violence or gender-based violence, including economic violence, access to free legal aid and legal representation in civil and criminal cases.

35. In 2018, in cooperation with the High Council of Justice, specific training on victims' testimony and the reversal of the burden of proof, which had been led by the Spanish special prosecutor for cases of gender-based violence and a specialist psychologist, had been well received. As a result, future training on gender-based violence would be more participatory in the form of conferences on the national legislation and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). Training modules on the Convention and the Collaboration Guidelines had also been introduced.

36. **Ms. Porrás** (Andorra) said that the Gender-based Violence Victims Support Service was composed of three advisers; two psychologists, one of whom was a specialist child psychologist; and a legal practitioner, who provided women victims with support during civil or criminal proceedings. The Service also operated a 24-hour hotline for victims of gender-based violence, which was available in the five languages most widely spoken in Andorra. Owing to increased awareness of the Service among the general public and relevant professionals, referrals of women victims to the appropriate departments and services had increased.

37. **Mr. Villaverde** (Andorra) said that it was important to point out that all operators of the hotline for victims of violence had received specialist training on domestic violence and gender-based violence, including on making referrals to the appropriate services. Information on the cases of discrimination against women that had been handled by the *Raonador del Ciutadà* – the Office of the Ombudsman – would be provided in writing.

38. **Ms. Marticella** (Andorra), summarizing the information contained in paragraphs 194 to 198 of her country's periodic report, said that, with regard to the issue of abortion, it was important to take into account the particularities of Andorra, which was a parliamentary co-principality with two Co-Princes – the Bishop of Urgell in Spain and the President of the French Republic – acting as the joint and indivisible Head of State. The decriminalization of abortion would necessitate constitutional reform, with consequences for the country's institutional system. As a result, it could not be done in isolation or without broad public debate. It should be noted, however, that some progress had been made to advance women's rights in that area without provoking an institutional crisis. For example, the morning-after pill was available for purchase without a prescription from pharmacies, and doctors were able to refer women seeking an abortion to hospitals in France and Spain. It should be noted that, since the introduction of the 1993 Constitution, there had been no prosecutions or convictions based on the constitutional provisions that prohibited abortion. Lastly, the Government intended to establish a service to provide legal, psychological, medical and social support to women in difficult situations, including undesired pregnancies.

39. **Mr. Villaverde** (Andorra) said that abortion was no longer a taboo subject and was being discussed widely in the public and political spheres. Although progress was admittedly slow, Andorra was on the right path.

40. **Ms. Fernández** (Andorra) said that Act No. 13/2019 on equal treatment and non-discrimination provided institutional, legal and administrative safeguards based on the principle of non-discrimination. The country's small Administration facilitated coordination between departments and institutions and referrals to the relevant professionals, thus ensuring a rapid response for all persons affected by inequality or discrimination.

41. **Ms. Haidar**, referring to the Committee's previous concluding observations on Andorra (CEDAW/C/AND/CO/2-3, para. 15), said that, despite the concerns that had been raised about the continuous restructuring of the national machinery for the advancement of women, she had noted that, according to paragraph 30 of the State party's report, the Ministry of Health and Social Welfare was now being restructured. She would therefore welcome information on the status of that reorganization, including the specific changes that were being made and how they had been evaluated. She would welcome more information on the gender composition of the Equality Policies Unit and the background and areas of expertise of the professionals it employed. The Committee had received reports that some of those professionals allegedly perpetuated patriarchal attitudes.

42. She would be interested to know the extent to which the strategy on gender equality incorporated the recommendations that had been made by the Committee in its previous concluding observations (para. 16 (b) and (c)), which had called for the adoption of a national action plan on gender equality and improved cooperation with civil society, in particular women's organizations. Alternative sources of information had reported that a number of women activists had been harassed and forced to leave the country. It would therefore be useful to know how that strategy was being implemented and assessed, and whether there were plans to establish a national human rights institution.

43. With reference to paragraph 5 of the list of issues (CEDAW/C/AND/Q/4), she would welcome information on the strategies and policies that were envisaged to integrate the provisions of the Convention into national legislation and to advance gender equality. She emphasized the important role played by civil society organizations in shaping government policies, plans and strategies and wished to know what funding was provided to civil society organizations. Lastly, she would like to know what time frame had been set for the establishment of the Equality Observatory.

44. **Ms. Acosta Vargas**, welcoming the adoption of Act No. 13/2019, which provided for the use of temporary special measures to accelerate de facto equality between men and women, said that she wished to know whether the State party had a specific strategy for determining the areas in which temporary special measures should be applied; which entity was responsible for carrying out the requisite analysis; and whether civil society organizations could present their own initiatives for implementing temporary special measures to the Government.

45. **Ms. Porrás** (Andorra) said that, although the Ministry was being restructured as the Ministry of Social Affairs, Housing and Youth, it was operating as normal. The Equality Policies Unit and the newly established State Secretariat for Equality and Public Engagement would be jointly responsible for drafting several bills, including a gender equality bill, in cooperation with civil society, including women's organizations. A strategy on preventing the secondary victimization of victims of violence was also being devised. Lastly, the Equality Observatory would be responsible for collecting data on gender inequality and discrimination from different sources, including government departments.

46. **Ms. Fernández** (Andorra) said that, with regard to the work of the National Commission on Equality and the implementation of the National Plan of Action for Equality, it had been decided, after the change of Government in 2015, to focus on the white paper on equality. That had not represented a break with the previous work, for the Commission's conclusions had been taken into account. The preparation of the white paper had been a collaborative exercise in which the associations involved had all played to their strengths, and which had resulted in the adoption of Act No. 13/2019 on equal treatment and non-discrimination, the strategy for equality between women and men and Qualified Act No. 14/2019 on the rights of children and adolescents.

47. That collaboration had been institutionalized in the form of a commission for the participation of civil society organizations in the field of social and health services (COPEC), which met twice a year and provided a framework for associations to contribute their ideas and express their needs in respect of social policy, for discussion with the relevant social services, which were also represented.

48. **Ms. Pagès** (Andorra) said that, as part of the system of democratic participation, a long-standing project known as the youth parliament encouraged students in their final year of compulsory education to draft bills on issues of concern to them, to be submitted to the national parliament, the *Consell General*. Following a vote, they could become legislative initiatives. A subject such as gender equality could easily find its way into the parliament by that route.

49. **Ms. Aleix** (Andorra) said that her Government had duly considered the recommendations of various human rights bodies to establish a national human rights institution. Andorra was a small country, however, and it had been deemed more appropriate to reinforce and extend the role and mandate of the *Raonador del Ciutadà* (Office of the Ombudsman), and thereby to raise it, as far as possible, to the status of a national human rights institution.

50. **Ms. Fernández** (Andorra) said that decisions on affirmative action measures were under consideration, but for the moment her Government was concentrating on the implementation of Act No. 13/2019 and the strategy on equality and non-discrimination. However, with regard to gender equality in the workplace, the Andorran Social Security Fund, one of the country's most prominent institutions, had introduced a policy of promoting women into senior posts in order to guarantee their participation in decision-making. Given the status of the Fund, the policy would set an example to both the public and the private sectors.

51. **Ms. Peláez Narváez** said that she would appreciate an explanation of the definition of minor infractions of Act No. 13/2019, contained in article 39 (2), as "acts ... that are not discriminatory in their effects". Noting that, under article 43 of the Act, the limitation periods for minor, serious and very serious offences were one, three and five years respectively, she asked whether the judicial system had the capacity to try offences within those periods.

52. Given that the State was a party to the Convention on the Rights of Persons with Disabilities, she had been surprised to come across a number of judicial rulings declaring women legally incapable. Was there a mechanism for review of such rulings?

53. **Ms. Manalo** said that she found it strange that the Convention had never been invoked in domestic courts. It prompted her to wonder what the purpose of ratification had been. She would appreciate clarification of the means used in the State party to incorporate international conventions into its legal system.

54. **Ms. Haidar**, noting that article 33 of Act No. 13/2019 provided for the adoption every four years of programmes aimed at bringing about de facto equality, asked what time frame and budget provisions were in place for implementation of those programmes.

55. **Ms. Ameline** said that, to follow up on Ms. Manalo's point, she wished to emphasize how important it was for the Convention to be fully visible, so that all members of the community could draw on its provisions when necessary.

56. **The Chair**, recalling the delegation's comment to the effect that it had not made a study of the barriers preventing women from accessing justice because no such barriers existed, said that no such assumption should be made in the absence of a study. She drew the delegation's attention to the Committee's general recommendation No. 33, on women's access to justice, which could provide a framework for such an evaluation.

57. **Ms. Mingorance** (Andorra) said that what she had meant was that no study had been made of the number of persons who did not have access to justice. There was no legal impediment to women's access to justice. Cases were evaluated by the Ministry of Social Affairs, Justice and the Interior and, where necessary, women were duly supported throughout judicial proceedings.

58. The Convention had constitutional rank and could be invoked in the courts. International treaties tended, however, to be cited only if their provisions complemented the provisions of domestic law in a given case.

59. **Ms. Fernández** (Andorra) said that minor infractions under article 39 of Act No. 13/2019 meant actions contrary to the spirit of the Act, such as the application of stereotypes in administrative or other practices, which, while not rising to the level of direct or indirect discrimination, could be perceived as contributing to gender inequalities.

60. The limitation periods under the Act applied to administrative proceedings and were fixed in relation to the severity of the offences.

61. **Ms. Porras** (Andorra) said that the time frame for developing the programme on effective equality between men and women was two years. It was a component of the comprehensive plan on equality and non-discrimination, which was itself one of the programmes mandated under the Act, the others addressing the inclusion of persons newly arrived in the country and work-life balance.

62. **Ms. Bethel** said that the Committee was concerned at the length of time the Government was taking to adopt the preventative plan to combat gender-based and

domestic violence. She would like to know what obstacles had prevented the plan from being adopted before 2020 and what the time frame for implementation was. She would be interested to know the scope of the plan and its related protocols and whether they were grounded in a State policy with proactive measures targeting women, men, girls and boys to eliminate traditional stereotypes and patriarchal attitudes. She wondered how the plan would advance the elimination of stereotypes regarding women in public life and leadership positions, and how it addressed gender stereotyping in education and employment.

63. She asked whether the plan had been developed in consultation with civil society and whether such involvement would continue.

64. What time frame applied to the road map on equal treatment and non-discrimination in the media agreed between the Equality Policies Unit and the Andorran Association of Media Professionals? Were women actively engaged in evaluating, creating and presenting radio and television content? She wondered whether the media self-regulatory body referred to in the Government's written replies to the list of issues had been set up (CEDAW/C/AND/Q/4/Add.1, para. 42).

65. She would like to know how Act No. 13/2019 addressed non-discrimination and equality in the media and advertising. What administrative sanctions applied to public and private sector companies that committed offences under the Act in relation to advertising and gender stereotyping?

66. **Ms. Tisheva** said that she was concerned at the low number of convictions for domestic violence offences – less than 10 a year according to the statistics presented. Noting that, according to the State party's report (CEDAW/C/AND/4), assistance had been provided in 578 cases of gender-based and domestic violence in the period from 2013 to 2017, she said that she would appreciate receiving figures for the number of women who had used the civil courts and received protection in the past three years. She wondered whether the system for issuing emergency protection orders was available to women and their children and how many women had requested compensation during that period. Did the State party regularly review the situation?

67. According to alternative information sources, revictimization, gender stereotyping and prejudice against women victims of violence persisted, even in State institutions. She would like to know when the State party intended to institute regular and adequately funded training on gender-based violence for law enforcement, judicial and medical personnel.

68. She wondered whether the State party envisaged reinforcing its cooperation with and support for NGOs and their services. Could the delegation give a time frame for establishing additional counselling and crisis centres, shelters and rehabilitation services for victims of violence of different kinds? How would access be ensured for the various groups of vulnerable women in accordance with the Istanbul Convention?

69. **Ms. Pagès** (Andorra) said that action had been taken to implement the preventative plan to combat gender stereotyping and gender-based violence, notably in schools. The curriculum had been reviewed to eliminate sexist language and material, and to teach interpersonal and relationship skills across all disciplines. The vast majority of school students had attended training workshops on bullying and its causes, including stereotyping and the spreading of rumours.

70. Situations of violence at home that came to light in a school context, and situations in which girls were victims of violence, were dealt with by means of a special protocol for at-risk children, in cooperation with social services.

71. **Ms. Porrás** (Andorra) said that, at a meeting with the Association of Media Professionals in 2018, it had been decided to draw up a code of good practice to provide guidance on ways of discussing victims while avoiding revictimization. An initial training course had been devised covering the general legal framework and the handling of such information, which had been attended by all branches of the media. More specialized training in avoiding sexist advertising and discussing victims would shortly be given by an expert on gender and the media. After that the Association, representatives of the media and women's organizations would work together to draw up the necessary guidelines.

72. Since 2015, training sessions had been provided to the staff of all institutions and departments involved in detecting and dealing with sexual and domestic violence. The police in particular received training and had action protocols in place for handling such cases. The training sessions were held on a yearly basis and the information imparted was constantly updated. Given that Andorra was a very small country, it was relatively easy for aggressors to identify their victims. Therefore, victims were sheltered in apartments rather than standalone buildings. Each of the five apartments available had capacity to host two families, namely women and their children, where they could stay for periods of between six and nine months.

73. The Equality Policies Unit attached great importance to the work of the three women's associations in the country, since in many cases women did not feel comfortable reaching out to government bodies. The associations were involved in assisting the Unit with drafting reports and conducting awareness-raising campaigns, and the associations had received training from the Unit on the legal framework regarding domestic and gender-based violence and on the programmes and services available to victims. In 2017, a care programme for the promotion of non-violent relationships had been set up in accordance with Act 1/2015 on the eradication of gender-based violence and domestic violence in order to work with male aggressors and raise awareness of such violence among men.

74. **Ms. Mingorance** (Andorra) said that women in all 578 cases of gender-based and domestic violence mentioned in paragraph 83 of the Andorran report ([CEDAW/C/AND/4](#)) had been able to access the justice system. Complaints of domestic violence always gave rise to legal proceedings, regardless of whether the complaint had been lodged by the victim or any other interested party, such as a neighbour or police officer. Not all of those cases had gone to trial; some cases had been settled out of court, and others had been resolved through fast-track proceedings, whereby the accused admitted to the offences and accepted the punishment, thus avoiding a full trial.

75. Cases of domestic violence were heard by the criminal, rather than civil, courts. Victims were immediately offered alternative accommodation in serious cases and in instances where the victim preferred not to remain at home. In most cases, the safety of victims could be assured in their own home by issuing interim measures ordering the abusive partner to leave. Restraining orders could also be handed down where necessary to provide further protection.

76. **Ms. Fernández** (Andorra) said that the Gender-based Violence Victims Support Service coordinated action by all judicial officials to ensure the protection of victims. The civil courts took into account the decision of victims to leave their home when determining the appropriate interim measures. That procedure was completed within 10 days of the court receiving the petition. The service conducted a risk assessment and offered different options to victims, depending on their circumstances. In high-risk cases, alternative accommodation was provided if there had been no immediate response from the court. Even if no criminal complaint had been lodged, the civil courts could adopt interim measures such as ordering the perpetrator to attend a care programme for the promotion of non-violent relationships, supervised visits at family meeting points or addiction treatment programmes. Ensuring the best interests of any children involved was a top priority.

77. **Ms. Leinarte** said that she wished to know whether foreign victims of human trafficking were required to cooperate with the police in order to be able to prolong their stay in the country and receive all available assistance. She would appreciate confirmation that no victims of trafficking, for labour or any other purpose, had yet been identified in the State party.

78. She wondered whether the delegation might elaborate on the legal framework regarding prostitution, given that, while the act of buying sex was legal, selling it was not. Noting that human trafficking for the purpose of organ removal was the only form of trafficking where the demand side was criminalized, she wondered whether the State party would consider introducing criminal penalties for persons who employed victims of labour trafficking, particularly domestic workers. She would be interested to know whether there were any specific procedures for identifying potential victims of trafficking among refugees and asylum seekers. She would be grateful for comments from the delegation regarding the

need, or otherwise, for a written national plan to combat trafficking in human beings, as recommended by the Group of Experts on Action against Trafficking in Human Beings.

79. **Ms. Porras** (Andorra) said that there was no national plan as such, but the issue of trafficking was covered in the Protocol of Action for the Protection of Victims of Trafficking in Persons. The question of introducing a national plan had been raised on previous occasions, and it had been decided that the Protocol already met the country's needs in that regard. Significant progress had been made in raising awareness among the general population and in providing training to professionals on issues relating to human trafficking. The Support Service for Victims of Trafficking in Persons comprised an interdisciplinary team of three professionals who had been trained on human trafficking issues. The team conducted awareness-raising and training programmes, aimed in particular at officials who would be in a position to detect human trafficking offences. An explanatory leaflet on its work had been published in 2018.

80. **Ms. Mingorance** (Andorra) said that promoting prostitution and procuring were illegal in Andorra, but not prostitution per se. The buyer, and not the person selling sex, was liable to punishment.

81. **Ms. Fernández** (Andorra) said that Philippine nationals in Andorra, who were often employed as domestic workers, formed a very close-knit community. They kept each other informed of their rights as workers and the resources available to them, such as the labour inspection service, should they consider themselves to have been subject to exploitation.

82. **Ms. Bethel** said that she would appreciate a more precise indication as to when in 2020 the plan to prevent gender stereotyping and gender-based violence would be adopted.

83. **Ms. Leinarte** said that she would be grateful for an outline of the typical profile of someone who might sell sex services in Andorra, if prostitution was indeed illegal.

84. **Ms. Peláez Narváez** said that she would be interested to hear how temporary workers were protected from gender-based or domestic violence. She wondered how women with disabilities who had been victims of such violence were protected, and whether the shelters for victims were accessible to them. She would be grateful for an explanation of the legal procedure followed when an underage boy had committed offences such as rape, especially in the light of reports of one case where the girl victim had been placed in an institution and there had been no record of the boy having received any form of punishment.

85. **Ms. Tisheva** said that she wished to ask whether the State party could use the Equality Observatory to collect data on and analyse cases of femicide and inciting women to commit suicide.

86. **Ms. Mingorance** (Andorra) said that guardianship was a protection measure taken with regard to persons whose faculties were limited, for example by illness, to the extent that they required a carer to manage certain aspects of their lives. The measure was subject to ongoing assessment to determine whether such persons were again able to live independently.

87. Temporary workers had the same rights and access to the same services as nationals or residents of Andorra. They received information regarding ill-treatment and other work-related issues when passing through immigration upon arrival in the country. In addition to procuring, offences of false imprisonment, slavery and servitude were criminalized under the Criminal Code. The Immigration Department and the labour inspection service conducted regular inspections to check for any such offences.

88. Criminal proceedings against minors were not public, which was why no information was available regarding the particular case mentioned by Ms. Peláez Narváez. Nonetheless, the underage boy who had committed rape would have faced prosecution. As he was a minor, the punishment was likely to have involved imprisonment with a view to re-education and reintegration into society. The victim would not have been placed in an institution because she had been raped, but rather because she had been neglected by her parents or guardians.

89. **Ms. Porrás** (Andorra) said that the Equality Policies Unit and the Ministry of Education had been working on the plan to prevent gender stereotyping and gender-based violence for six months. The aim was to have a plan in place by mid-2020.

90. For several years, the Equality Policies Unit had been conducting workshops on gender-based violence with students in the fourth year of secondary education throughout the country. The National Commission for the Prevention of Gender-based and Domestic Violence had decided to extend the workshops to students in the second year, since it had noticed that some students had already been in toxic relationships by the fourth year. Workshops on bullying and harassment had been set up for third-year students and classes on equality were being developed for fourth-year students.

91. Alternative accommodation for victims of violence was accessible to women with disabilities. The Equality Policies Unit worked to ensure that the apartments remained accessible to persons with all types of disability and that accommodations were made where necessary. The Equality Observatory would help gather more data on gender-related issues, disaggregated by nationality, age and other factors, in cooperation with the Equality Policies Unit.

92. **Ms. Fernández** (Andorra) said that discrimination constituted a serious offence in accordance with article 39 (3) (b) of the Act on equal treatment and non-discrimination, when such discrimination was based on the grounds set out in the Act. Media outlets found to be engaging in discriminatory practices in their day-to-day activities would be held criminally responsible. The body with competence to impose punitive measures was the Ministry of Social Affairs, Housing and Youth, since there was no specific law regulating advertising and the media.

93. Cases of guardianship on the basis of incapacity were extremely rare. In accordance with Act No. 27/2017 of 30 November 2017, on urgent measures for the implementation of the Convention on the Rights of Persons with Disabilities, other options were available that safeguarded the rights of those persons. For example, they were entitled to request, through notarial documents, the assistance of professionals to help manage their property or administer their medication.

Articles 7 to 9

94. **Ms. Manalo** said that she would appreciate a description of efforts to ensure gender equality in the civil service. She wondered how many men and how many women had risen through the ranks of the diplomatic service to reach senior positions. She wished to know whether or not the State party had armed forces and, if so, she would like to know what proportion of military and police personnel were women. She asked what measures were in place in order to ensure equal representation of men and women in the armed forces and the police.

The meeting rose at 1 p.m.