



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined second and third periodic reports of Andorra*

1. The Committee considered the combined second and third periodic reports of Andorra ([CEDAW/C/AND/2-3](#)) at its 1165th and 1166th meetings (see [CEDAW/C/SR.1165](#) and 1166), on 4 October 2013. The Committee's list of issues and questions is contained in [CEDAW/C/AND/Q/2-3](#) and the responses of the Government of Andorra are contained in [CEDAW/C/AND/Q/2-3/Add.1](#).

A. Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic reports, while noting the lack of sex-disaggregated data on the situation of women in many areas covered by the Convention. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by its pre-sessional working group. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation, which was headed by the Chief of Section of Primary Social Attention of the Ministry of Health and Welfare, Joan Carles Villaverde, and which also included representatives of the Ministry of Justice and the Interior, the Attorney General's Office, the Ministry of Education and Youth, the Permanent Mission of Andorra to the United Nations Office and other international organizations in Geneva and the parliament of Andorra. The Committee appreciates the constructive dialogue that took place between the delegation and the Committee.

B. Positive aspects

4. The Committee commends the State party on the high-level participation of women in the parliament, which reached parity in 2011, and welcomes the creation of a caucus of women parliamentarians.

* Adopted by the Committee at its fifty-sixth session (30 September-18 October 2013).



5. The Committee takes note with appreciation of the amendments adopted on 3 November 2004 to the Qualified Marriage Act, abolishing the requirement for widowed and divorced women to wait for a 300-day period before remarrying, as recommended by the Committee in its previous concluding observations ([A/56/38](#), para. 47).

6. The Committee welcomes the adoption of the Labour Relations Code (2009), which prohibits discrimination on the grounds of sex.

7. The Committee welcomes the ratification by the State party of the following human rights treaties since the consideration of its previous report:

(a) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2002;

(b) International Convention on the Elimination of All Forms of Racial Discrimination, in 2006;

(c) International Covenant on Civil and Political Rights, in 2006;

(d) Optional Protocol to the International Covenant on Civil and Political Rights, in 2006;

(e) Second Optional Protocol to the International Covenant on Civil and Political Rights, in 2006;

(f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2006;

(g) Council of Europe Convention on Action against Trafficking in Human Beings, in 2011.

C. Principal areas of concern and recommendations

Parliament

8. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the Government and invites the State party to encourage its parliament, in line with its procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the next reporting period under the Convention.**

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

9. The Committee is concerned that the Convention and the Optional Protocol thereto have not been given the necessary visibility and importance by the State party, which is reflected in the absence of information on those instruments on official websites, their non-inclusion as a specific subject in legal professional training and the absence of judgements directly referring to the Convention. The Committee is also concerned about the lack of awareness among women about their rights under the Convention.

10. **The Committee calls upon the State party to widely disseminate the Convention and the Optional Protocol thereto and ensure that the Convention, the Optional Protocol and the Committee's general recommendations, in addition to the views adopted on individual communications, are made an integral part of the professional training for judges, prosecutors, lawyers and the police. It also recommends that the State party raise awareness among women about their rights under the Convention and about the communications and inquiry procedures provided by the Optional Protocol.**

Non-governmental organizations

11. The Committee notes with concern that women's organizations did not participate in the preparation of the combined second and third periodic reports of the State party, or in the informal public briefing before the Committee.

12. **The Committee urges the State party to strengthen collaboration with women's associations and support their initiatives towards the implementation of the Convention. It also calls upon the State party to involve civil society, in particular women's organizations, in the preparation of its next periodic report and to promote their engagement with the Committee.**

Legal status of the Convention and legal complaint mechanisms

13. While noting that article 6 of the Constitution of the State party includes a definition of discrimination in conformity with article 1 of the Convention, the Committee is concerned about the fact that the absence of a comprehensive law on gender equality continues to be a challenge for the effective implementation of the principle of non-discrimination and gender equality. It also notes with concern the absence of legal complaint mechanisms designed to protect women from sex and gender-based, as well as intersectional, forms of discrimination under the Convention.

14. **The Committee recommends that the State party adopt a comprehensive gender-equality and anti-discrimination law in line with the provisions of the Convention. It recommends that the State party ensure that women have effective access to legal remedies to complain about discrimination and other violations of their rights, including by providing free legal aid for women without sufficient means and strengthening the mandate of the Ombudsperson to receive and consider complaints relating to discrimination against women. It also recommends that studies be conducted with a view to explaining the limited access to justice by women.**

National machinery for the advancement of women

15. While noting that the Ministry of Health and Welfare coordinates all policies on equality and non-discrimination, the Committee is concerned about the continuous restructuring of the national machinery for the advancement of women and the lack of a coordination mechanism with other bodies dealing with women's issues. It is also concerned about the absence of a national strategy to integrate the Convention throughout national legislation and public policies. In this regard, the Committee notes that the National Plan of Action for Equality does not address all areas covered by the Convention and that assessment of its implementation has been delayed.

16. In line with its general recommendation No. 6 on effective national machinery and publicity, the Committee recommends that the State party:

(a) Provide its central and local institutions and bodies, such as the Ministry of Health and Welfare, the Health and Welfare Assessment Council and the parish councils, with adequate human, technical and budgetary resources with a view to achieving gender equality;

(b) Consider adopting a national action plan on gender equality with time-bound targets that covers all areas of the Convention;

(c) Proceed with the assessment of the implementation of the National Plan of Action for Equality, in cooperation with civil society, in particular women's organizations, and widely disseminate and include in its next periodic report information on the outcome of the assessment.

Temporary special measures

17. While acknowledging that raising awareness and conducting education campaigns on women's rights and gender equality are important tools for addressing inequalities, the Committee expresses its concern about the absence in the State party of temporary special measures aimed at achieving de facto equality of women and men in all areas covered by the Convention.

18. The Committee calls upon the State party to familiarize all relevant officials with the concept of temporary special measures, taking into account the fact that such measures are appropriate means for accelerating the achievement of de facto gender equality. It encourages the State party to adopt temporary special measures in accordance with article 4 (1) of the Convention, as interpreted in the Committee's general recommendation No. 25, in all areas of the Convention in which women are underrepresented or disadvantaged. To that end, it recommends that the State party:

(a) Allocate resources, where needed, to accelerate the advancement of women;

(b) Include comprehensive information on the use and impact of temporary special measures in relation to various provisions of the Convention in its next periodic report.

Stereotypes

19. The Committee reiterates its concern about the persistence of patriarchal attitudes and traditional stereotypes concerning the role of women in the family and in society ([A/56/38](#), paras. 38-39). It notes with concern that such stereotypes impede women's equal participation in decision-making processes in all sectors and may contribute to violence against women.

20. The Committee urges the State party:

(a) To adopt a comprehensive policy with proactive and sustained measures, targeted at women and men, girls and boys, to eliminate traditional stereotypes and patriarchal attitudes about the roles and responsibilities of women and men in the family and in society, and involve the education system, civil society, the church and the media, in particular using Internet tools, in the preparation and implementation of such policy;

(b) **To establish a mechanism to monitor and assess the implementation of public and media campaigns to overcome gender stereotypes, including through Internet-based surveys, discussion forums and consultation processes.**

Violence against women

21. While noting that the State party is drafting a law on gender-based violence, the Committee remains concerned about:

(a) The absence of prohibition of all forms of violence against women and the unavailability of redress mechanisms for women victims of violence;

(b) The low number of investigations, prosecutions and convictions of perpetrators, notwithstanding the sharp increase in the number of cases of violence against women and the existence of a mechanism for issuing restraining orders to protect women at risk of violence;

(c) The disproportionately high number of migrant women who are victims of violence, according to official statistics;

(d) The absence of information on funds allocated to shelters for victims and on gender-sensitive protocols for dealing with them and hearing witnesses during the investigation of cases of violence against women.

22. **The Committee urges the State party:**

(a) **To ensure the adoption of a comprehensive law addressing all forms of violence against women, establishing measures to prevent and combat them;**

(b) **To amend the Criminal Code to criminalize all forms of violence against women, including sexual violence and stalking, and establish measures to provide victims with redress;**

(c) **To strengthen its efforts to prevent violence against women, including by conducting awareness-raising and education campaigns to inform women and girls about their right to be free from violence and about available support and legal remedies for victims;**

(d) **To provide adequate assistance to women victims of violence, including migrant women, and ensure that victims have access to legal remedies, such as restraining orders, and to shelters and medical and psychosocial support, in cooperation with non-governmental organizations;**

(e) **To provide public funding to non-governmental organizations that operate shelters;**

(f) **To provide training to the police on gender-sensitive methods for investigating cases of violence against women and for providing age-appropriate advice to victims, taking into consideration their socioeconomic situation;**

(g) **To accelerate the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.**

Trafficking and exploitation of prostitution

23. The Committee notes with concern the lack of information about cases of trafficking in women and forced prostitution in the State party, in addition to the absence of measures to identify and educate potential victims about the risks of such exploitative practices. It also notes with concern that the Criminal Code does not specifically criminalize trafficking in human beings, in particular women and girls, or forced prostitution. The Committee is further concerned at the lack of legislative and policy measures to combat trafficking in women and girls, notwithstanding the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings.

24. The Committee calls upon the State party:

(a) **To undertake investigations into possible cases of trafficking in women and girls and provide, in its next periodic report, comprehensive information on the extent of trafficking in the State party;**

(b) **To adopt a national action plan against trafficking in human beings, in particular women and girls, including strategies for the prevention of trafficking and forced prostitution, measures aimed at identifying victims of trafficking and mechanisms to protect them and provide them with adequate support and redress;**

(c) **To conduct awareness-raising campaigns about the criminal nature and risks of trafficking and forced prostitution of women and girls;**

(d) **To amend the Criminal Code with a view to specifically criminalizing trafficking in human beings, in particular women and girls, and forced prostitution;**

(e) **To strengthen bilateral and regional cooperation mechanisms in order to prevent trafficking in women and girls, protect victims and prosecute traffickers, within the framework of existing regional treaties.**

Participation in public and political life

25. While noting that the State party has achieved parity between women and men in its parliament, the Committee notes that women continue to be underrepresented in legislative bodies at the local level, in decision-making positions in the Government and public administration and in the judiciary. The Committee is concerned by the absence of specific measures, including temporary special measures, to ensure that women are able to participate on an equal basis with men in political and public life.

26. In line with general recommendation No. 23 on women in political and public life, the Committee recommends that the State party:

(a) **Adopt temporary special measures aimed at advancing women in political life and in leadership positions and ensure that such measures are swiftly implemented;**

(b) **Provide incentives for political parties to nominate equal numbers of women and men as candidates and strengthen targeted training and mentoring programmes on leadership and negotiation skills for current and potential women candidates;**

(c) **Provide training and capacity-building for women to enable them to enter public office and enhance campaigns to raise awareness of the importance of women's full and equal participation in political and public life, including activities targeting leaders of political parties;**

(d) **Periodically assess the representation of women in the higher level of public administration with a view to identifying and removing barriers to their equal participation;**

(e) **Provide training for politicians, journalists, teachers and local officials, especially men, to promote understanding of the right of women to equal participation in political and public life.**

Education

27. The Committee is concerned about:

(a) The absence of updated statistical data, disaggregated by sex and age, on school enrolment, completion, repetition and dropout rates at all educational levels;

(b) The low enrolment of women in traditionally male-dominated fields of study, such as mathematics, informatics, natural sciences and technology;

(c) The lack of training for teachers on women's rights and the absence from school curricula and academic programmes of a human rights-based approach to addressing gender relations;

(d) The lack of education on sexual and reproductive health and rights and responsible sexual behaviour for girls and boys, including information on contraceptive use;

(e) The wide gap between girls and boys with disabilities having access to education and the lack of initiatives to combat stereotypes and prejudices against them at school.

28. **The Committee recommends that the State party:**

(a) **Set up a system for collecting statistical data, disaggregated by sex and age, on the access of women and girls to equal education;**

(b) **Implement a strategy to promote the enrolment of women in vocational education and training in traditionally male-dominated fields of study, through career counselling and by providing incentives for girls to choose non-traditional careers;**

(c) **Ensure that school curricula, academic programmes and professional training for teachers cover women's rights and promote gender equality;**

(d) **Introduce age-appropriate education on sexual and reproductive health and rights in school curricula, including on responsible sexual behaviour;**

(e) **Ensure that girls and boys with disabilities have access to education and combat discrimination against schoolgirls on the basis of sex and disability.**

Employment

29. The Committee expresses its concern about:

(a) The fact that Andorra is not a State member of the International Labour Organization (ILO) and that it has not ratified the core ILO conventions guaranteeing minimum labour standards for women and men;

(b) The lack of specific provisions in the State party's legislation aimed at guaranteeing equal treatment and opportunities to women and men in employment;

(c) The pay gap between men and women, including in the area of domestic work;

(d) The lack of legislation specifically sanctioning sexual harassment in the workplace;

(e) The obstacles facing women with disabilities in gaining access to vocational training and the labour market;

(f) The lack of information about the situation of women migrant workers in the workplace, the possibility for them to receive protection against hazards, safety at work and mechanisms to protect them from lower wages at work and from unfair dismissal.

30. The Committee recommends that the State party:

(a) **Become a State member of ILO and consider ratifying core ILO conventions, in particular the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Workers with Family Responsibilities Convention, 1981 (No. 156);**

(b) **Adopt a legislative framework and specific measures to recognize the principle of equal pay for work of equal value and adopt policies, including temporary special measures, with time-bound targets and indicators to achieve substantive equality of women and men in the labour market, eliminate occupational segregation and close the gender pay gap;**

(c) **Design and implement measures to enable women and men to reconcile work and family life, including through paid parental leave;**

(d) **Adopt measures to regulate and monitor the situation of women domestic workers and ensure that complaint mechanisms and other remedies are available to them;**

(e) **Prohibit sexual harassment, train and raise the awareness of labour inspectors regarding exploitative practices in the workplace and prosecute and sanction offenders;**

(f) **Ensure access to employment for women with disabilities by providing adequate vocational training and accessible information on employment opportunities, including self-employment;**

(g) **Ensure that the Labour Relations Code (2008) applies to women migrant workers, including domestic workers, and that they have access to legal complaint procedures for the protection of their rights, in line with the criteria in the Committee's general recommendation No. 26 on women migrant workers.**

Health

31. The Committee notes with concern:

- (a) The criminalization of abortion, including when there are threats to the life or health of the pregnant woman;
- (b) The interpretation of the right to life in the Constitution as a limitation on women's sexual and reproductive health rights;
- (c) The lack of specific measures and programmes to ensure access to modern methods of contraception and information on their use, as well as on prevention of unwanted pregnancy and maternal mortality;
- (d) The requirement of effective legal residence in the State party for access to free health services, which precludes migrant women and girls from gaining access to such services;
- (e) The lack of information and gender-sensitive programmes on HIV/AIDS prevention and treatment programmes, in particular aimed at disadvantaged and marginalized groups of women, such as those in prostitution and migrant women.

32. In line with its general recommendation No. 24 on women and health, the Committee calls upon the State party:

- (a) To decriminalize abortion and provide access to legal abortion in cases of threats to the life or health of the pregnant woman, rape, incest and severe foetal impairment;**
- (b) To ensure affordable access for women and girls to modern methods of contraception and educate them about the risks of early pregnancy and sexually transmitted diseases, including HIV/AIDS;**
- (c) To ensure affordable access for all migrant women and girls to the health-care system and consider amending the legislation restricting access to health care on the basis of legal residence;**
- (d) To devise and implement gender-sensitive programmes to prevent HIV/AIDS and include disadvantaged and marginalized groups of women, such as those in prostitution and migrant women, therein.**

Migrant women

33. The Committee reiterates its concern about the absence of information on the status and situation of women migrant workers in the State party.

34. The Committee recommends that the State party:

- (a) Conduct a comprehensive study on the situation of migrant women, establish a system to collect disaggregated information on migrant women and include such information in its next periodic report;**
- (b) Consider acceding to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto;**
- (c) Adopt a legislative framework to address the rights and needs of women migrant workers and women asylum seekers, including measures to protect all migrant women against refoulement;**

(d) **Consider amending its legislation with a view to recognizing the human rights of migrant women.**

Economic empowerment, social and economic benefits

35. The Committee notes the gap between women and men in private sector ownership and that the State party lacks strategies to enhance the economic condition of women entrepreneurs.

36. **The Committee recommends that the State party consider implementing economic temporary special measures with the aim of developing and strengthening the capacity of women entrepreneurs, in particular young women who intend to manage their own business.**

Equality in marriage and family relations

37. The Committee is concerned about the fact that the minimum age of marriage is 14 years for girls and boys. It notes the slow progress in applying the legislative framework (Qualified Act 21/2005) providing for economic rights for women in stable unions.

38. **The Committee recommends that the State party raise the minimum age of marriage to 18 years for girls and boys. It also recommends that the State party implement Qualified Act 21/2005, which provides for rights for women in stable unions, in line with the Committee's general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution and article 16 of the Convention.**

Beijing Declaration and Platform for Action

39. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Dissemination and implementation

40. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels, in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities and research institutions and the media. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level so as to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, as well as the Committee's general recommendations, to all stakeholders.**

Ratification of other treaties

41. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

Follow-up to the concluding observations

42. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 22 and 32 above.

Preparation of the next report

43. The Committee invites the State party to submit its fourth periodic report by October 2017.

44. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/MC/2006/3](#) and Corr.1).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.