



**International Human Rights  
Instruments**

Distr.: General  
3 January 2019  
English  
Original: Spanish

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**Common core document forming part of the  
reports of States parties**

**Andorra\***

[Date received: 31 May 2018]


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\* The present document is being issued without formal editing

GE.19-00035 (E) 260319 290319



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## I. Demographic information

### A. Geography

1. The Principality of Andorra is a State situated in the Central Pyrenees mountain range, covering a surface area of 468 km<sup>2</sup>. It shares a border with Spain to the south and France to the north. Its territory is mountainous and rugged, with narrow valleys. The highest point in the country (Comapedrosa) is 2,942 m above sea level and the lowest (Runer River) is 840 m above sea level. Andorra has a temperate continental climate that is cold in winter and mild in summer. The territory is divided into seven parishes for administrative purposes: Canillo, Encamp, Ordino, La Massana, Andorra la Vella (the capital), Sant Julià de Lòria and Escaldes-Engordany.

### B. Population<sup>1</sup>

2. The registered population of Andorra has increased significantly in the last half-century, from 8,392 inhabitants in 1960 to 74,794 at the end of 2017, owing largely to the economic development of the country from a rural society to one with a major service sector. There are slightly more men than women. In 2016, men accounted for 51.01 per cent of the population and women 49.58 per cent. In 2017, the population comprised 46.5 per cent Andorran nationals, 26.6 per cent Spanish nationals, 12.9 per cent Portuguese nationals, 5.2 per cent French nationals and 8.8 per cent nationals of some 77 different countries.

3. In 2016, Andorra had a mortality rate of 4.24 and a birth rate of 8.66. The natural growth rate was 4.50. The average age of the population was 40.33 years, with a total dependency ratio of 38.83.

### C. Religion

4. Article 11 (1) of the Constitution guarantees freedom of opinion, religion and worship. No one can be forced to reveal or manifest his or her ideology, religion or beliefs.

5. Paragraph 3 of the same article guarantees the right of the Catholic Church to conduct its activities freely and publicly. This is intended not to violate the religious freedom of other faith groups, but to recognize the country's Catholic tradition, given that the Bishop of Urgell in Spain and the President of the French Republic are the joint and indivisible Head of State (Co-Princes).

6. Although no official register of religions is kept, there are diverse religious communities in the country. According to the family budget survey conducted by the Department of Statistics, the population distribution by religion and ethnic background is as follows:

<i>Religion</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
Buddhist	0.4%	1.0%	1.0%
Catholic	69.0%	64.2%	69.8%
Hindu	0.0%	0.7%	0.0%
Jewish	0.0%	0.5%	0.3%
Muslim	1.5%	0.0%	0.7%
Protestant	0.8%	0.7%	1.7%
Other	3.1%	1.9%	2.1%

<sup>1</sup> Department of Statistics of the Government of Andorra.

<i>Religion</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
None	25.2%	30.7%	24.4%
No response	0.0%	0.2 %	0.0%

Department of Statistics of the Government of Andorra.

## D. Education system

7. The Andorran system of education is defined in article 5 of the Qualified Act on Education of 3 September 1993. It is unique in combining three free, public education systems: the Andorran, Spanish (secular and religious) and French systems, each of which is overseen by the Ministry of Education of the country concerned. Education is free and compulsory until the age of 16. In 2016, the enrolment rate was 100 per cent. There were 11,018 students enrolled during the 2015/16 school year, of whom 51.38 per cent were boys and 48.62 per cent were girls; 39 per cent of students were enrolled in the Andorran system, 33 per cent in the French system and 28 per cent in the Spanish system.<sup>2</sup>

8. Education in Andorra is based on the rights, freedoms and principles laid down in article 20 of the Constitution, the laws on education and the international agreements which Andorra has ratified. The country's three education systems have as a basic principle the admission of all persons regardless of their origin, religion, sex or political or ideological beliefs.

9. The Qualified Act on Education of 3 September 1993 lays out the principles and values on which education in Andorra is based. Article 3 (h) of the Act, for example, emphasizes the importance of teaching children and young people respect for diversity and the fundamental rights and freedoms and of giving them an education in tolerance and liberty, within the framework of the democratic principles of coexistence and pluralism.

10. Work schemes for teachers in the Andorran education system include educational projects intended to promote human rights, tolerance and non-discrimination in schools, facilitate democratic participation, promote group cohesion, encourage the acquisition of values and social skills, and encourage pupils, from the earliest age, to have a sense of commitment and responsibility.

## E. Economy

11. Most economic activity in Andorra is in the service sector. Tourism and trade are the mainstays of the economy, and the country receives nearly 8 million visitors every year, mostly from Spain and France. Limited national production of goods is compensated by high imports to meet internal demand and, particularly, the demand of foreign visitors to the country. Finance and insurance are also key sectors, which, in 2015, accounted for 22 per cent of gross domestic product (GDP). By contrast, the agricultural sector accounted for 0.5 per cent in the same year.

12. With regard to the economic institutional framework, Andorra has had a customs union agreement with the European Economic Community since 1991. Moreover, the Monetary Agreement with the European Union entered into force on 1 April 2012, establishing, inter alia, the euro as the official currency of the Principality of Andorra. On 15 March 2015, negotiations for an association agreement were initiated with the European Union with a view to allowing Andorra to participate in the internal market.

<sup>2</sup> Data supplied by the Ministry of Education and Higher Education.

## **F. Labour market**

13. The high level of economic activity in the tourism service sector has resulted in flexible employment models and a proliferation of seasonal work. The distribution of the population by employment status shows that, in 2016, 45 per cent were salaried workers and 6 per cent were entrepreneurs or self-employed. The rate of unemployment is relatively low, standing at 2.4 per cent in December 2017. At the end of 2017, there were 548 people registered with the Employment Service as job seekers, of whom 44.2% were men and 55.8% were women.

14. In 2016, the number of salaried workers in Andorra was 36,603. By activity sector, 87.8 per cent of workers were employed in services, followed by construction (7.7 per cent) and industry (4.0 per cent), while only 0.5 per cent were employed in the agricultural sector.

15. The wage bill in 2016 was €912.18 million, with an average salary of €2,076.68. Since 1 January 2018, the inter-professional minimum wage has been €1,017.47.

16. In 2016, 8,051 companies were operating in Andorra. The predominance of small businesses in the service sector meant that 80 per cent of companies had a workforce of between 1 and 5 employees, while 0.8 per cent of businesses employed more than 100 workers. No data are currently available on the percentage of companies run or owned by women, but efforts are under way to obtain this information with a view to its inclusion in the next report.

17. According to the High Court of Justice and the civil and administrative divisions of the Trial Court (*Batllia*), no complaints have been lodged regarding non-compliance with the principle of equal pay, and therefore no judgments have been rendered on that issue.

18. However, on 8 March 2017 (International Women's Day), the Department for Equality Policies announced the creation of the Olympe de Gouges Award for the Promotion of Gender Equality in the Workplace as part of its mandate to fight discrimination and in the light of a study on equal opportunities conducted during the drafting of a white paper on equality. The award, a joint project with the Department of Labour and Employment, was intended to recognize companies' commitment to gender equality and, in turn, to promote a culture of equality through good practices. The first such award was presented to two Andorran companies on 8 March 2018.

## **II. Constitutional, political and legal structure**

### **A. Form of government**

19. Andorra is a parliamentary co-principality and its official language is Catalan. The Co-Princes are the joint and indivisible Head of State. The current Co-Princes are the Bishop of Urgell, Monsignor Joan Enric Vives Sicilia, and the President of the French Republic, Mr. Emmanuel Macron.

20. The institution of co-principality is inherited from the feudal system of joint lordship, established in 1278 after the signing of the first Pareatge, or feudal charter, by the Bishop of Urgell and the County of Foix in France.

### **B. Parliament (*Consell General*)**

21. The parliament ensures diverse and equal representation of the national population and of the seven parishes. It exercises legislative power, approves the State budget, and promotes and monitors the political actions of the Government.

22. The parliament is composed of a minimum of 28 and a maximum of 42 Members, half of whom are elected in equal number by each of the 7 parishes, and the other half by the national constituencies. Members of Parliament are elected by free, equal, direct and

secret universal suffrage for a term of four years. The *Sindicatura* is the governing body of the parliament.

23. The struggle of Andorran women to exercise full citizenship, i.e. to enjoy all their political rights, began in 1967. This phase ended on 15 May 1968 with the presentation of a petition for full citizenship signed by more than 370 Andorran women. However, women were not able to vote or be elected to office in Andorra until 1973. In 1984, the first woman entered parliament as a replacement for a male representative; in 1986, the first woman was elected to parliament.

24. During its 2011-2015 session, the legislature achieved gender parity without the need for any kind of affirmative action such as a quota system. However, the parliament is currently made up of 19 men and 9 women.

### **C. The Government**

25. The Government, which is composed of the Head of the Government and a set number of ministers, as established by law, directs the national and international policy of Andorra. It also directs the administration of the State and exercises regulatory authority. The Head of the Government is elected by the parliament, then appointed by the Co-Princes, in accordance with the provisions of the Constitution. Barring a few special situations, the mandate of the Head of the Government ends with that of the parliament, and he or she cannot serve more than two consecutive full terms. At present, the Government comprises 4 female and 7 male ministers.

### **D. The judiciary**

26. Justice is dispensed in the name of the Andorran people by trial judges (*batlles*) and independent judges. It is organized pursuant to the Qualified Act on Justice of 3 September 1993. The High Council of Justice is the self-governing institutional body which represents the judiciary. It consists of five members nominated by the Co-Princes, the Head of Government, the Leader of Parliament (*Sindic General*), the trial judges and other judges. Their term of office is six years, renewable once. The High Council of Justice imposes discipline, ensures the independence and smooth operation of the justice system — although it does not itself exercise judicial functions — and appoints the members of the Public Prosecution Service, as nominated by the Government. The judicial system is divided into five categories: civil, criminal, investigative, administrative and youth justice. For each of these, there is provision for two hearings: one by a court of first instance and a second by a court of appeal.

27. The Trial Court is composed of 15 trial judges, of whom 11 are women and 4 are men. In addition, there are 13 other judges, of whom 4 are women and 9 are men. The Public Prosecution Service is made up of 5 prosecutors, of whom 3 are women and 2 are men. Currently, the High Council of Justice is composed of 3 women and 2 men.

### **E. The Co-Princes**

28. In accordance with the institutional tradition of Andorra, the two Co-Princes jointly and indivisibly constitute the Head of State, and its highest authority. They are the symbols and guarantors of the permanence and continuity of Andorra as well as of its independence and the enduring tradition of parity and stability with its neighbour States. The Co-Princes also give the agreement of the State in international undertakings and oversee and moderate the operations of the Government and institutions. They are kept regularly informed of State affairs but are not responsible for measures adopted by the Andorran Government.

## **F. Local authorities: parish councils**

29. The parish councils (*Comuns*) represent and administer the parishes. They are public authorities with the legal status and authority to issue local regulations, subject to the law. The parish councils exercise their authority in accordance with the Constitution, the law and tradition, and they function according to the principle of self-government, recognized and guaranteed by the Constitution. They represent the interests of the parishes, approve and implement the parish budgets, determine and implement local policies in their spheres of competence, and manage and administer all parish property, whether public, private or part of the national heritage. Certain parishes are also subdivided into *quarts* and *veïnats*, whose competence derives from the councils and from the traditions and customs of Andorra. At present, Andorra la Vella and Escaldes-Engordany, the most populous parishes, are headed by women while the rest of the parishes (Ordino, La Massana, Encamp, Canillo and Sant Julià de Lòria) are headed by men.

## **III. General framework for the protection and promotion of human rights**

### **A. Constitutional rights and freedoms**

#### **Constitutional rights**

30. The Constitution of the Principality of Andorra was approved in a popular referendum on 14 March 1993. It is the supreme law in the domestic legal system and is binding on all public authorities and on the people (art. 3).

31. The Andorran State acts on the basis of the following principles: respect for and the promotion of liberty, equality, justice, tolerance, the defence of human rights and human dignity (art. 1 (2)). It should be noted that the universally recognized principles of public international law are acknowledged in the Constitution (art. 3 (3)). In addition to the Universal Declaration of Human Rights (art. 5), Andorra also incorporates into its legal system all international treaties and agreements it adopts as soon as they are published in the Official Gazette of the Principality of Andorra (art. 3 (4)).

32. The Constitution recognizes that human dignity is intangible and therefore guarantees the inviolable and imprescriptible rights of the person, which form the basis of the political order, social harmony and justice (art. 4). It expressly states that all persons are equal before the law and that no one may be discriminated against on grounds of birth, race, sex, origin, religion, opinions or any other personal or social condition (art. 6). The Constitution recognizes the right to life and protects it fully at all stages (art. 8 (1)). Every person has the right to physical and mental integrity. No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment (art. 8 (2)). The death penalty is prohibited (art. 8 (3)).

33. All persons have the right to liberty and security and may be deprived of them only in accordance with the grounds and procedures established in the Constitution and by law. Administrative detention cannot last for longer than the time needed to carry out inquiries in order to shed light on a case, and can never exceed 48 hours without the detainee being brought before a court. The law provides for a procedure whereby any detainee may call upon a judicial body to review the legality of his or her detention and whereby the fundamental rights of any detainee are restored in the event of a violation (art. 9).

34. Pursuant to article 39 of the Constitution, the constitutional provisions that establish rights and freedoms are directly applicable and binding upon the public authorities. Those rights and freedoms cannot be restricted by law and are protected by the courts. They are conferred not only on Andorran nationals but also on all foreign nationals who are legally resident in Andorra.

35. The exercise of rights and freedoms can be regulated only by law; in particular, the rights set forth in chapters II and IV must be regulated by a qualified act (art. 40).

### **Mechanisms for the defence of constitutional rights**

36. Article 41 of the Constitution states that the rights and freedoms established in chapters III and IV thereof, especially those relating to the protection of physical integrity and the prohibition of torture, shall be protected in ordinary courts through urgent, priority proceedings that are regulated by law and that, in all cases, involve court hearings at two levels. The law also provides for exceptional *amparo* proceedings to be brought before the Constitutional Court for violations of the above-mentioned rights by the public authorities.

## **B. Acceptance of international human rights norms**

### **Ratification of the main international human rights instruments**

37. As a member State of various international bodies, Andorra has ratified the following European and international instruments on the promotion and protection of human rights and humanitarian law

#### **United Nations**

- The International Covenant on Civil and Political Rights, of 16 December 1966
- The Optional Protocol to the International Covenant on Civil and Political Rights of 16 December 1966 and the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, of 15 December 1989
- The Convention on the Prevention and Punishment of the Crime of Genocide, of 9 December 1948
- The Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, of 6 October 1999
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of 10 December 1984
- The Convention on the Rights of the Child, of 20 November 1989
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, of 25 May 2000
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, of 25 May 2000
- The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, of 19 December 2011
- The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, of 13 December 2006
- The Rome Statute of the International Criminal Court, of 17 July 1998

#### **United Nations Educational, Scientific and Cultural Organization (UNESCO)**

- The Convention Against Discrimination in Education (1960).

#### **Council of Europe**

- The European Agreement relating to persons participating in proceedings of the European Court of Human Rights, of 5 March 1996
- The Convention for the Protection of Human Rights and Fundamental Freedoms, of 4 November 1950, and the various protocols thereto
- The Council of Europe Convention on preventing and combating violence against women and domestic violence of 11 May 2011

- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, of 25 October 2007
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of 26 November 1987, and the two Protocols thereto
- The Council of Europe Convention on Action against Trafficking in Human Beings, of 16 May 2005

#### **The Hague Conference**

- The Convention on Protection of Children and Cooperation in respect of Inter-country Adoption
- The Convention on the Civil Aspects of International Child Abduction

#### **Humanitarian law**

- The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 1949
- The Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 1949
- The Geneva Convention relative to the Treatment of Prisoners of War of 1949
- The Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949

#### **Universal periodic review**

38. On 25 September 2015, the Human Rights Council adopted decision 30/107 on the outcome of the universal periodic review of Andorra. The Government of Andorra is working to fulfil its international commitment and to implement the recommendations accepted by the Government. Where appropriate, details of those recommendations will be included in the periodic reports submitted to the various human rights bodies.

#### **Other related human rights information**

39. As a member State of the Council of Europe, Andorra is also subject to monitoring by the European Commission against Racism and Intolerance (ECRI). ECRI is responsible for reviewing the legislation, policies and measures adopted by member States to combat xenophobia, anti-Semitism and intolerance.

40. ECRI published its report on Andorra for the fifth monitoring cycle on 28 February 2017. The report describes the progress made in implementing ECRI recommendations as at 30 June 2016.

41. Andorra invited the Organization for Security and Cooperation in Europe to observe the general elections that took place on 1 March 2015. The Office for Democratic Institutions and Human Rights visited the country on 27 and 28 January 2015 and issued a report containing conclusions and recommendations on 19 February 2015.

42. In addition, on 3 November 2010, Andorra extended a standing invitation to all Human Rights Council special procedure mandate holders. It has not received any visits thus far.

43. Andorra is not a party to the Convention relating to the Status of Refugees of 28 July 1951 or to the Protocol relating to the Status of Refugees of 31 January 1967.

44. Nevertheless, in order to fulfil the Government's commitments to do everything within its capabilities to alleviate the humanitarian crisis caused by, among other things, the Syrian conflict that has led to hundreds of thousands of people being forced to flee the region, on 13 September 2017, the Council of Ministers approved a bill on temporary and transitional protection on humanitarian grounds. The bill was adopted by agreement of the parliament on 22 March 2018. On 8 May 2018, the Government of Andorra signed an



agreement with the Community of Sant'Egidio to facilitate the arrival in Andorra of Syrian refugees currently in Lebanon, through a humanitarian corridor.

45. The above-mentioned law on temporary and transitional protection on humanitarian grounds establishes the necessary framework for hosting refugees by way of a new type of residency permit or residency and work permit. It stipulates that, each year, the Government will decide how many refugees can be accommodated, giving priority to those in the most vulnerable situations. One of the main aims of the law is to ensure that refugees' rights are recognized in Andorra; therefore, it establishes their right to obtain access to housing, work and training, social and health services and the education system.

## **C. Legal framework for the protection of human rights**

### **Sources of law**

46. Article 5 of the Constitution establishes that the Universal Declaration of Human Rights is in force in Andorra.

47. Article 3 (4) of the Constitution stipulates that all treaties and international agreements shall be incorporated into the domestic legal system as of their publication in the Official Gazette of the Principality of Andorra. They cannot be amended or repealed by law.

48. Furthermore, article 23 of the Qualified Act of 19 December 1996 on Action by the State in respect of Treaties states that the provisions of treaties and international agreements may be repealed, amended or suspended only in accordance with the terms of the treaty or agreement itself or the general rules of international law. The Principality of Andorra has therefore adopted a system in which treaties take precedence over ordinary laws and are directly applicable in domestic law.

49. On the other hand, since article 3 (1) of the Constitution states that the Constitution is the supreme law in the domestic legal system and article 19 of the Qualified Act of 19 December 1996 on Action by the State in respect of Treaties provides for prior verification of the constitutionality of treaties, the Constitution might be considered to be situated above or at least on the same level as treaties and international agreements in the hierarchy of norms, since a treaty or agreement that is contrary to the Constitution cannot be approved.

50. Article 24 of the Qualified Act of 19 December 1996 on Action by the State in respect of Treaties states: "Treaties in force shall be directly applicable by all judicial and administrative State bodies and shall create rights and obligations for individuals, unless the text of the treaty or the text authorizing its ratification stipulates that its application is conditional on the promulgation of laws or the adoption of regulations." The second paragraph of the article states that if additional legislation is required for the implementation of a treaty, the Government must submit the necessary bill to parliament as soon as possible. That bill should be transmitted to parliament at the same time as approval of the treaty is sought if the treaty has already entered into force in other States or if the treaty stipulates that States parties must possess the necessary legislation at the time of its entry into force.

### **Andorran institutional system and public institutions**

51. The parliament may grant the Government the power to issue the necessary regulations, subject to the limits and conditions set forth in article 59 of the Constitution.

52. The courts of Andorra are the main guarantors of human rights. Article 85 of the Andorran Constitution establishes the principle that justice may be administered only by independent judges with security of tenure who perform their duties subject only to the Constitution and the law. There is a single judiciary. Its structure, composition and functioning and the legal status of its members must be regulated by a qualified act. Special courts are prohibited.

53. Article 2 of the Code of Criminal Procedure states: "The administration of criminal justice, the passing of judgment and the enforcement of judgments passed is the exclusive

jurisdiction of the High Court of Justice of Andorra, the Criminal Court (*Tribunal de Corts*) and its president, the Trial Court and the trial judges, without prejudice to the relevant treaties established in accordance with article 65 of the Constitution.”

54. All treaty-related matters that fall within the criminal sphere are also governed by article 93 of the Constitution, which states: “The Public Prosecution Service is responsible for ensuring the defence and application of the legal order and the independence of the courts, and promoting the application of the law by the courts in order to safeguard the rights of citizens and to defend the public interest.” The Public Prosecution Service, which is headed by the Attorney General, acts in accordance with the principles of legality, unity and internal hierarchy.

55. Pursuant to article 65 of the Constitution, legislative, executive or judicial powers may be transferred only to international organizations and by means of a treaty that must be approved by a majority of two thirds of the Members of Parliament.

56. The Act on the Establishment and Work of the Ombudsman was passed on 4 June 1998. The Ombudsman (*Raonador del Ciutadà*) was initially established as an independent institution responsible for monitoring public servants’ compliance with the fundamental principles of defence and protection of the rights and freedoms enshrined in the Constitution. The Ombudsman submits an annual report on his or her activities to the parliament.

57. Article 13 of the aforementioned Act states that complaints or claims may be submitted by any natural or legal person with a legitimate interest, irrespective of nationality, age, status or place of residence.

58. Act No. 79/2010, amending the Act on the Establishment and Work of the Ombudsman to give effect to the provisions of the Convention on the Rights of the Child, was passed on 25 October 2010. As a result of this amendment, the Ombudsman’s role was extended to include informing and advising children on their rights and freedoms under the Convention (art. 1) and children were given the right to submit complaints or claims to the Ombudsman. Children under 12 years old and persons without legal capacity may do so through their legal representatives, without the need for special powers to be granted (art. 13 (2)). The website of the Ombudsman ([www.raonadordelciutada.ad](http://www.raonadordelciutada.ad)) specifically states that children over 12 years old may seek an audience with the Ombudsman without their legal representative or guardian present.

59. In response to a recommendation made by ECRI, the Government of Andorra drafted a bill that would, among other things, broaden the Ombudsman’s remit to include handling complaints of racial discrimination in both the public and private spheres. Act No. 26/2017 of 23 November 2017, amending the Act on the Establishment and Work of the Ombudsman of 4 June 1998, was passed and entered into force on 24 November 2017.

60. In December 2014, the Judicial Assistance and Mediation Service was set up. This is a free public service run by the central Government, under the joint responsibility of the ministries of justice and social services, with the aim of providing assistance to the general public, especially victims of criminal offences and violations, and offering legal and social guidance to users of the justice system. The Service provides individualized information on the institutional, professional and legal resources and mechanisms that have been put in place for members of the public to exercise and defend their rights and interests and on the social services available to them. They may also be referred, if appropriate, to the relevant administrative, institutional or professional offices. A family mediation service provides mediation and dispute-resolution services to people involved in marital, intimate-partner or other family disputes, thereby promoting dialogue and achieving satisfactory outcomes for couples, married or not, and minor children. The Judicial Assistance and Mediation Service is staffed by a lawyer, a social worker or educator and a psychologist.

61. On 22 March 2018, parliament approved the passage of the Mediation Act, which establishes a legal basis for mediation.

62. In March 2018, the Family Visitation Service was created. This is a specialized social services resource that helps establish and enforce visitation schedules in situations

involving divorce, separation or other family conflict where the relationship of children with a parent or family member has been interrupted or is problematic.

63. The Department for the Support of Youth Currently or Formerly Under Guardianship was created by decree on 30 September 2015 in order to provide ongoing support for young people between 16 and 25 years of age who are or have been under the care of the Government of Andorra or in a situation of vulnerability or at risk of social exclusion. This support includes accompanying and guiding them in acquiring the skills needed for daily life and ensuring their emancipation and social integration. The department offers the following services in the areas set out below.

#### **Prevention and community intervention**

- Support Service for Adolescents at Risk

64. The Support Service for Adolescents at Risk is tasked with meeting the needs of adolescents at social risk in order to provide them with protection against and to address situations of risk and prevent their recurrence. The service is available during the daytime, specifically during after-school hours, and is aimed at promoting socialization and personal development and compensating for social and educational deficiencies. The beneficiaries of the service are adolescents between the ages of 12 and 16 and their families whose situation is being monitored by a protection unit known as the Specialized Child Care Service. The Service operates on the basis of an integrated approach combining active, holistic learning with a values-based, co-educational focus.

#### **Emancipation and social integration support**

- Guidance service for young people in vulnerable situations

65. The purpose of the guidance service for young people in vulnerable situations is to provide all such young people in the Principality of Andorra with comprehensive support in meeting their basic needs in terms of health care, housing, training, employment, financial support and leisure.

66. The main objective of the service is to provide young people with guidance in a variety of areas according to each individual's specific needs. The focus is on five areas: training and work, health, financial support, leisure and housing. The beneficiaries of the service are young persons between the ages of 16 and 25 who are in vulnerable situations.

- Support mechanism for youth currently or formerly under guardianship

67. The support mechanism for youth currently or formerly under guardianship is responsible for providing ongoing support to young people between the ages of 16 and 21 who are or have been in the care of the State. The support provided includes advice and guidance on various practical aspects of daily life with a view to achieving full emancipation and integration into society. The mechanism's main objectives are to help young people to achieve emotional stability based on a deeper self-understanding and acceptance, to develop their independence and ability to understand the realities of life, enhance their capacity to act, to form positive interpersonal relationships, to interact with others in group settings and to develop critical thinking skills.

68. Accommodation in sheltered housing is an important part of efforts to prepare these young people for various aspects of daily life, including training, work and financial matters.

## **D. Framework for the promotion of human rights**

### **Regional parliaments and assemblies**

69. On 15 January 2015, the parliament approved an agreement to promote gender equality through parliamentary action. That agreement, which was approved by all parliamentary groups, provides for the preparation of a white paper on equality, with support from the Government of Andorra and in cooperation with the Institute for Andorran Studies and the Ministry of Social Affairs, Justice and the Interior. The aim is to compile

information on the real situation as regards equality so as to be able to develop an action plan for the parliament and other public institutions. The agreement also provides for steps to be taken in response to the recommendations set out in the Plan of Action for Gender-sensitive Parliaments of the Inter-Parliamentary Union.

70. The drafting of the white paper began in August 2016 with the definition of working procedures and methods. The various stages of the process included the following: collection and analysis of existing data on the target groups, namely older persons, children and young persons, immigrants, persons with disabilities, women and lesbian, gay, bisexual, transgender and intersex persons; the participation of social entities representing those groups through an in-depth analysis of equal opportunity in the country; and a survey to find out the views of the general population.

71. The outcomes of that work and the priorities that had been identified were submitted on 21 June 2017; emphasis was placed on the need to pass a law on equality and non-discrimination, which is currently being drafted, to set up an observatory on equality, to create a platform for the voluntary sector as a tool for dialogue with the Government and to develop specific strategies to promote equality. The white paper on equality was formally submitted on 7 May 2018 and is available on the website of the Department of Social Affairs (in Catalan): [https://www.aferssocials.ad/images/stories/Collectius/Igualtat/Llibre\\_blanc\\_igualtat.pdf](https://www.aferssocials.ad/images/stories/Collectius/Igualtat/Llibre_blanc_igualtat.pdf).

72. Among the priorities included in the bill on equality and non-discrimination is the obligation for the Government to approve, every four years, an employment placement programme for persons in vulnerable situations, a programme to enhance work-life balance, a comprehensive plan on equality and non-discrimination and a programme for the inclusion of newly arrived persons.

#### **Government and parish councils**

73. The Department for Equality Policies, incorporating the Interdisciplinary Team on Gender Violence, was established under a decree issued on 23 September 2015 by the Ministry of Health, Social Affairs and Employment. The Department was subsequently attached to the Department of Social Affairs under a decree issued on 27 January 2016, concerning the organization of the Ministry of Social Affairs, Justice and the Interior. Its responsibilities are as follows:

- Promoting and developing cross-cutting programmes and measures to prevent and combat gender-based violence, domestic violence and violence in all settings
- Strengthening and improving efforts to combat the inequalities and discrimination that affect the persons and groups who are most vulnerable in this regard

74. In order to fulfil these responsibilities, an Equality Unit has been set up with the following goals:

- Work together with the parliament to produce the white paper on equality and, subsequently, to draft a law on equality and non-discrimination
- Provide information, support, assistance and legal advice to vulnerable persons and/or groups who have faced or are facing any form of discrimination and/or inequality; groups that are considered vulnerable include children and young persons, older persons, women, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and immigrants
- Organize public events and dissemination and awareness campaigns on non-discrimination and support for vulnerable groups
- Promote both formal and informal education and awareness-raising initiatives
- Identify and counteract sexism, discrimination and unequal treatment in the media and in the public sphere

75. This department is responsible for dealing with any racial discrimination and inequalities that may be faced by immigrants. Efforts are also made to promote cultural pluralism and equality.

76. On 2 March 2013, the parish of Andorra la Vella joined the Global Network for Age-friendly Cities and Communities, an initiative launched by the World Health Organization (WHO) to build the capacities of and connections between cities that wish to create sustainable, accessible and inclusive urban environments.

### **National human rights institutions**

77. Andorra does not have a national human rights institution. In line with the commitment made on 25 September 2015 during the second cycle of the universal periodic review, Andorra will assess whether it is appropriate to establish a national human rights institution in conformity with the Paris Principles.

78. In 2003, the National Council of Persons with Disabilities was established as a participative, consultative and advisory body to the Government on disability-related issues. Its responsibilities include:

- Preparing and submitting proposals with a view to improving services and benefits for persons with disabilities
- Helping to strengthen and coordinate disability-related action

79. Over the course of the Council's regular meetings in 2016–2017, the initial report of Andorra on the implementation of the Convention on the Rights of Persons with Disabilities was drawn up in collaboration with civil society organizations that represent persons with disabilities; the proposals made by those organizations were also incorporated into the bill on urgent measures for the implementation of the Convention on the Rights of Persons with Disabilities.

80. The National Bioethics Committee of Andorra is an independent advisory body in the field of ethics and bioethics that was established in December 2013; its work concerns the ethical and social implications of the advances made in biological sciences, medicine and life sciences in general.

81. The role of the Committee is to serve as a key forum for debate, fostering discussions among all sectors of Andorran civil society on ethical and social controversies within its area of competence in such a way as to help professionals, public officials and society in general make decisions on these matters. The Committee helped draft Act No. 20/2017, of 27 October 2017, on the rights and obligations of users and professionals of the health-care system and medical records.

82. In 2014, a commission for the participation of civil society organizations in the field of social and health services was set up. Its responsibilities are as follows:

- Helping to identify, define and address the needs and shortcomings of the social and health services
- Participating in planning, evaluating and monitoring the provision of social and health services, mainly by helping to prepare and track the implementation of the National Social and Health Services Plan
- Drawing up periodic reports on the development of the Plan, proposing measures that it considers necessary in order to achieve the goals set forth in the applicable legislation

83. In addition, on 27 June 2016, the National Social Welfare Commission was set up as a political and technical body for coordination and cooperation between the Government and parish councils on issues of common interest relating to social services.

84. The Commission's first working meeting was an opportunity to address the redistribution of responsibilities in the field of social services, especially home-care services. Various operational measures, designed to avoid duplication, simplify administrative procedures and standardize criteria in order to ensure equality, were proposed and analysed with a view to making the provision of public services as efficient as possible.

85. In accordance with article 10 of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and article 20 of Act No. 1/2015 of 15 January 2015 on the eradication of gender-based and domestic violence, a decree containing regulations on the National Commission for the Prevention of Gender-based and Domestic Violence was approved on 9 March 2016. Article 2 (1) of the decree establishes that the Commission is a political and technical collegiate body responsible for formalizing coordination and cooperation between the various ministries and government departments that are involved in preventing and combating gender-based and domestic violence.

86. Since the Commission's inception, four meetings have been held to report on the progress made in implementing Act No. 1/2015 on the eradication of gender-based and domestic violence and in carrying out prevention and awareness-raising activities in this area. In addition, the collegiate nature of the Commission means that it considers the different difficulties and needs of each member in order to agree on appropriate measures. At the last meeting held on 18 December 2017, the members of the Commission were briefed on agreements reached with the Department of Social Affairs, the police force, the Trial Court, the Office of the Prosecutor, the Ministry of Health and the Andorran Health Care Service on how to detect, handle and counter gender-based and domestic violence and to provide victims with treatment. These agreements form part of the so-called Collaboration Guidelines, a document that guarantees orderly planning of actions by ministries and government departments involved in the prevention and prosecution of gender-based and domestic violence and the provision of assistance to victims. The Guidelines include a protocol for the early detection of cases of gender-based and domestic violence and provide a framework for cooperation between the different departments to ensure appropriate care for victims of such violence and to avoid secondary victimization.

87. The Childhood Observatory: the United Nations Children's Fund (UNICEF) National Committee for Andorra, in collaboration with the Centre for Sociological Research, presents the Childhood Observatory's annual report, which contains all available information on children, with particular emphasis on the child well-being indicators used by UNICEF internationally. These indicators, obtained from various statistical sources, including government sources, represent seven major dimensions of children's lives: education, health and safety, material well-being, family and peer relationships, risks, behaviours and subjective well-being. The purpose of this indicator system is to assess the situation of children in the Principality of Andorra, to facilitate monitoring of the implementation of the Convention on the Rights of the Child and to address the lack of data on children. Based on this information, UNICEF Andorra makes a number of recommendations addressed to, among others, the public authorities and all actors working for children in the country.

#### **Dissemination of human rights instruments**

88. All treaties and international agreements signed by Andorra are translated into the official language and published in the Official Gazette of the Principality of Andorra.

89. The official website of the Ministry of Foreign Affairs includes a section on international human rights treaty monitoring mechanisms, which contains information on the stage reached in the submission of reports to the treaty bodies.

#### **Raising human rights awareness among public officials and other professionals**

90. Pursuant to the recommendations of ECRI and the Group of States against Corruption (GRECO) on training for members of the judiciary, the High Council of Justice has signed cooperation agreements with the National College of the Judiciary of France and the General Council of the Judiciary of Spain. Trial judges and other judges, prosecutors and court clerks have received in-service training on fundamental rights.

91. The initial training for persons joining the police force covers human rights and constitutional rights. It is made clear that deliberate ill-treatment during an interrogation, degrading treatment and all forms of humiliation constitute criminal offences and violations of human rights.

92. Article 11 of Act No. 1/2015 of 15 January 2015 on the eradication of gender-based violence and domestic violence provides for in-service training programmes for professionals involved in detecting, handling and preventing violence of that kind. Two types of training course have been developed: a basic training course for professionals who are indirectly involved in dealing with cases of gender-based violence and domestic violence; and a training course for professionals who are directly involved in handling such cases.

93. Over the course of 2017, basic level 1 training was provided to all Department of Social Affairs professionals and fire department staff; more specialized training was organized for staff operating the hotline (the 118 emergency hotline) and teaching staff of the University of Andorra.

94. The objectives of this training are to clarify concepts and definitions, inform trainees about the legal framework governing gender-based and domestic violence and victims' rights and to develop a common language that facilitates the coordination of the activities of the public services involved and the mobilization of necessary resources. To achieve these objectives, a variety of resources and guidelines have been developed with a view to preventing situations of gender-based and domestic violence and identifying possible courses of action, including referrals.

95. Special mention should be made of the training provided to police officers on gender-based violence. In addition to the above-mentioned topics, trainees are introduced to best practices in preventing revictimization, with a particular focus on the importance of dispelling myths and stereotypes surrounding women victims of gender violence. A total of 28 police officers received training in 2017; plans are in place to continue the training in 2018.

96. Ongoing basic and specialized training is provided in many institutions. For example, the High Council of Justice organizes refresher and thematic courses for judges.

97. On 19 April 2018, a specialized training course was organized by the Department for Equality Policies for judges and prosecutors on the use of victim statements as evidence, as part of training undertaken within the framework of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). A comprehensive approach was taken to the topic, with consideration being given to both its legal and psychological aspects.

98. In accordance with obligations under article 24 of the Istanbul Convention regarding telephone helplines, such helplines for victims of gender-based and domestic violence now operate 24 hours a day, 7 days a week and 365 days a year. Calls to the existing 181 helpline, which is staffed by members of the Support Service for Victims of Gender Violence during normal working hours, are forwarded to the Department of Social Affairs' out-of-hours line so that support can be provided to all persons who need advice or information on gender-based and domestic violence.

99. In order to ensure appropriate care for victims of gender-based and domestic violence, specific training on telephone assistance has been provided to staff of the Department of Social Affairs who are assigned on-call duty.

100. In accordance with article 57 of the Istanbul Convention, article 18 of Act No. 1/2015 of 15 January on the eradication of gender-based and domestic violence regulates victims' right to legal assistance provided by the public authorities in the form of specific information and guidance for victims so that they are aware of their rights and of the institutions and professionals involved in relevant administrative and judicial proceedings.

101. The Act also recognizes the right of victims to receive specialized legal assistance in the exercise of the right to defence and to legal support, which is to be provided free of charge in accordance with sectoral legislation.

102. On 12 July 2017, a decree was issued introducing an important change in this area. The decree regulates the right to defence and to legal support and expressly states that victims of gender-based and domestic violence are entitled to the assistance of a lawyer in criminal proceedings (legal assistance in civil proceedings is already recognized in general

terms). Such assistance is provided free of charge for all persons who can prove economic hardship or are victims of economic violence.

103. In the last two years, in collaboration with the Vicky Bernadet Foundation, all staff members of the Department of Social Affairs have received training on child sexual abuse, including on prevention, detection and appropriate measures.<sup>3</sup> Collaborative efforts have also been undertaken with the Ministry of Education and Higher Education to train primary school staff in the Andorran education system on a preventive and dialogue-based approach to child abuse.

104. During his monitoring visit to Andorra on 11 May 2016, the Council of Europe Commissioner for Human Rights, Mr. Nils Muižnieks, delivered training on the rights of women and children to members of the judiciary, law enforcement officials and social workers. He was also able to visit the shelter facilities operated by the Support Service for Victims of Gender Violence and met the supervisors of those facilities. In addition, he visited a public childcare facility, run by the parish councils, where a programme (IMPULS BRESSOL) for the integration of children with disabilities under the age of 3 is being implemented.

#### **Promotion of human rights awareness through educational programmes and Government-sponsored public information**

105. The Ministry of Education and Higher Education has incorporated human rights into the school curriculum, in accordance with the general principles of the World Programme for Human Rights Education.

106. A teacher training course on human rights and the situation in Andorra was held on 21 and 22 February 2014. The course covered the issue of rights in school. It included information on international organizations such as the United Nations and the Council of Europe and the main human rights instruments, reports and monitoring mechanisms.

107. With the aim of promoting education for democratic citizenship, the Ministry of Education and Higher Education reached an agreement with the University of Andorra in January 2017 on a programme for 2017–2019, establishing that the education sciences degree course taught by the University should cover education for democratic citizenship and the defence of human rights.

108. The activities of the Principality of Andorra in the field of human rights also extend to the international sphere. While chairing the Committee of Ministers of the Council of Europe from 9 November 2012 to 16 May 2013, Andorra defined among its priorities education for democratic citizenship and human rights, and the promotion of the Convention for the Protection of Human Rights and Fundamental Freedoms. Those priorities were reflected in various initiatives and activities that were launched during the Andorran chairmanship and continued to be implemented by the Council of Europe beyond that time.

109. On 4 April 2014, Andorra was invited by the Secretary-General of the United Nations to serve as one of the 16 champion countries of the Global Education First Initiative, the aims of which are to put every child in school, improve the quality of learning and foster global citizenship.

110. On 7 December 2016, Andorra presented the “Healthy Way for Human Rights” project at a high-level conference organized by WHO. This project was launched by the Government and the parish councils, with support from economic and social partners. The aim of the initiative was to create a route where people can take regular exercise, while spreading awareness of the Andorran identity, culture and natural environment and fostering social cohesion by promoting and sharing information about human rights. The route stretches for 30 km across the country and symbolizes the 30 articles of the Universal Declaration of Human Rights. The article on equality is presented in three different aspects:

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<sup>3</sup> [www.fbernadet.org](http://www.fbernadet.org).



freedom and equality, equality before the law and equality in marriage and protection of the family.

111. In the context of educational awareness-raising and prevention work, on the occasion of the commemoration of International Women's Day (8 March), the Support Service for Victims of Gender Violence within the Department for Equality Policies, in collaboration with the Ministry of Education and Higher Education, supported the publication of a book for children aimed mainly at combating stereotypes and traditional gender roles through the portrayal of a strong and powerful female figure who plays a crucial role in society.

112. For this purpose, an old Andorran legend – the White Lady of Auvinyà (*La Dama Blanca de Auvinyà*) – has been given a new lease of life. The legend is about a woman who protects the inhabitants of the Valleys of Andorra from the unjust actions of the authorities. The book was illustrated by a well-known Andorran artist, Ms. Cecilia Santañés Molina, and one of the existing versions of the legend has been adapted by the Support Service for Victims of Gender Violence. The Department for Equality Policies has already begun distributing the book to 111 primary school classes, 14 private libraries, 25 nurseries and 7 public libraries. The Department for the Promotion of Personal Autonomy is working on the publication of the book in Braille, a copy of which will be available in the National Library. The book includes a set of teaching and activity materials to help education professionals use it effectively.

#### **Promotion of human rights awareness through the mass media**

113. On 13 April 2016, the Ministry of Education and Higher Education organized a talk by Ms. Caddy Adzuba, a journalist and activist for press freedom and human rights, on the theme of human rights and journalism in a globalized world. This event helped to raise awareness about the importance of press freedom in the defence and promotion of human rights.

114. On 25 September 2015, during the second cycle of the universal periodic review, Andorra accepted the recommendation that it should continue its human rights education efforts and extend them to include journalists and media professionals. In order to fulfil this recommendation and a similar one made by ECRI, the Department of Social Affairs of the Ministry of Social Affairs, Justice and the Interior commissioned Mr. Saïd El Kadaoui Moussaoui, a psychologist, author and expert on issues relating to migration and identity, to deliver a human rights training course that focused on racism and racial discrimination, exclusion and the perception of otherness. This training, which was held on 24 February 2016, was aimed at Andorran journalists, media professionals and government labour inspectors.

#### **Budget allocations and trends**

115. There are no disaggregated data on budget allocations for the implementation of human rights. However, it should be noted that €8,578,605.94 was spent on social assistance in 2009. That figure rose to €20,166,529.23 in 2013. Social assistance includes welfare benefits, assistance aimed at women, unemployment benefits, housing support, education support, old-age pensions and non-contributory solidarity pensions.

116. In 2016, the Department for Equality Policies had a budget of €93,080.13, of which approximately 90 per cent was allocated to care, intervention, training in equality and the fight against gender violence.

#### **Development cooperation and assistance**

117. The Ministry of Foreign Affairs has an annual budget for international development cooperation and humanitarian assistance, which totalled €846,610.56 in 2016 and €853,015.40 in 2017. This budget is spent in four ways:

- Subsidies for international development cooperation projects run by Andorran non-governmental organizations (NGOs)
- Bilateral or multilateral projects implemented by the Government

- Voluntary contributions to funds and programmes run by organizations to which Andorra belongs
- Humanitarian assistance

118. The Ministry of Foreign Affairs believes that it is essential to pursue a strict and effective international development cooperation policy in order to make a real contribution towards achieving the Sustainable Development Goals. For that reason, Andorran cooperation is based on the principles set forth in the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action.

119. The annual master plan on Andorran international development cooperation sets out geographical and sectoral priorities in the area of international cooperation. The strategic priorities are as follows: education; protection of vulnerable groups, which include children, women and persons with disabilities; and the environment and combating climate change, with a particular focus on the issue of water.

120. It should be noted that particular importance is attached to the gender perspective during the evaluation phase of projects submitted to the Ministry of Foreign Affairs for a possible subsidy. Specifically, an additional point is given to the project's overall score if it includes a gender-based approach that favours women or girls.

121. Reports on the implementation of international human rights instruments will contain disaggregated figures on the voluntary contributions made by the Ministry of Foreign Affairs to the funds and programmes of international organizations and on subsidies to specific NGO projects related to human rights activities.

122. The Government has identified various geographical priorities with a view to increasing the impact of Andorran development cooperation. When selecting priority countries, the Government took into account the situation of countries on internationally recognized lists – such as the United Nations Development Programme (UNDP) list and the list of least developed countries drawn up by the United Nations and the World Bank – and gave priority to those most in need. In that regard, consideration is also given to the bilateral relations of Andorra.

123. The Department of Multilateral Affairs and Cooperation of the Ministry of Foreign Affairs uses a portion of its international development cooperation budget to subsidize relevant projects run by Andorran NGOs. Various types of subsidy are granted, including funding for projects that seek to raise awareness within Andorran society. Funding of this kind is granted to projects that promote international solidarity and help to build a more committed and supportive society through cultural exchanges in the educational or cultural sphere. One such project is Andorran diversity week, during which residents of African origin organize activities and workshops, such as dances, cooking workshops, film screenings and concerts, for the rest of society.

## **E. Reporting process**

124. Reports are prepared in accordance with the harmonized guidelines on reporting under the international human rights treaties.

125. Depending on the subject matter of the report concerned, either the competent ministry or the Ministry of Foreign Affairs will be responsible for coordinating its preparation in collaboration with other relevant ministries and bodies.

126. Reports on the implementation of the various international human rights instruments are approved by the Council of Ministers. Draft reports are always submitted to the parliament, the parish councils and the Ombudsman beforehand for comment. They are also sent to NGOs and associations whose work is related to the issues dealt with in the report so that they can submit their comments for inclusion in the reports.