



Convention on the Rights of Persons with Disabilities

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Consideration of reports submitted by parties to
the Convention under article 35

Replies of Andorra to the list of issues in relation to its initial report*

[Date received: 1 December 2021]

* The present document is being issued without formal editing.



I. Purpose and general obligations (arts. 1–4)

Reply to the issue raised in paragraph 1 (a) of the list of issues (CRPD/C/AND/Q/1)

1. On 30 November 2017, the Consell General (parliament) adopted Act No. 27/2017 on Urgent Measures for the Implementation of the Convention on the Rights of Persons with Disabilities, Done at New York on 13 December 2006. The Act was published in the Official Gazette (No. 81) on 29 December 2017 (https://www.bopa.ad/bopa/029081/Documents/CGL20171227_09_31_06.pdf).

Reply to the issue raised in paragraph 1 (b)

2. Act No. 27/2017 provides for the following:

(a) Amendments to 15 articles of the Act Guaranteeing the Rights of Persons with Disabilities of 17 October 2002. As a result, equal rights have been included in the object of the Act and definitions and general principles incorporated. The amended Act specifies the general obligations of the public authorities with respect to the exercise of human rights and fundamental freedoms by persons with disabilities; includes a new concept of disability; attaches greater importance to accessibility in the configuration of disability; addresses access to education in greater depth; and above all strengthens the rights of persons with disabilities to information and to decision-making. The articles on social and public health services and on social security contributions and the right to work have been amended to promote labour inclusion. These amendments also strengthen the recognition and use of sign language and the Braille system and promote awareness-raising;

(b) The extension and amendment of various articles of the Accessibility Act of 6 April 1995 to introduce the concept of universal design, revise the regulations on the adaptation of common elements of residential buildings, and improve access to communication for all persons with disabilities;

(c) The amendment of the Urban Property Rental Act of 30 June 1999 so that persons with disabilities are exempted from rent increases in the event that the owner of the dwelling in which they live carries out work to make it accessible, and so that tenants who carry out essential work to make a dwelling accessible do not have to restore it to its previous state at the end of the rental contract if the work has been done in accordance with universal design criteria. The Act also provides that, in case of disagreement, landlords and tenants may turn to the Commission for the Promotion of Accessibility;

(d) The amendment of the Condominium Act (No. 12/2004 of 30 June 2004) to include accessibility among the grounds on which owners are entitled to demand the execution of necessary works to ensure that the property meets minimum conditions;

(e) The amendment of Act No. 11/2016 of 28 June 2016 on the Possession and Protection of Animals to increase the seriousness of the offence in the event of failure to observe the exceptions applicable to service dogs;

(f) The amendment of Qualified Act No. 15/2004 of 3 November 2004 on Deprivation of Capacity and Guardianship Agencies, shortening to 24 hours the period of time available to the trial judge to approve emergency admission;

(g) The amendment of Qualified Act on Marriage of 30 June 1995 to remove mental disorders from the grounds for separation;

(h) The amendment of Act No. 6/2014 on Social and Public Health Services so that the retirement pensions of persons with disabilities who have reached the age of 65 years are supplemented so that they do not fall below the level of the solidarity pension for persons with disabilities;

(i) Changes to Act No. 35/2008 of 18 December 2008, the Labour Relations Code, and the Social Security Act (No. 17/2008 of 3 October 2008) with the aim of extending the duration of maternity, paternity and adoption leave, and the corresponding benefits, when the child or parent has a disability;

(j) The repeal or amendment of three provisions of the Gambling Act (No. 37/2014 of 11 December 2014) that prohibited persons with mental disabilities from having access to gambling halls or required them to be accompanied by a guardian in order to have access to such places or to participate in the traditional game of *quinto*;

(k) The amendment of article 8 of the Qualified Act on Education of 3 September 1993 in order to stress the principle of inclusion;

(l) Under its final provisions, the drafting by the Government of various bills, in particular a new bill on the rights of persons with disabilities, a comprehensive bill on equality and non-discrimination that takes disability into account, and a bill on employment that likewise takes disability into account; and amendments to the Accessibility Act, the Qualified Act on Deprivation of Capacity and Guardianship Agencies, the Qualified Act on Elections and Referendums of 3 September 1993 and the Act of 9 June 1994 on the Organization of the Andorran Educational System. Other final provisions relate to the review of the disability assessment body and assessment criteria, the amendment of protocols for the care of victims, the review of civil protection plans, the system of information and indicators, and development cooperation.

Reply to the issue raised in paragraph 1 (c)

3. The Government is working on a new system for the assessment of abilities that takes account of the autonomy of persons with disabilities and persons in situations of dependence and their surroundings. For this purpose, it has worked in cooperation with the University of Barcelona to develop an assessment battery consisting in three instruments for different age groups: up to 6 years old, from 6 to 16 years old, and over 16 years old.

4. The assessment battery is used to evaluate abilities in different areas, including self-care, mobility, self-determination and domestic life. It has been piloted for one year and has been approved for implementation.

5. A combination of two assessment scales will be used to determine the abilities of persons with disabilities. The Government is currently working with a group of experts to amend the medical part of the corresponding regulations in order to bring the assessment scales up to date. It is expected that these medical assessment scales will be available in early 2024.

6. The Government is working to draft the regulations governing the National Evaluation Commission with a view to their entry into force during the second quarter of 2024.

II. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Reply to the issues raised in paragraph 2 of the list of issues

7. Since the extension of his mandate in 2017 by virtue of Act No. 26/2017, the Raonador del Ciutadà (Ombudsman) has received only one complaint of disability-based discrimination.

8. The case concerned an elderly wheelchair user who was unable to leave her home at night because a neighbour disconnected the lift of the building between 11 p.m. and 9 a.m. on account of her being disturbed by the noise it made.

9. Once the appropriate steps were taken, the lift was reconnected and has since been available for the use of residents 24 hours a day.

Women with disabilities (art. 6)

Reply to the issues raised in paragraph 3 of the list of issues

10. The Government is currently studying possible amendments to the Criminal Code to include victims with disabilities and to include terms in line with the human rights model of disability.

11. Regarding target 5.2 of the Sustainable Development Goals, the adoption of Act No. 9/2017 of 25 May 2017 on Measures to Combat Human Trafficking and to Protect Victims has led to increased awareness of the gender perspective in the application of standard procedures for the authorization of residence and/or work. By a decision of 6 June 2018, published in Official Gazette No. 36 of 13 June 2018, the Government adopted a protocol for the protection of victims of human trafficking, which contains specific guidelines for detecting and dealing with human trafficking victims, prioritizing assistance and protection in order to prevent revictimization.

12. The Service for Victims of Human Trafficking, established in 2018, consists in an interdisciplinary team that can intervene directly in cases, although it has not yet done so. It also organizes training and conferences to raise awareness of trafficking, both with the public and among professionals.

13. In addition, the Ministry of Justice and the Interior has begun working towards the adoption of a strategic guidance document on the fight against human trafficking for the period from 2021 to 2023. The aims of this document include informing society as a whole and increasing its awareness of trafficking, sensitizing professionals to the fight against human trafficking, enhancing the identification of potential victims and strengthening the effectiveness of assistance and protection. The document's central focus is on assisting and protecting victims of human trafficking while defending their rights and interests.

14. Progress has also been made in specifically recognizing the right of victims of human trafficking to access to justice. Regulations on the right to a defence and to legal assistance, which were adopted by Decree No. 78/2021 of 24 March 2021, recognize the right of victims of human trafficking to a defence and to legal assistance, free of charge.

15. Regarding target 5.5 of the Sustainable Development Goals, Act No. 13/2019 of 15 February 2019 on Equal Treatment and Non-Discrimination introduces gender mainstreaming as an obligation, in both the public and private spheres, when adopting regulations, policies, programmes and protocols. The principle of equal treatment and non-discrimination, regulated as a right in Act No. 13/2019, extends to any category or condition that might lead to discrimination, including birth, nationality or lack thereof, racial or ethnic origin, and sex.

16. The Government, maintaining its commitment to gender equality, has drawn up a bill on the effective implementation of the right to equal treatment and opportunities and non-discrimination between women and men, which is currently before the parliament.

17. The Government's action plan for the period from 2020 to 2023, entitled Horitzó 23, contains 77 actions, which are grouped into 20 initiatives that in turn make up three pillars: social welfare; the economy and innovation; and other measures focused on digital transformation and internationalization. The action plan establishes social welfare and cohesion as the cornerstone of public action, placing the individual at the centre of social policies, and sets out a new approach on employment policy. Its guiding principles are transparency, participation, proximity, efficiency and equality.

18. The action plan, which will cover the period until the end of 2023, was adopted in order to overcome the negative effects of the coronavirus disease (COVID-19) pandemic.

19. Regarding target 5.6 of the Sustainable Development Goals, the Comprehensive Support Service for Women was established on 2 March 2020 with the aim of creating a public space in which information and professional advice regarding sexual and reproductive health, including family planning, could be provided to those in need of information and guidance. Through this Service, individualized assistance is available free of charge throughout the country. The Service has specific protocols for making gynaecological,

psychological, legal and social referrals, so as to be able to respond comprehensively to the particular circumstances of each case.

Children with disabilities (art. 7).

Reply to the issue raised in paragraph 4 (b) of the list of issues

20. Andorra adopted Qualified Act No.14/2019 of 15 February on the Rights of Children and Adolescents, in which the participation of children and adolescents with disabilities is a guiding and cross-cutting principle.

21. Article 28 of the Act provides that children and adolescents have the right to participate fully in their immediate family units and in the social, cultural, artistic and recreational life of their environment, as well as to progressively become active citizens, in accordance with their personal development.

22. Within the scope of their competencies, public agencies must thus take measures to ensure the participation of children and adolescents in settings designed to make it possible to collect their views on regulations, policies, projects, programmes or decisions that affect them, as well as on any relevant assessments.

23. In addition, article 29 of the Act provides that the parish councils (*comuns*) must facilitate the establishment and operation of local councils for children and adolescents with a view to giving children and adolescents of the respective parishes forums for channelling their complaints and views and a say in matters that affect them. The local councils of each parish council are currently meeting.

24. At the national level, the National Council for Children and Adolescents, made up of 28 young people representing secondary school children from all the schools of the three educational systems in Andorra, meets annually.

25. A national plan for children and adolescents, the first such plan, is being drawn up with the participation of the country's children and adolescents between the ages of 6 and 16, in addition to that of a specific group of adolescents between the ages of 16 and 18. The economic, social, religious, physical and psychological situations of the adolescents in these groups are diverse. The plan seeks to increase the involvement and participation of children and adolescents and to include these proposals in public policies.

Reply to the issues raised in paragraph 4 (c)

26. Article 17 of the Act on the Rights of Children and Adolescents states that children and adolescents with disabilities have the right to enjoy full and effective participation and inclusion, on an equal opportunity basis, in conditions that make it possible for them to be included in a social, educational and employment life of high quality. Accessibility and the provision of the necessary means of support are also guaranteed, in accordance with the Convention on the Rights of Persons with Disabilities, adopted in New York on 13 December 2006.

27. This Act provides that the public authorities, within the scope of their competencies, must ensure that children and adolescents with disabilities can exercise their right to freely express their views, as well as to receive the assistance they need to exercise this right effectively. In addition, the public authorities must make special efforts to prevent and eliminate discriminatory attitudes towards children and adolescents with disabilities, including by developing protective measures and effective procedures, as well as quality indicators, to provide the necessary support to children and adolescents with disabilities and their parents and guardians, particularly in the most important areas such as health, education and social services.

Reply to the issue raised in paragraph 4 (d)

28. As soon as the abuse or mistreatment of children or adolescents with disabilities is detected, the Specialized Service for the Care of Children and Adolescents, with the prior agreement of the Commission for the Care of Children and Adolescents, must request the

competent judge of the juvenile jurisdiction to declare them in need of protection and adopt the most appropriate protection measure. In most cases, a judicial finding that a child is in need of protection entails the suspension of the parental rights of one parent or both.

29. The protective measure may involve giving the other parent sole custody, temporary or permanent foster care by a person or family, specialized foster care, residential care, supervised visits by the child or adolescent with the parents, guardian or other relatives, adoption or any other appropriate social, educational or therapeutic measure in view of the circumstances of the child or adolescent.

30. Whenever possible, foster care takes precedence over residential care, especially in early childhood, in accordance with the Act on the Rights of Children and Adolescents.

31. In addition, the Act provides for a specialized type of foster care for those cases in which children or adolescents require specific or therapeutic care, as may be the case of children and adolescents with disabilities.

Awareness-raising (art. 8)

Reply to the issues raised in paragraph 5 of the list of issues

32. Pursuant to article 25 of the Act Guaranteeing the Rights of Persons with Disabilities, on raising social awareness, the Government regularly conducts awareness campaigns.

33. The International Day of Persons with Disabilities, for example, is celebrated every year. In 2019, Ms. Berta Brusilovsky gave a lecture on the theme of cognitive accessibility. In 2020, Mr. Jesús Celada Pérez, Director General of Disability Policies of the Government of Spain, gave a video lecture on how to deal with new social challenges in the field of disability.

34. In addition, Andorra approved the celebration of the National Day of the Convention on the Rights of Persons with Disabilities (Official Gazette, No. 49, 15 April 2020), under the hashtag *#Uneix-te a la diversitat* (Join diversity) and with the participation of the country's associations and organizations of persons with disabilities. As a result of the public health emergency, it was not possible to organize an event in-person, and the hashtag was created to celebrate the occasion. The hashtag will be used every year. In 2021, the focus was on the gender perspective in the field of disability, and Ms. Ana Peláez, Vice-President of Fundación CERMI Mujeres and Spanish representative to the European Disability Forum, gave a videoconference on women and disability.

35. However, the training on the Convention on the Rights of Persons with Disabilities that the Ministry responsible for social affairs, together with the State Secretariat for the Civil Service, has organized continues to be provided to civil servants and other persons working for the Government on the Convention and its implications, giving them tools that they can use in their work.

36. The same training has also been offered to firefighters, employees of the Andorran Red Cross, the Batllia (court of first instance), members of the staff of the University of Andorra and the drivers of the buses of the different public transport companies.

37. The Ministry of Education and Higher Learning has organized a series of awareness-raising activities for all students:

- Awareness-raising workshop for 15-year-old students, led by a person who was left with a physical disability at the age of 19 after having a motorcycle accident while not wearing a helmet. Between 2017 and 2020, 1,401 students participated in the workshop. It could not be held in the 2020/21 academic year because of COVID-19 restrictions.
- Workshop for students in their first year of high school to raise awareness of serious mental illnesses and disorders that also affect adolescents, held to help them learn about those illnesses and disorders and about how to act towards people who have them so as to keep them from living in social isolation. Between 2017 and 2019, 163 students participated in this workshop. During the 2019/20 and 2020/21 academic

years, the workshop could not be held because of the restrictions put in place to prevent the spread of COVID-19.

38. In addition, training courses have been developed for teachers and the school staff members responsible for the student body.

- The course “Students with autism spectrum disorder” for teachers, educational psychologists and social affairs specialists who work with students from 3 to 12 years old in schools in Andorra, which seeks to help participants acquire tools for early detection, understand the learning and social adaptation difficulties involved and how to apply these tools to enhance the skills of these students and resolve problems that may occur in the classroom. Since 2017, 31 teachers, educational psychologists and social affairs specialists have taken the course;
- The course “Counsellors for people of differing abilities” for the physical education teachers at the schools in the Andorran school system, offered with a view to familiarizing participants with techniques for introducing blind students or students with poor eyesight to sporting activities on ski slopes and in other settings. The course has not been held yet.

Accessibility (art. 9)

Reply to the issue raised in paragraph 6 (a) of the list of issues

39. The Accessibility Act was amended by Act No. 27/2017 in the terms noted above. In addition, the Ministry of Land and Housing is working on an initial proposal for an accessibility law with specialists from the sector and legal experts.

Reply to the issue raised in paragraph 6 (b)

40. In the bidding conditions for the award of public transport concessions, the entire fleet of the company winning the bid had to be accessible either at the time of the bid or within six months of being awarded the contract.

Reply to the issue raised in paragraph 6 (c)

41. The Government of Andorra has a sign language interpreter to simultaneously relay official information and other information presented at press conferences.

Situations of risk and humanitarian emergencies (art. 11)

Reply to the issue raised in paragraph 7 (a) of the list of issues

42. Parliamentary consideration of a qualified bill on civil protection, which would require information and protection measures to include, at a minimum, access controls, public warnings, shelter, isolation or confinement in homes or in a place of safety, various forms of evacuation and health care, began on September 2021. In any event, it would ensure that persons with disabilities and members of other vulnerable groups were given appropriate assistance.

Reply to the issue raised in paragraph 7 (b)

43. The Department of Civil Protection maintains close ties with the Ministry responsible for social affairs to include persons with disabilities or in vulnerable situations in the protection measures for the general public outlined in the Department’s technical documents (protocols, action plans, emergency plans, etc.).

Reply to the issue raised in paragraph 8 (a) of the list of issues

44. To provide persons with disabilities access to all the information concerning the pandemic, material was published in Easy Read and with pictograms. In addition, all the press briefings the Government held during the pandemic were broadcast in sign language.

Reply to the issue raised in paragraph 8 (b)

45. During the COVID-19 public health emergency:
- Weekly telephone calls were made to persons with disabilities, their families and their representative organizations to coordinate the most pertinent steps to be taken and enquire after their health and their needs – information was also provided about the hotlines that were set up during the public health emergency
 - Steps were taken to coordinate the activities of the people responsible for services for persons with disabilities with a view to ensuring that they were provided with support and care to improve the quality of their lives during the pandemic
 - The changes needed to allow students with disabilities to learn remotely were made, and support and technical assistance were provided to families to meet new needs
 - COVID-19 tests were given in people’s homes to minimize the risk of infection.

Reply to the issue raised in paragraph 8 (c)

46. Since the outbreak of the pandemic, reasonable adjustments have been made to enable the health system to meet the specific needs of persons with disabilities.

47. To ensure that the information reached the entire population, a sign language interpreter interpreted at all the official presentations and press briefings that were organized every day and provided the latest information related to the virus.

48. To continue providing rehabilitation services to those who needed them, the Rehabilitation Service facilitated in-home maintenance exercises by making online videos available to persons with physical disabilities.

49. Special emphasis was placed on raising awareness so that the general public would respect and understand the adjustments made for specific groups of people, such as people with autism or psychosocial disabilities, who had more trouble coping with the measures that were taken.

50. Psychological consultations, the provision of which was made possible in coordination with associations and service providers, were offered at no charge to help persons with disabilities, their families and their support networks and answer their questions.

Reply to the issue raised in paragraph 8 (d)

51. In situations of risk and emergencies such as the COVID-19 pandemic, the entire population has guaranteed access, without discrimination and under the same conditions for all groups, to social benefits.

Equal recognition before the law (art. 12)**Reply to the issues raised in paragraph 9 of the list of issues**

52. Work is currently being done on a proposal to amend the Qualified Act on Deprivation of Capacity and Guardianship Agencies as suggested in the list of issues.

Access to justice (art. 13)**Reply to the issue raised in paragraph 10 (a) of the list of issues**

53. A number of proposals to amend legislation with a view to achieving Sustainable Development Goal 16 are under consideration.

Reply to the issue raised in paragraph 10 (b)

54. A course on the rights of persons with disabilities was scheduled for February 2020 within the framework of in-service training for judicial system officials and court clerks.

However, as part of the training plan for the coming year, 2022, and in view of the latest legislative developments, training on this subject is planned for early July.

Liberty and security of person (art. 14)

Reply to the issue raised in paragraph 11 (a) of the list of issues

55. Andorra currently has no persons with disabilities incarcerated in its penitentiary.

Reply to the issue raised in paragraph 11 (b)

56. A number of proposals to amend existing law permitting the deprivation of liberty of persons with disabilities because they are an alleged danger to themselves or to others are under consideration.

Reply to the issue raised in paragraph 11 (c)

57. Work is currently being done on a proposal to amend the Qualified Act on Deprivation of Capacity and Guardianship Agencies as suggested in the list of issues.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to the issue raised in paragraph 12 of the list of issues

58. Reports are available at www.coe.int/fr/web/cpt/andorra.

59. The report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment emphasizes that no complaints of ill-treatment by prison staff have been received in the country's penitentiary centre and that the relationship between prison staff and inmates is generally peaceful.

Freedom from exploitation, violence and abuse (art. 16)

Reply to the issue raised in paragraph 13 (a) of the list of issues

60. The presentation of the Comprehensive Mental Health and Addictions Plan of Andorra, which sets out the country's strategy for the coming years in this area, is scheduled for late 2021. A comprehensive, community-based and person-centred model of care with a focus on prevention and rehabilitation of the individual is proposed in the Plan.

61. The Plan has 6 major themes and 14 lines of action and outlines 62 activities; it also covers customized prevention and care responses for at-risk groups and people with chronic conditions.

Reply to the issue raised in paragraph 13 (b)

62. Prevention is a guiding principle of Act No. 1/2015 on the Elimination of Gender-based and Domestic Violence.

63. The Gender Equality Awareness Plan has been approved for use in the country's schools. The lines of action it foresees include prevention, gender mainstreaming, enhancing the visibility of women's historical contributions, promoting respect for diversity and inclusive education and the balanced participation of women and men.

64. A guide to collaborative responses to cases of gender-based and domestic violence by providers of health care and social services has been adopted; it sets out the protocols for action of the Department of Social Affairs with specific guidelines for early detection and the protocol for health-care intervention in cases of gender-based and domestic violence, which includes advice on the actions to be taken by health personnel to identify and work with victims of gender-based and domestic violence and on the referrals to be made in a bid to avoid revictimization.

65. A prevention protocol for action by the parish councils in the event of gender-based and domestic violence was also signed.

66. The award Olympe de Gouges was created to be given to companies that have made a voluntary commitment to gender equality and adopted equality plans setting out specific measures for the elimination of practices leading to sex- or gender-based inequalities. The award was given for the fourth time in 2021; since its creation, it has been given to 10 Andorran companies.

67. The competitive process for selecting and promoting civil servants now involves assessment of an applicant's knowledge of matters relating to respect for fundamental rights, gender-based and domestic violence and the peaceful resolution of disputes.

68. The bill on equal treatment and non-discrimination between women and men, currently under consideration by lawmakers, would provide for the necessary measures to reverse gender inequalities in the workplace and emphasize the steps to be taken to prevent gender-based sexual harassment.

69. Specific training has been provided to advertisers and media professionals, and conferences open to civil society have been organized. In addition, a handbook of good practices for respectful communication that guarantees the dignified treatment of victims and provides information on preventive, care and protection resources is being drawn up.

Reply to the issue raised in paragraph 13 (c)

70. During the lockdown, the Assistance for Victims of Gender-based Violence Service provided assistance to eight women with disabilities, three of whom had reported the violence; none was admitted to a shelter.

Reply to the issue raised in paragraph 13 (d)

71. An immediate action protocol, which regulates reporting and intervention pathways in the event of evidence or suspicion of abuse, sexual assault or severe physical mistreatment of children and adolescents, was adopted pursuant to the Act on the Rights of Children and Adolescents on 11 November 2020. The protocol is followed without disability-based discrimination, and victims with disabilities are guaranteed the assistance they need.

Reply to the issue raised in paragraph 13 (e)

72. The immediate action protocol makes special mention of assistance for children and adolescents with disabilities, noting that, pursuant to article 17 of the Act, they must receive the specific assistance they need.

73. Finally, the guide to collaborative responses to cases of gender-based and domestic violence refers to women in situations of special vulnerability, making specific mention of women with disabilities in section VII (y).

Protecting the integrity of the person (art. 17)

Reply to the issue raised in paragraph 14 (a) of the list of issues

74. The bill on the effective enjoyment of the right to equal treatment and opportunities and non-discrimination between women and men, currently under consideration by lawmakers, will, if made law, amend article 116 of the Criminal Code.

Reply to the issue raised in paragraph 14 (b)

75. The Government of Andorra has not received any reports of violations of article 17 of the Convention.

Reply to the issue raised in paragraph 14 (c)

76. There is no record of any cases of forced sterilization in Andorra.

Living independently and being included in the community (art. 19)

Reply to the issue raised in paragraph 15 (a) of the list of issues

77. The personal autonomy of persons with disabilities is promoted in the Horitzó 23 Action Plan mentioned above by making young people between 17 and 30 years of age who have been diagnosed with an intellectual disability or developmental disorder eligible for the independent living programme “I’m Going Home” established with a view to providing them with the tools and skills for fully independent living by giving them advance training in supportive housing and organizing autonomy modules to help them become independent.

Reply to the issue raised in paragraph 15 (b)

78. The Ministry responsible for social affairs has set aside a total of €101,991.84 to promote the right of persons with disabilities to live independently and be included in the community.

Reply to the issue raised in paragraph 15 (c)

79. Andorra has a total of nine primary care centres – at least one in each parish – which have social workers and guarantee basic (primary) care in the community and in coordination with the health services. The provision of social services at primary care centres, which is guaranteed, is free of charge.

80. The Government of Andorra has a team of specialists, the In-Home Care Service, who provide in-home personal care, help and social support in the home to meet the needs of the persons with disabilities, dependent persons, other persons unable to live on their own or in need of support to go about their daily lives and the families of such persons. There are also private companies that provide this service. The In-Home Care Service operates on a co-payment basis.

81. The Government of Andorra has signed a cooperation agreement with Fundació Privada Nostra Senyora de Meritxell for the provision of residential care for persons with disabilities (the home Albó). This home offers residential care for persons with disabilities who have support needs ranging from overall support to day-to-day support so that they can lead their daily lives, participate in community life and enjoy autonomy. There is also a respite service that offers families the possibility of temporary stays for different reasons. Residential care is provided on a co-payment basis.

82. In 2018, the Government set up a service to provide counselling and assistive devices and thus to improve the quality of life of people in a situation of dependence or with disabilities, as well as that of their relatives and caregivers, thereby enhancing their autonomy and avoiding family overload with the help of assistive devices, including technological devices; these efforts also involved making changes to the environment and including persons with disabilities and their caregivers in the community. In all, 251 people have benefited from this service. Counselling is guaranteed and is provided at no charge. Reusable assistive devices are provided at no charge and on a competitive basis.

Reply to the issue raised in paragraph 15 (d)

83. The Independent Living Programme was launched in 2014 by Fundació Privada Tutelar, an Andorran non-profit organization. In 2015, the Programme was consolidated and is currently administered by the Social and Social Health Services of the Ministry of Social Affairs. The pilot began with 4 people – 20 people are currently benefiting from the Programme.

84. Three people have voluntarily left the Programme over the seven years that it has been in place because they acquired the autonomy they needed to live on their own without the support offered by the Programme.

85. Qualitative evaluations carried out over the seven years of the Programme’s existence have shown very satisfactory results.

Reply to the issue raised in paragraph 15 (e)

86. The Personal Assistance Programme was created to promote the personal autonomy of persons with physical disabilities. In 2017, training was provided to make it possible to fill posts for personal assistants. The Ministry responsible for social affairs continues to fund and supervise the Programme and ensures its operations.

87. At present, two people with physical disabilities are benefiting from the Programme. According to the qualitative evaluations, the degree of satisfaction is high.

Personal mobility (art. 20)

Reply to the issue raised in paragraph 16 (a) of the list of issues

88. The Ministry of Land and Housing has distributed an accessibility catalogue, in which the accessibility of all public buildings, public spaces and public thoroughfares is identified and evaluated, to all the parish councils so that they can make the relevant budgetary allocations and rectify any deviations from regulatory requirements.

Reply to the issue raised in paragraph 16 (b)

89. Work on a first draft of a bill to amend the Accessibility Act is being done by the relevant technical and legal experts.

Freedom of expression and opinion, and access to information (art. 21)

Reply to the issue raised in paragraph 17 (a) of the list of issues

90. The Government of Andorra has an accessible website.

91. The Ministry responsible for social affairs produces many of its publications in Easy Read, holds conferences with sign language interpreters and issues official statements in Braille.

Reply to the issues raised in paragraph 17 (b)

92. Schools have the human and material resources to facilitate learning and participation by students who are hard of hearing. No deafblind people have ever attended school in Andorra.

93. There are currently five children who are hard of hearing in the country, all of whom attend regular schools. Three of the children are speech-readers; three also use modulated frequency systems. The Ministry of Education and Higher Learning provides schools with devices that reduce the effects of acoustic reverberation in the classroom, and physical distance from the transmitter is no longer a barrier to learning and participation.

94. During the COVID-19 pandemic, clear face masks were also provided to all schools to facilitate lip-reading.

95. With regard to the human resources, speech therapists work directly with the students in the schools who are hard of hearing, helping them with their articulation and the language in general, as well as advising and supporting those students' teachers.

96. Finally, support is provided to the families of these students to ensure family involvement and participation.

97. However, specific teaching of sign language in Andorran schools has not been required, as priority has been given to another alternative communication system. An interpreter trained in sign language is available to facilitate communication with parents who are hard of hearing.

Respect for home and the family (art. 23)

Reply to the issue raised in paragraph 18 of the list of issues

98. In principle, this amendment (to bring the Qualified Marriage Act into line with the Convention) will be included in the private bill proposing a qualified act on the person and the family, which is currently being considered by the parliament.

Education (art. 24)

Reply to the issue raised in paragraph 19 (a) of the list of issues

99. Article 14 of the Act Guaranteeing the Rights of Persons with Disabilities, which concerns education, was amended by Act No. 27/2017 to accentuate the importance of accessibility in the context of disability and make further progress towards school integration.

100. Likewise, the Act of 3 September 1993, the Qualified Education Act, was amended by Act No. 27/2017 to emphasize the principle of inclusion.

Reply to the issue raised in paragraph 19 (b)

101. In Andorra, the principle of inclusion takes concrete form in the schooling of the majority of students with disabilities in regular schools – priority is always given to their presence, progress and participation in regular classrooms.

102. All reasonable adjustments are made in respect of learning expectations and teaching and learning methods with a view to promoting inclusion and achieving expectations. These adjustments may require intervention by specialized support personnel who work with the educational team to implement the workplans designed for students with disabilities.

103. In addition, students with an officially recognized disability receive specialized support in regular schools. Specialists work in the mainstream educational facilities within the framework of a cooperation agreement between the Government of Andorra, the Andorran Social Security Fund and Fundació Privada Nostra Senyora de Meritxell. The agreement was updated in February 2020 to allocate the resources in unearmarked fashion to the educational establishment in keeping with its support needs, as determined by the characteristics of the students with disabilities, the educational inclusion project and the organizational method it deems most likely to ensure the presence, progress and participation of students in ordinary settings. The educational establishment can thus administer the resources flexibly and redistribute them as needs change over the course of the school year.

104. There are currently 75 social workers and 46 assistants in the school, or 3.84 students for every social worker and 6.24 for every assistant.

105. All the personnel mentioned above support the realization of the individual workplans, the achievement of progress objectives for students with disabilities and the participation of such students in the mainstream environment, as well as the strategies for implementing those plans and the necessary changes to the curriculum and the related methodologies.

106. The amount that the Ministry of Education and Higher Learning has set aside for this purpose in the budget for this purpose has increased significantly. From €2,588,220.92 in 2016, it increased to €3,677,253.97 in 2020, an increase of 42.08 per cent.

Reply to the issue raised in paragraph 19 (c)

107. In recent years, most of the country's educational establishments have been made more fully accessible to bring them into line with current legislation: access ramps have been built and made adequate, changes have been made to emergency exits and elevators have been made accessible. Changes have been made to handrails, and staircases have been given new colours to make them more visible to people who have visual impairments.

108. Although all schools have an accessible washroom, efforts have been made to ensure that there is one such washroom on each floor of most schools, and specific requests from

schools attended by students with severely reduced mobility to install accessible changing tables and toilet mobility aids have been granted.

109. A customized service lends the students specialized educational material such as technological and/or physical devices (tablets and other computers, magnifying glasses, lecterns, etc.) that make it easier for them to take part in school activities and facilitate access to the programme of study, especially for students with sensory or motor disabilities.

Reply to the issue raised in paragraph 19 (d)

110. According to the records of the National Commission for the Assessment of Disability, there were 294 students with disabilities at the date of the preparation of this report.

111. In accordance with the principle of inclusion observed in Andorra, only persons between the ages of 2 and 18 who require intensive and comprehensive social and health support attend the specialized school.

112. Of the 294 recognized students with disabilities, for example, 286 (97.28 per cent of all students with disabilities) are in regular schools. Only eight students with disabilities (2.72 per cent of the total number of students with disabilities) attend the specialized school. See annex 1.

Reply to the issue raised in paragraph 19 (e)

113. During the total COVID-19 lockdown, students with disabilities were given electronic support by the school system's specialized social workers to ensure that they had access to inclusive distance education on a basis of equality with others:

- When the student is not far behind in respect of the ordinary programme of study, the specialized social worker prepares the student for the classroom lesson with all the students in a private electronic meeting held beforehand
- If, on the other hand, the student is unlikely to be able to complete the programme of study and an individual workplan with learning goals set in keeping with his or her particular characteristics and needs has been drawn up, the specialized social worker delivers the electronic lesson from the ordinary programme on an entirely individual basis, tailoring it to the particular workplan.

114. Changes were made to the provision of care by health or allied health specialists. Speech therapists, for example, offered private electronic sessions, and physiotherapists and occupational therapists provided suggestions and ideas for work that families could do at home.

115. Some of the other measures that were taken were:

- Provision of access to specific material aids (Braille material, augmentative and alternative means of communication, lecterns, etc.)
- Distribution of the technological resources for electronic communication in the event of non-participation caused by a lack of means
- Provision of information to families on the use of computer applications
- Conduct of a survey of families to identify possible emotional difficulties arising from the situation
- Provision of the email addresses of all teaching staff and educational social workers for direct contact in case of need
- Support from specialized auxiliary personnel, who took students with disabilities on outings, when the lockdown was less severe, at times of stress and family fatigue
- Provision of psychological and educational support for families through a website to which families can submit their questions and concerns
- Childcare for children under 12 – these students were provided with an electronic connection from the school itself to enable them to participate in the sessions planned with the different teachers

- Face-to-face support from both regular teaching staff and specialized personnel once the measures put in place as a result of the public health crisis permitted partial classroom attendance.

116. In the 2020/21 school year, with the opening of the schools, support and assistance for students with disabilities has been provided in person on the same conditions as for the student body as a whole. However, in the event of temporary stay-at-home orders, total or partial, targeting classes affected by students who test positive for SARS-CoV-2, the students who have been ordered to stay at home benefit from the same forms of educational support measures as during the total lockdown.

Health (art. 25)

Reply to the issue raised in paragraph 20 (a) of the list of issues

117. Persons with disabilities are also invited, on an equal basis with others, to participate in all health tests and programmes for the general public.

Reply to the issue raised in paragraph 20 (d)

118. Persons with disabilities are also invited, on an equal basis with others, to participate in all health tests and programmes for the general public.

119. The Comprehensive Women's Support Service was created in March 2020 as a public venue for information and counselling for women in need of guidance on sexual and reproductive health, including family planning; it provides individualized assistance at no charge throughout the country.

Reply to the issue raised in paragraph 20 (e)

120. No information on the number of persons with disabilities who have contracted COVID-19 is available.

Habilitation and rehabilitation (art. 26)

Reply to the issues raised in paragraph 21 of the list of issues

121. During the pandemic, the Rehabilitation Service facilitated in-home maintenance exercises by making online videos available to persons with physical disabilities.

Work and employment (art. 27)

Reply to the issue raised in paragraph 22 (a) of the list of issues

122. There have been no amendments to Act No. 34/2008 of 18 December 2008, the Occupational Safety and Health Act, and the provisions referred to in the country's initial report (paras. 203–205), on the guaranteed protections for workers with some type of recognized disability, are still in force.

123. Act No. 35/2008 of 18 December 2008, the Labour Relations Code, was repealed pursuant to Act No. 31/2018 of 6 December 2018, the Labour Relations Act. Under article 70 of the Labour Relations Act, the employer, when distributing tasks, must ensure that the worker is aware of the risk involved in the work and take into account the worker's age and attributes, as well as his or her ability, physical and mental, to take on those tasks without endangering his or her safety and health or those of other workers or third parties.

124. Article 6 of the Decree of 5 December 2018, pursuant to which the code regulating basic safety and health provisions was adopted, states that assessments of the risks of jobs involving regular or frequent handling of loads must provide for specific prevention and protection measures depending on the specific characteristics of the job and the equipment used and, in accordance with the Occupational Safety and Health Act, make allowances for workers particularly susceptible to certain risks.

125. Article 5 of the Decree of 14 November 2012, pursuant to which the code regulating occupational health services was adopted, provides that occupational health examinations may be conducted only if the worker, voluntarily and in writing, gives his or her consent, but it also provides that such examinations are mandatory for workers who are particularly susceptible to certain risks, in accordance with the Occupational Safety and Health Act.

126. The Decree of 3 October 2012, pursuant to which the code regulating the basic safety and health requirements for the use of personal protective equipment was adopted, provides that when, the equipment for a specific job is selected, the employer must take into account the conditions and specific characteristics of the work and the risks of the undertaking or inherent in the place of employment, in particular in specific workplaces, as well as the additional risks that the use of the equipment in question is likely to entail. In addition, the necessary adjustments will be taken into account in the event that the work equipment is to be used by a worker with a disability.

Reply to the issue raised in paragraph 22 (b)

127. The number of labour insertion contracts approved by the Labour Inspectorate is as follows:

- 2017: 199
- 2018: 147
- 2019: 135
- 2020: 155.

Reply to the issue raised in paragraph 22 (c)

128. The number of persons with disabilities who have obtained employment under the employment promotion programmes of the Employment Service of Andorra (a public sector programme and a private sector programme):

	<i>Private</i>	<i>Public</i>	<i>Total</i>
2017	10	13	23
2018	11	27	38
2019	16	16	32
2020	2	10	12

Reply to the issue raised in paragraph 22 (d)

129. The mission of the network of inclusive employers, set up within the framework of the Government's strategy, initiated in 2016, for the inclusion in the labour market of persons with disabilities is to promote such persons' enjoyment of their right to work and to ensure equality of opportunity in an ordinary work environment.

130. Since the first agreement, which was signed in 2017, 28 employers have joined the network, and a total of 29 posts has been set aside.

131. Three more employers, which will set aside a total of three more jobs, will shortly join the network.

132. By signing the agreements, the employers, in addition to benefiting the people of the country, demonstrate their commitment to the inclusion of persons with disabilities in the labour market and pave the way for others, too, to be included.

133. Employers that are identified as inclusive may use the logo of the network of inclusive companies and have access to a range of support services for labour inclusion offered by the Public Employment Service, such as a specific employment orientation pathway for people who need support and follow-up; help prior to employment; recruitment follow-up; the services of a job coach for as long as workplace follow-up is needed; and technical advice, if necessary, regarding the accessibility of the environment or the purchase of assistive products.

Reply to the issue raised in paragraph 22 (e)

134. According to the data collected exclusively from users of the Employment Service, in particular those assisted by the Supported Employment Team, three persons with disabilities have lost their jobs as a result of the pandemic.

Adequate standard of living and social protection (art. 28)**Reply to the issue raised in paragraph 23 (a) of the list of issues**

135. As noted above, the Act on Urgent Measures for the Implementation of the Convention was adopted on 30 November 2017 and thereafter published in the country's Official Gazette (No. 81, 29 December 2017).

136. This Act contains amendments to the Act Guaranteeing the Rights of Persons with Disabilities and the Social and Public Health Services Act.

137. The Act Guaranteeing the Rights of Persons with Disabilities is currently being reviewed; the review, which involves the participation of organizations representing persons with disabilities, is being undertaken to bring the Act into line with the Convention.

Reply to the issue raised in paragraph 23 (b)

138. When the person applying for monetary benefits or a member of his or her family has a disability, the income threshold above which a person or family is ineligible for such benefits is 20 per cent higher than it is ordinarily.

Reply to the issues raised in paragraph 23 (c)

139. Persons with disabilities have the right to the economic benefits established by the public authorities on a basis of equality with others.

140. The Government of Andorra relies on its pay-as-you-go disability pension system to ensure that any person with a disability rating equal to or greater than 60 per cent who is unable to work or has difficulty entering the labour market has an income equal to at least the country's minimum wage.

141. In addition, it is possible to receive such disability payments while also engaged in part-time, low-income or self-employed occupations as long as the total income, including disability payments and other monetary benefits, does not exceed 150 per cent, calculated on an annual basis, of the social solidarity threshold.

Reply to the issue raised in paragraph 23 (d)

142. In 2020, and as a result of the pandemic, the Government, acting urgently, created different economic grants for all the people directly affected by the new situation.

143. The new grants made available during the public health emergency were:

1. Housing or maintenance assistance;
2. Unemployment benefits;
3. Paid leave to care for dependent children;
4. Occasional financial assistance for the care of children under 14 or dependent persons with disabilities living in isolation.

Participation in political and public life (art. 29)**Reply to the issue raised in paragraph 24 (a) of the list of issues**

144. On 17 June 2021, the parliament adopted amendments to the Qualified Act on Elections and Referendums to ensure that persons with disabilities could participate in all phases of elections held in Andorra.

145. Under a newly introduced article, article 33 ter, legal provision is made for voting by proxy with a view to encouraging and facilitating the participation in the electoral process of persons with a recognized or certified disability. Arrangements are made to ensure that persons with disabilities are full participants on election day.

146. Voters who vote by proxy may designate a proxy voter of their choosing, although the person so designated must be on the voter roll of the same parish (city/town) as the voter on whose behalf he or she will cast a vote.

Reply to the issue raised in paragraph 24 (b)

147. Article 30 of the amended Act provides that the Government must, in good time, deliver to the domicile of the voters, including those residing abroad, and to those who have applied to vote by mail, an envelope containing the candidates' public expressions of their views.

148. Public information on elections is to be equally accessible to all voters. Persons with disabilities who, within five days of the publication of the date set for the elections, request it will be given the necessary information, which may be in Braille, large print, Easy Read or in an audio or other electronic medium or sign language.

149. The Government is to draw up a form in which the person making the request, the town in which he or she votes and the type of disability the person has are identified. The Government must provide this information to the polling stations concerned to make accessible voting material available, in accordance with articles 38 and 39 of the amended Act, to the persons who have requested it.

150. Likewise, public campaigns must provide detailed and accessible information to voters with disabilities on the exercise of their electoral rights.

151. Persons seeking elective office are given, at no charge, equal time and space in the media to present their programmes and ask for the people's votes (Qualified Act on Elections and Referendums, art. 31).

152. Political advertising on screen should be captioned so that it is accessible to people who are hard of hearing.

153. Article 38 of the amended Act provides that persons with visual impairments and deafblind persons who have made a request for such materials in accordance with article 30 of the Act are entitled to voting materials in Braille or an otherwise accessible format.

154. The Government may also make other arrangements to ensure that voting materials and the secrecy of the ballot is preserved.

Reply to the issue raised in paragraph 24 (c)

155. The country has no information on the number of persons with disabilities holding positions of responsibility in political parties.

156. The Consell General has 28 members, one of whom has a degenerative disease; as a result, reasonable adjustments to enable all the country's lawmakers to do their work were made.

157. There are no persons with disabilities in the other areas of the Government of Andorra.

Participation in cultural life, recreation, leisure and sport (art. 30)

Reply to the issue raised in paragraph 25 of the list of issues

158. According to the qualitative evaluations, there is a great degree of satisfaction with the Integra Programme for the inclusion of children with disabilities in leisure time activities.

159. The number of children who have participated in the Programme, 41 at its highest, has increased considerably since 2017.

160. There have been as many as five beneficiaries of the Integra Plus Programme – at present, there is one.

161. The number has fallen because young people with disabilities can take part in the activities offered by the municipal youth centres.

162. In recent years, a number of courses have been organized for the leaders of the activities designed to promote the inclusion of persons with disabilities in recreational centres.

163. There was also an outreach project that involved the users and partners of these centres. The project consisted of having storytellers tell stories about diversity and inclusion. A total of 125 children participated in this storytelling event. As a result of the pandemic, the project could not be duplicated in other interested recreational centres.

164. In 2021, the government technicians who manage the Integra Programme have visited the country's recreational centres to meet and assess the Programme's participants and to get to know the monitors and offer them professional means of promoting the integration of these children.

Statistics and data collection (art. 31)

Reply to the issues raised in paragraph 26 of the list of issues

165. Statistics are compiled on the number of welfare payments that are made and the number of persons with a certified disability.

166. The statistics can be broken down by sex, age, parish of residence, nationality, type of disability and degree of disability.

167. Statistical activities (www.estadistica.ad):

- A058 Disability benefits
- A166 Statistics on persons with disabilities

International cooperation (art. 32)

Reply to the issues raised in paragraph 27 of the list of issues

168. The priorities of the Master Plan for Development Cooperation on International Projects include ensuring that vulnerable people are helped, and the Plan specifically states that persons with disabilities are among the groups of vulnerable people to whom specific attention is given.

169. Although it is not an absolute obligation, projects or planned projects that have been developed in consultation with organizations or representatives of persons with disabilities are viewed with favour. In any case, projects for the advancement of persons with disabilities must be designed by specialists in the field.

170. With regard to development cooperation projects in general, no specific mention has been made of the accessibility of buildings for people with reduced mobility, but the Ministry of Foreign Affairs is committed to including this notion in the 2022 Master Plan for Sustainable Development Cooperation.

171. The 2030 Agenda for Sustainable Development informs the Government's decisions and priorities. They are defined in a document called Horizon 2030, which is based on the Sustainable Development Goals set out in the 2030 Agenda.

172. In 2019, the Government of Andorra adopted a national strategic plan for the implementation of the 2030 Agenda. The priorities outlined in the Plan are: gender mainstreaming, maintaining quality education and promoting education for global citizenship, consolidating social welfare in an inclusive and resilient society, ensuring the preservation of the planet for future generations in a society connected to nature, promoting openness and diversification of a sustainable economy, and preserving the rule of law in a safe and peaceful society.

173. In July 2018, Andorra submitted its report on its first voluntary national review of its efforts to implement the 2030 Agenda in Andorra, and in July 2022 it will present its second report, including an analysis of its efforts in respect of the 17 Sustainable Development Goals.

174. In addition, different associations and public agencies are taking action to raise awareness of and provide information on the 2030 Agenda in the country's schools and in the university, as well as for the benefit of civil society in general, with a more specific focus on young people. Since 2017, efforts have also been made to improve coordination of the steps that have been taken together with the private sector to implement all aspects of the 2030 Agenda.

National implementation and monitoring (art. 33)

Reply to the issues raised in paragraph 28 of the list of issues

175. The mechanism available to the Government to monitor the country's efforts to implement the Convention is none other than the Andorran Federation of Associations of Persons with Disabilities, with which the authorities have a smooth and ongoing relationship. The Federation monitors and reports on the implementation of the Convention.

176. The Government is open to suggestions related to the area in question from any other organization or agency (the Ombudsman's Office, for example) in the country.

177. At all times, the Government involves persons with disabilities, their representative organizations and civil society in its work.

Type of schooling of students with disabilities

<i>Students with disabilities</i>	<i>Enrolled in regular schools</i>	<i>Enrolled in special schools</i>
294	286	8
100%	97.28%	2.72 %

Source: Ministry of Education and Higher Learning. Educational Inspection and Evaluation Area, October 2021.