



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Andorra\*

#### I. Introduction

1. The Committee considered the initial report of Andorra<sup>1</sup> at its 656th and 657th meetings,<sup>2</sup> held on 16 and 17 August 2023. It adopted the present concluding observations at its 679th meeting, held on 1 September 2023.
2. The Committee welcomes the initial report of Andorra, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies<sup>3</sup> to the list of issues prepared by the Committee.<sup>4</sup> It also acknowledges the additional written information provided to the Committee by the State party.
3. The Committee expresses its appreciation for the constructive dialogue held with the delegation of the State party, which was led by the Director of the Ministry of Social Affairs and the Civil Service and included representatives of relevant government ministries and members of the Permanent Mission of Andorra to the United Nations Office and other international organizations in Geneva.

#### II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since its ratification thereof, in 2014, in particular the ratification of the Optional Protocol to the Convention.
5. The Committee welcomes the legislative measures taken to promote the rights of persons with disabilities, including the following:
  - (a) Act No. 27/2017 on urgent measures for the implementation of the Convention, adopted in 2017, amending the Act Guaranteeing the Rights of Persons with Disabilities of 2002, incorporating a new definition of disability, the concept of discrimination on the basis of disability, reasonable accommodation, universal design and the principles of the Convention;
  - (b) Act No. 13/2019 on Equal Treatment and Non-Discrimination, which applies to persons with disabilities and lists the denial of reasonable accommodation as a form of discrimination on the basis of disability;

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\* Adopted by the Committee at its twenty-ninth session (14 August–8 September 2023).

<sup>1</sup> CRPD/C/AND/1.

<sup>2</sup> See CRPD/C/SR.656 and CRPD/C/SR.657.

<sup>3</sup> CRPD/C/AND/RQ/1.

<sup>4</sup> CRPD/C/AND/RQ/1.



(c) Act No. 44/2022, the Qualified Consolidated Text on the Electoral System and Referendums, and the Regulations for the Application of Measures to Reinforce the Guarantee of the Autonomy of the Exercise of the Vote by Persons with Disabilities, approved in 2023.

6. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at implementing the Convention, in particular the following:

(a) Independent living programme *Me 'n vaig a casa meva*, launched in 2014, and Plan H23, which promotes the personal autonomy of persons with disabilities by extending the independent living programme to young people with intellectual disabilities between 17 and 30 years of age;

(b) Expansion of the mandate of the Office of the Ombudsman, in 2017, by virtue of the Act No. 26/2017, that includes monitoring the application of the Convention;

(c) Service for personal autonomy directed to persons with disabilities and persons with dependency problems, created in 2018, and the personal assistance programme aimed at promoting the autonomy and independent living of persons with disabilities;

(d) Home care service, which provides personal care, support in the home and social support in the home for persons with disabilities and/or their families to cover the requirements of persons with disabilities or persons who need support to carry out activities of daily living;

(e) Accessibility catalogue distributed to all parishes, in which the degree of accessibility of public buildings, public spaces and public roads has been identified and evaluated, so that the parishes can make budgetary allocations and improve accessibility.

### **III. Principal areas of concern and recommendations**

#### **A. General principles and obligations (arts. 1-4)**

7. The Committee notes the following with concern:

(a) Prevalence of the medical approach in the disability assessment system and the delay in the adoption of a new set of regulations governing the National Evaluation Commission, which establishes the criteria for assessing disability;

(b) Delay in the adoption of a new law on the rights of persons with disabilities and the absence of a comprehensive strategy and long-term national action plan for the implementation of the Convention;

(c) Limited mainstreaming of the rights of persons with disabilities in legislation and public policies;

(d) Lack of awareness of the rights of persons with disabilities among policymakers, government officials, the parish councils, the General Council, legal professionals, judges, teachers, health personnel and other professionals working with persons with disabilities.

8. **The Committee recommends that, in close consultation with, and with the active involvement of, persons with disabilities, through their representative organizations, the State party:**

(a) **Expedite the adoption of a new set of regulations governing the National Evaluation Commission and the criteria for assessing disability, in line with the Convention and the human rights-based model of disability;**

(b) **Adopt a new law on the rights of persons with disabilities that is in line with the Convention, and a comprehensive strategy and a national action plan to implement the Convention, containing allocation of appropriate human, technical and financial resources, benchmarks, measurable indicators and time frames;**

(c) Adopt a twin-track approach by mainstreaming the rights of persons with disabilities across all legislation and public policies;

(d) Provide systematic capacity-building on the Convention and the human rights model of disability for policymakers, government officials, the parish councils, the General Council, the judiciary, legal professionals, teachers, health personnel and other professionals working with persons with disabilities and closely consult with and actively involve organizations of persons with disabilities in the design and implementation of the training modules.

9. The Committee observes the following with concern:

(a) Limited capacity of the National Council for Disability to carry out its duties as a mechanism for coordinating matters relating to the implementation of the Convention;

(b) Absence of participation of the Andorran Federation of Associations of Persons with Disabilities in the review of the initial report of the State party under the Convention and the limited participation and involvement of persons with disabilities, through their representative organizations, in the design, implementation, and monitoring of disability-related laws and policies.

10. Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee recommends that the State party:

(a) Reinforce the capacity of the National Council for Disability and endow it with the human and financial resources that it needs in order to effectively fulfil its mandate to coordinate the implementation of the Convention at all levels;

(b) Strengthen measures and mechanisms for the close consultation with, and active involvement of, persons with disabilities, through their representative organizations, including the Andorran Federation of Associations of Persons with Disabilities, in public decision-making processes and ensure that meaningful consultations are held with the diverse groups of organizations of persons with disabilities, in the design, implementation and monitoring of disability-related laws and policies.

## B. Specific rights (arts. 5–30)

### Equality and non-discrimination (art. 5)

11. The Committee is concerned about the following:

(a) Lack of a normative framework prohibiting intersectional discrimination against persons with disabilities and insufficient measures to address intersecting forms of discrimination against women and girls with disabilities, children with disabilities and persons with intellectual and/or psychosocial disabilities;

(b) Only one complaint of disability-based discrimination has been received by the Office of the Ombudsman between October 2017, when its mandate was expanded by Act No. 26/2017, and December 2021, the date of reception of the State party's replies to the list of issues prepared by the Committee;

(c) Absence of statistics on disability-related cases before the judiciary;

(d) Limited guidance and provision of reasonable accommodation in a broad range of areas.

12. The Committee, recalling its general comment No. 6 (2018) on equality and non-discrimination, and targets 10.2 and 10.3 of the Sustainable Development Goals, recommends that the State party:

(a) Incorporate the concept of intersectional discrimination into domestic legislation, including Act No. 13/2019 on Equal Treatment and Non-Discrimination, and

**reinforce strategies to eliminate multiple and intersecting forms of discrimination on the grounds of disability, in particular against women and girls with disabilities, children with disabilities and persons with intellectual and/or psychosocial disabilities;**

(b) **Strengthen its efforts to raise awareness of the right to non-discrimination among persons with disabilities themselves and their families and guarantee accessible complaint mechanisms, including judicial and administrative procedures, for victims of disability-based discrimination, provide them with redress and ensure that perpetrators are sanctioned;**

(c) **Collect data, disaggregated by sex, age, type of barrier encountered and sector in which the discrimination occurred, as well as on remedies and redress available and the sanctions applied in the judicial framework;**

(d) **Adopt guidelines and training for State and non-State actors on their obligations to provide reasonable accommodation in a broad range of areas, including health, education, employment and access to services in the community.**

#### **Women with disabilities (art. 6)**

13. The Committee notes that Act No. 6/2022, on the effective application of the right to equal treatment and opportunities and non-discrimination between women and men, includes disability as grounds of discrimination. However, it observes the following with concern:

(a) Limited disability perspective in gender-related legislation and policies, as well as the lack of a gender perspective in disability-related legislation and policies;

(b) Women and girls with disabilities are not protected sufficiently from multiple and intersecting forms of discrimination and that there is a lack of data-collection mechanisms aimed at identifying those areas of discrimination;

(c) Lack of empowerment programmes for women and girls with disabilities in employment, in public and political life and in decision-making.

14. **The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities, and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Mainstream the rights of women and girls with disabilities into gender legislation and policies and a gender perspective into disability legislation and policies;**

(b) **Strengthen strategies to combat multiple and intersecting forms of discrimination against women and girls with disabilities and promote research on the situation of women and girls with disabilities, including their concerns in the collection of data on persons with disabilities and on women in general;**

(c) **Implement measures, in consultation with representative organizations of women with disabilities, to empower women and girls with disabilities in all areas of life and ensure their involvement in all public decision-making processes.**

#### **Children with disabilities (art. 7)**

15. The Committee notes that Act No. 14/2019 on the rights of children and adolescents provides for the participation of children and adolescents with disabilities as a guiding and cross-cutting principle and that Act No. 45/2022, amending the Criminal Code, uses terminology and concepts that are in line with the Convention. However, it observes the following with concern:

(a) Scarce participation of children with disabilities in the National Council for Children and Adolescents and the parish councils for children and adolescents;

(b) Act No. 14/2019 allows for a judge to adopt residential care as a protection measure in cases in which it has not been possible or advisable to have family foster care or in which the child's or adolescent's needs so require, including those who require therapeutic care, such as children and adolescents with disabilities;

(c) Absence of data on the number of children with disabilities in residential institutions.

16. **With reference to the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities, of 2022, the Committee recommends that the State party:**

(a) Promote the representation of children with disabilities in the National Council for Children and Adolescents and the communal councils for children and adolescents and ensure that children with disabilities can express their views freely in all matters affecting them and that those views are given due weight in accordance with each child's age and level of maturity;

(b) Review legislation, including articles 93 and 95 of Act No. 14/2019, and implement a policy on the inclusion of children with disabilities, in line with the Convention, regardless of the type of impairment, in all areas of life, including family life and community life, and measures for the deinstitutionalization of children with disabilities;

(c) Provide disaggregated data on the number of children with disabilities still in residential institutions.

#### **Awareness-raising (art. 8)**

17. The Committee appreciates the establishment of 27 April as the national day of commemoration of the Convention. Nevertheless, it expresses its concern about the following:

(a) Reports of negative attitudes, stereotypes and prejudices towards persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities and women and children with disabilities;

(b) Persons with disabilities have not been meaningfully involved in the design, implementation and monitoring of the awareness-raising programmes implemented by the State party and there is a lack of evaluation of the impact of those activities;

(c) Limited involvement of persons with disabilities in raising awareness and promoting a positive image of them in the media.

18. **The Committee recommends that the State party, in close consultation with, and with the active involvement of, persons with disabilities:**

(a) Adopt a national strategy to raise awareness of the Convention throughout society, in particular among persons with disabilities, their families, professional groups and government officials, with a view to eliminating negative stereotypes and prejudice towards persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities and women and children with disabilities;

(b) Ensure that persons with disabilities are effectively and meaningfully involved in the design, implementation and periodic monitoring of training and awareness-raising programmes in accordance with the Convention, as well as in the evaluation of their impact;

(c) Adopt appropriate measures to ensure that the media is used to promote a positive image of persons with disabilities and foster respect for the dignity, abilities and contributions of persons with disabilities.

#### **Accessibility (art. 9)**

19. The Committee takes note of the amendments to the Accessibility Act of 1995 to improve standards. However, it is concerned about the following:

(a) Delay in updating the current Accessibility Act and the absence of a comprehensive national strategy covering physical accessibility and accessibility in transportation, in information and communications technologies and in facilities and services open or provided to the public;

(b) Limited capacity of the Commission for the Promotion of Accessibility and the insufficient monitoring of accessibility regulations, in particular concerning transportation, information and communications, including information and communications technology.

**20. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party, in close consultation with, and with the active involvement of, persons with disabilities, through their representative organizations:**

(a) Expedite the preparation and approval of a new Accessibility Act in conformity with the Convention and adopt a national strategy and accessibility plan to facilitate access for all persons with disabilities to the physical environment, transportation, information, communications, including information and communications technology, and systems and other facilities and services open or provided to the public, with time frames and benchmarks and sufficient resources for their implementation;

(b) Strengthen the capacity of the Commission for the Promotion of Accessibility and establish a monitoring, reporting and evaluation system that evaluates the implementation of the national accessibility standards and universal design, ensuring redress and sanctions in cases of non-compliance.

#### **Right to life (art. 10)**

21. The Committee is concerned about insufficient safeguards concerning the consideration of the will and preferences of persons with disabilities with regard to their health care and treatment, including in palliative care.

**22. The Committee recommends that the State party reinforce safeguards, including by adopting protocols to ensure that all decisions about medical treatment in life-threatening situations and palliative care are made on the basis of the will and preference of the person concerned and that the latter is provided with appropriate support.**

#### **Situations of risk and humanitarian emergencies (art. 11)**

23. The Committee notes that Act No. 28/2022, on Qualified Civil Protection, provides special attention to persons with disabilities in awareness-raising campaigns and that adequate assistance must be provided to them, including information and protection measures. Nevertheless, it is concerned about the following:

(a) Lack of a disability-inclusive perspective in strategies and plans to manage situations of risk, humanitarian emergencies and climate change, including civil protection plans;

(b) Absence of information on the participation of organizations of persons with disabilities in the development of policies concerning situations of risk, humanitarian emergencies and climate change;

(c) Disproportionate impact of the coronavirus disease (COVID-19) pandemic on persons with disabilities, in particular those who are still in institutions.

**24. Taking into account the Sendai Framework for Disaster Risk Reduction 2015–2030, the Committee recommends that the State party:**

(a) Adopt a gender-responsive and disability-responsive strategy and plans to manage situations of risk, humanitarian emergencies and climate change, ensuring the accessibility of critical infrastructure, such as evacuation centres, and of information and communication, as well as the provision of reasonable accommodation and the availability of emergency relief assistance, early warning systems, community needs assessments and assistive devices for all persons with disabilities;

(b) Ensure that the National Civil Protection Commission closely consults with and actively involves persons with disabilities in the planning, implementation and monitoring processes of disaster risk reduction plans and strategies;

(c) **Mainstream disability into its COVID-19 response and recovery plans, including with regard to ensuring equal access to health services and other economic and social programmes to tackle the negative impact of the pandemic, deinstitutionalize persons with disabilities in times of emergency and provide them with appropriate support to live in the community.**

#### **Equal recognition before the law (art. 12)**

25. The Committee acknowledges that Act 30/2022, the Qualified Act on the Person and the Family, recognizes the legal capacity of persons with disabilities and the obligation to offer a system of support and abolish the institution of guardianship and extended or rehabilitated parental authority. However, it observes the following with concern:

(a) Legal provisions, including articles 53 and 56 of the Act 30/2022, providing that “curatorship” must be established for persons with disabilities “who require this kind of support to exercise their legal capacity” and allowing its establishment through judicial authority;

(b) Limited implementation of supported decision-making mechanisms for persons with disability to exercise their legal capacity on an equal basis with others;

(c) Absence of information on the number of persons with disabilities under guardianship and on the review of court rulings to restore their legal capacity.

26. **The Committee, recalling its general comment No. 1 (2014) on equal recognition before the law, recommends that the State party:**

(a) **Review national legislation, including articles 53 and 56 of Act 30/2022, to guarantee the right of all persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, to equal recognition before the law and abolish provisions allowing for restrictions of their legal capacity on the basis of impairment;**

(b) **Develop and implement a range of innovative supported decision-making systems that ensure the provision of individualized support in all aspects of life, tailored to all types of impairment, and respect the autonomy, will and preferences of persons with disabilities;**

(c) **Collect disaggregated data on the number of persons with disabilities under guardianship and regularly review court rulings on restoring their legal capacity.**

#### **Access to justice (art. 13)**

27. The Committee notes the following with concern:

(a) Article 27 of the Criminal Code excludes from liability certain individuals “who are unable to understand the wrongfulness of the act owing to a mental disorder or impairment”;

(b) Limited information on the accessibility of judicial premises and proceedings and on the availability of procedural accommodation and legal aid for persons with disabilities;

(c) Insufficient training of court and other officials in the justice system on the rights of persons with disabilities.

28. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities and target 16.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Amend article 27 of the Criminal Code and guarantee the participation of persons with disabilities in administrative and judicial proceedings in all roles on an equal basis with others;**

(b) **Provide gender-sensitive and age-appropriate procedural accommodation for persons with disabilities in all legal proceedings, ensuring the accessibility of the physical, information and communication aspects, including the provision of**

professional sign language interpreters, the use of Braille, Easy Read and audio and video transcription and access to legal aid services;

(c) **Strengthen the mandatory and ongoing capacity-building programmes on the Convention for the judiciary and justice sector professionals, such as prosecutors, notaries and law enforcement officials, including police and prison officers.**

**Liberty and security of person (art. 14)**

29. The Committee is concerned about the following:

(a) Discriminatory provisions, including article 315 of the Code of Civil Procedure, that allow for the involuntary hospitalization of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, for “therapeutic purposes”, and article 73 (1) of the Criminal Code, which establishes hospitalization in psychiatric facilities as a measure of deprivation of liberty;

(b) Limited information related to community-based mental health services and the number of persons with disabilities deprived of liberty on the basis of impairment.

30. **The Committee, recalling its guidelines on the right to liberty and security of persons with disabilities,<sup>5</sup> recommends that the State party:**

(a) **Repeal legislative provisions, including article 315 of the Code of Civil Procedure and article 73 (1) of the Criminal Code, allowing for the deprivation of liberty of persons with disabilities on the grounds of impairment and/or perceived danger to themselves or others;**

(b) **Ensure the availability of community-based mental health services and support, respecting the right to liberty of persons with disabilities and guaranteeing their right to decide on their health care, including in situations of individual crisis;**

(c) **Provide disaggregated data on the number of persons with disabilities deprived of liberty on the basis of impairment, including in psychiatric facilities, addiction treatment centres or special educational or rehabilitation establishments.**

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

31. The Committee observes the following with concern:

(a) Legislation allowing for persons with disabilities, in particular persons with psychosocial disabilities, to be subjected to forced treatment, coercive measures and forced medication in psychiatric interventions and institutions;

(b) Lack of information on measures taken to prevent torture or other cruel, inhuman or degrading treatment or punishment against persons with disabilities and concerning complaint mechanisms for those who are victims of such practices.

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

(a) **Repeal legislation permitting forced treatment, including coercive measures and forced medication, and adopt protocols to ensure free and informed consent concerning medical or scientific interventions;**

(b) **Take measures to prevent and prohibit torture or other cruel, inhuman or degrading treatment of persons with disabilities, including involuntary medical treatment, and establish a complaint mechanism accessible to persons with disabilities in institutions, investigate and sanction perpetrators of such practices and provide redress for victims.**

<sup>5</sup> A/72/55, annex.

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

33. The Committee notes that Law 1/2015 to eradicate gender-based violence and domestic violence establishes that information must be accessible for persons with disabilities and that the immediate action protocol in cases of abuse against children and adolescents provides for special attention to be given to children and adolescents with disabilities. Nevertheless, it is concerned about the following:

- (a) Lack of a comprehensive strategy to prevent, address and punish all forms of exploitation, violence and abuse against persons with disabilities, in particular women and children with disabilities and persons with intellectual and/or psychosocial disabilities, in all settings, including in the family, at school and in the workplace;
- (b) Limited information concerning support services for women and girls with disabilities who are victims of gender-based violence, including those provided by the Service for Victims of Gender-Based Violence;
- (c) Absence of data, disaggregated by disability, on gender-based violence against women with disabilities and regarding violence against children with disabilities.

34. **With reference to the Committee's statement of 24 November 2021, in which it called for action to be taken to eliminate gender-based violence against women and girls with disabilities, and recalling targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) Adopt a comprehensive strategy to prevent, address and punish exploitation, violence and abuse of persons with disabilities, especially women and children with disabilities and persons with intellectual and/or psychosocial disabilities, ensuring that they have information about how to report such cases and that persons with disabilities who are victims have access to independent complaint mechanisms and appropriate remedies, including rehabilitation;
- (b) Ensure that services for women and girls with disabilities who are victims of gender-based violence, including those provided by the Service for Victims of Gender-Based Violence and emergency accommodation, are accessible physically and in terms of information and communication and that the required support is provided;
- (c) Collect data on gender-based violence against women with disabilities and regarding violence against children with disabilities, disaggregated by sex, age, disability, nationality and the relationship between the victim and the perpetrator.

### **Protecting the integrity of the person (art. 17)**

35. The Committee notes that article 14 of Act No. 40/2014 modifies article 116 (2) of the Criminal Code, sanctioning forced sterilization, and that the discriminatory motive of disability is an aggravating circumstance. It is concerned, however, about the following:

- (a) Women and girls with disabilities, in particular women and girls with intellectual and/or psychosocial disabilities, could be subjected to forced sterilization or other forced interventions at the request of third parties, including family members or guardians;
- (b) Absence of a monitoring mechanism to prevent cases of forced sterilization and other types of surgery for which consent has not been obtained, in particular in psychiatric hospitals and institutions.

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

- (a) Adopt the legislative and other measures necessary to protect the integrity of persons with disabilities in all settings, ensuring that all medical treatment and interventions are done on the basis of the free and informed consent of the concerned person, and prevent and eliminate harmful practices against women and girls with disabilities;
- (b) Establish an independent monitoring mechanism to assess the situation of persons with disabilities still in institutions to prevent and detect forced sterilizations,

**forced abortions, forced contraception or any other forced medical treatment and, where appropriate, punish the perpetrators and provide redress.**

**Liberty of movement and nationality (art. 18)**

37. The Committee is concerned about the insufficient provision of support measures and reasonable accommodation for asylum-seekers, refugees and migrants with disabilities.

38. **The Committee recommends that the State party redouble efforts to provide appropriate support and reasonable accommodation for asylum-seekers, refugees and migrants with disabilities, including through protocols to recognize persons with disabilities in those situations in the social security schemes, and ensure that such persons have access to disability-related benefits.**

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

39. The Committee notes the approval of the comprehensive plan for mental health and addictions, of 2022. However, it is concerned about the following:

(a) Absence of a deinstitutionalization strategy for persons with disabilities, including children with disabilities, and the lack of information on the participation of persons with disabilities in those efforts;

(b) Requirements to access the programme on independent living, including minimum skills and resources, and the limited impact of the programmes on independent living and personal assistance, which benefit only 20 and two persons with disabilities, respectively;

(c) Collaboration agreement signed by the State party with the Our Lady of Meritxell Private Foundation for the provision of residential care service for persons with disabilities in the Albó residence and the public funding used to maintain institutions;

(d) Limited information on the number of persons with disabilities living in institutions.

40. **The Committee, recalling its general comment No. 5 (2017) on living independently and being included in the community and the Committee's guidelines on deinstitutionalization, including in emergencies,<sup>6</sup> recommends that the State party:**

(a) **Develop and implement a strategy on deinstitutionalization, in close consultation with, and with the active involvement of, persons with disabilities, through their representative organizations, with clear time frames and budgetary allocations, extending to all persons with disabilities, regardless of age, gender or type of impairment, and provide community-based services aimed at enabling persons to live independently and to participate in the community;**

(b) **Strengthen arrangements to support persons with disabilities to live independently in the community, including accessible and affordable housing outside any type of congregate premises, personal assistance, a user-led budget, peer support groups and access to services in the community, review the requirements to access the programme on independent living and reinforce the dissemination of information on the programmes on independent living and personal assistance;**

(c) **Review the collaboration agreement signed by the State party with the Our Lady of Meritxell Private Foundation for the provision of residential care service for persons with disabilities at the Albó residence and redirect public funding from institutions towards support for living in the community;**

(d) **Collect disaggregated data on the number of persons with disabilities living in institutions.**

<sup>6</sup> CRPD/C/5.

### **Personal mobility (art. 20)**

41. The Committee notes the range of mobility options available to persons with disabilities, such as provision of a card for free access to public transportation, a parking card to allow persons with reduced mobility to park in reserved spaces and financial assistance for adapting the vehicles of persons with disabilities. Nevertheless, it is concerned about the following:

- (a) Limited information on the resources invested to improve accessibility in all parishes according to the accessibility catalogue;
- (b) Insufficient access to quality mobility aids and assistive devices and technologies and forms of life assistance for persons with disabilities.

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

- (a) **Strengthen the accountability of the resources used to improve accessibility in all parishes according to the accessibility catalogue;**
- (b) **Enhance efforts to ensure that mobility aids and assistive devices and technologies are affordable for all persons with disabilities, including by promoting local repairs, providing government and tax subsidies and waiving taxes and customs charges.**

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

43. The Committee observes the following with concern:

- (a) Delay in amending the Accessibility Act to improve the communications system, especially with regard to the public media and access to information and communications technologies;
- (b) Lack of recognition of Catalan sign language as an official language and the limited number of certified sign language interpreters;
- (c) Insufficient progress made in the provision of information in accessible formats for all persons with disabilities and the limited provision of information and communications technology, through both public and private media outlets, in particular on websites that provide public information.

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

- (a) **Expedite amendments to the Accessibility Act to improve the communications system, especially with regard to the public media and access to information and communications technologies;**
- (b) **Recognize Catalan sign language as an official language, ensure financial resources for the training of sign language interpreters and develop a pool of qualified sign language interpreters in all areas of life;**
- (c) **Ensure the availability of all public information, including information delivered through television and media services, for all persons with disabilities, in accessible communication formats, such as Braille, interpretation for deafblind persons, sign language, Easy Read, plain language, audio description, captioning and subtitles, as well as tactile, augmentative and alternative means of communication, by allocating adequate funding for their development, promotion and use and ensure access to information and communications technology appropriate to the diversity of persons with disabilities.**

### **Respect for privacy (art. 22)**

45. The Committee expresses its concern about the insufficient protection of data of persons with disabilities in the health-care system, including in private practices, hospitals and institutions.

46. **The Committee recommends that the State party implement effective measures to ensure the privacy of persons with disabilities, in particular persons with intellectual**

**and/or psychosocial disabilities, including the confidentiality of information and of their personal medical records, in institutions and mental health systems and services.**

**Respect for home and the family (art. 23)**

47. The Committee notes that Act 30/2022, the Qualified Act on the Person and the Family, has replaced the Qualified Marriage Act of 1995. However, it observes the following with concern:

- (a) Limited awareness of the right of persons with intellectual and/or psychosocial disabilities to marry, owing to discriminatory and negative perceptions in society;
- (b) Insufficient support for children with disabilities and their families and for parents with disabilities to carry out their parental responsibilities.

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

- (a) **Ensure the right of all persons with disabilities, including persons with intellectual and/or psychosocial disabilities, who are of marriageable age to marry and to have a family on the basis of the free and full consent of the intending spouses;**
- (b) **Reinforce measures to guarantee support and services for children with disabilities and their families in the community, including the provision of training on parental skills, information centres and tools to develop parental skills in Easy Read, appropriate levels of income, counselling, in-home care support and information about such services in accessible formats.**

**Education (art. 24)**

49. The Committee acknowledges the progress made in implementing inclusive education, as well as the provision of pedagogical adaptations for students' personal projects and personal assistance to facilitate autonomy of students with disabilities and the collection of data on the number of students with disabilities by gender and level of education. However, it is concerned about the following:

- (a) Absence of a long-term policy in the State party for implementing and monitoring inclusive education, with specific targets and timelines;
- (b) Limited inclusion of a gender perspective and a disability perspective in its legislation and education policies, including Act No. 17/2018 on the Organization of the Andorran Education System;
- (c) Segregation of students with high requirements of support in special schools, through medical-based assessments;
- (d) Insufficient alternative and augmentative modes and methods of communication and information in regular schools;
- (e) Deaf children not having sufficient access to courses for learning Catalan sign language.

**50. Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Formulate a comprehensive, inclusive education policy, with strategies, measurable indicators and timelines, promoting a culture of inclusion in mainstream education at all levels and including individualized human rights-based assessments of educational requirements and necessary accommodations, provide appropriate training for teachers and non-teaching education personnel on inclusive education and periodically evaluate inclusion measures;**

- (b) **Strengthen the incorporation of a gender perspective and a disability perspective into its legislation and education policies, including Act No. 17/2018 on the Organization of the Andorran Education System;**

- (c) Reinforce measures to eliminate the segregation of students with high requirements of support and ensure their inclusion in mainstream schools;
- (d) Enhance efforts to guarantee the use of augmentative and alternative modes and methods of communication in regular education settings, including Braille, Easy Read, sign language, tactile sign language, tracking, tactile fingerspelling and speech reading and communication aids and assistive information and communications technologies;
- (e) Increase the sign language classes for deaf children, promote the deaf culture in inclusive educational environments and allocate appropriate resources to ensure the availability of education in Catalan sign language.

#### **Health (art. 25)**

51. The Committee notes that Act No. 20/2017 on the rights and duties of users and professionals of the health-care system and on medical records recognizes the right to information of persons with disabilities. Nevertheless, it is concerned about the following:

- (a) Article 16 of the Act Guaranteeing the Rights of Persons with Disabilities allows for consent to be given by a representative of the person with disabilities if the applicable law requires it;
- (b) Barriers faced by persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, in acquiring access to health-care services, which include inaccessible health-care facilities and information and a lack of reasonable accommodation;
- (c) Limited access to sexual and reproductive health-care services for persons with disabilities, in particular women and girls with disabilities, and the lack of information on the incorporation of a disability perspective into the actions carried out by the Comprehensive Care Service for Women;
- (d) Insufficient training for health-care personnel on the rights of persons with disabilities.

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

- (a) Review article 16 of the Act Guaranteeing the Rights of Persons with Disabilities and other legislation and health-care policies, ensuring the right of persons with disabilities to free and informed consent for any medical and surgical treatment, on an equal basis with others;
- (b) Strengthen action plans to ensure the accessibility and availability of quality health-care services, information and equipment for persons with disabilities, including the provision of reasonable accommodation by public and private health-care providers;
- (c) Ensure gender-sensitive and disability-inclusive sexual and reproductive health-care services for persons with disabilities, in particular women and girls with disabilities, and guarantee the incorporation of a disability perspective into the actions carried out by the Integral Service for the Attention of Women;
- (d) Integrate a human rights model of disability into the systematic training of health professionals.

#### **Habilitation and rehabilitation (art. 26)**

53. The Committee expresses its concern about the prevalence of the medical model of disability in habilitation and rehabilitation programmes.

54. **The Committee recommends that the State party develop cross-sectoral habilitation and rehabilitation services, programmes and technology for persons with disabilities, available within their community, that are based on the principles of participation and inclusion, in particular in the areas of health, employment, education and social services, with monitoring and evaluation conducted on a regular basis.**

### Work and employment (art. 27)

55. The Committee takes note of the Labour Relations Act of 2018, the Employment Act of 2019 and the advances made in programmes to promote employment among persons with disabilities, including the strategy thereon implemented between 2016 and 2019. Nevertheless, it is concerned about the following:

- (a) Lack of a new employment strategy for persons with disabilities in the open labour market in the public and private sectors;
- (b) Insufficient measures taken to address barriers faced by persons with disabilities to access to employment, including the inaccessibility of the physical environment of many workplaces and of information and the lack of support and individualized accommodation;
- (c) Low rate of employment among persons with disabilities in the open labour market, the low number of persons with disabilities hired in conventional work environments through the Public Employment Service and the limited impact of the Network of Inclusive Companies project;
- (d) Persistence of the segregation of persons with disabilities in “occupational centres”.

56. **Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends that, in line with target 8.5 of the Sustainable Development Goals, the State party:**

- (a) Adopt and implement a national strategy, in close consultation with, and with the active involvement of, persons with disabilities, through their representative organizations, to ensure access to employment for persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities and women with disabilities, in the open labour market, in both the public and private sectors, including an effective monitoring mechanism to ensure the appropriate implementation;
- (b) Reinforce measures to remove the barriers faced by persons with disabilities in access to employment, including by ensuring the provision of reasonable accommodation, workplace adaptation measures and accessible workplaces, enforcing compliance with the laws on the employment of persons with disabilities, including through effective sanctions of employers who violate those laws, and providing employers with training on respecting and applying individualized support and accommodation;
- (c) Strengthen affirmative measures and incentives to encourage and ensure the employment of persons with disabilities in the open labour market, including by reinforcing the programmes of the Public Employment Service and the Network of Inclusive Companies;
- (d) Enhance efforts to speed up the transition of persons with disabilities from sheltered workshops and employment-related welfare services to the open labour market, in the private and public sectors, in an inclusive work environment.

### Adequate standard of living and social protection (art. 28)

57. The Committee takes note of Act No. 6/2014 on Social and Socio-Health Services and is concerned about the following:

- (a) Insufficient social protection scheme to secure an adequate standard of living for persons with disabilities and their families and to cover disability-related expenses;
- (b) Requirements to access solidarity pensions for persons with disabilities and that an additional 20 per cent of the threshold is taken into account, without the consideration of the specific disability cost, when the applicant for financial aid or a member of their immediate family is a person with disabilities;
- (c) Limited availability of accessible and affordable housing for persons with disabilities, in particular those with low or no income.

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

- (a) **Strengthen the social protection system, including the revision of Act No. 6/2014, to guarantee an adequate standard of living for persons with disabilities and to cover disability-related expenses, in particular for those who require more intensive support;**
- (b) **Review the provisions concerning the solidarity pensions and financial aid for persons with disabilities, in close consultation with, and with the active involvement of, persons with disabilities, through their representative organizations, and ensure that the specific situation of each person with disabilities is duly considered in the assessment of pensions and financial aid;**
- (c) **Improve the living conditions of persons with disabilities and realize their right to access to housing that is affordable and located in the community.**

**Participation in political and public life (art. 29)**

59. The Committee notes the following with concern:

- (a) Low representation and participation of persons with disabilities in political and public decision-making, taking into account that the State party reported that only two persons with disabilities hold political positions of representation, one at the General Council and one at the parish level;
- (b) Persons with disabilities only have five working days following the day of publication of the date set for the elections to request the necessary information in accessible formats;
- (c) Insufficient accessibility of electoral procedures, facilities, polling stations and voting materials.

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

- (a) **Strengthen specific measures to ensure the participation of persons with disabilities, in particular women with disabilities, in political life and in public administration and facilitate an environment for them to hold public office and perform all public functions at all levels of government by, inter alia, providing assistive devices and personal assistance;**
- (b) **Review electoral legislation to expand the time frame provided for persons with disabilities to request the necessary information in accessible formats;**
- (c) **Enhance measures taken to ensure the accessibility of the voting environment, including the physical environment, and the provision of electoral materials and information in accessible formats for all persons with disabilities.**

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

61. The Committee takes note of the Integra and Integra Plus programmes for the inclusion of children with disabilities in leisure activities and initiatives to promote inclusive tourism. However, it is concerned about the following:

- (a) The State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;
- (b) Insufficient access for persons with disabilities, including children with disabilities, to inclusive sporting, leisure, tourism and cultural activities and services.

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

- (a) **Ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;**
- (b) **Strengthen mechanisms to assess accessibility barriers and ensure that sporting, recreational, cultural and tourism venues are accessible for all persons with**

**disabilities, in close consultation with, and with active involvement of, persons with disabilities, through their representative organizations.**

## C. Specific obligations (arts. 31–33)

### Statistics and data collection (art. 31)

63. The Committee expresses concern about the lack of:

- (a) Disaggregated data on persons with disabilities for all areas covered by the Convention, given that data are only produced on the number of persons with disabilities and the number of aids provided;
- (b) Awareness and use of international guidelines and protocols on data collection regarding disability, in particular the short set of questions developed by the Washington Group on Disability Statistics in relation to disability;
- (c) Participation of persons with disabilities in designing data-collection systems in the area of disability.

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

- (a) **Strengthen its system for collecting data on persons with disabilities, disaggregated by a range of factors, such as age, sex, type of impairment, sexual orientation, gender identity, race, ethnicity, nationality, migration status and place of residence, on all areas of life, ensuring confidentiality and respect for their privacy;**
- (b) **Ensure that the data generated by the Department of Statistics can be disaggregated by disability and include the short set of questions developed by the Washington Group on Disability Statistics in future population censuses and in periodic household surveys;**
- (c) **Guarantee close consultation with, and the active involvement of, persons with disabilities, through their representative organizations, throughout the planning, design and implementation of data-collection processes.**

### International cooperation (art. 32)

65. While noting that Andorra is part of the Ibero-American Programme on the Rights of Persons with Disabilities and that special attention is paid to persons with disabilities in the master plan for development cooperation in international projects, the Committee is concerned about the following:

- (a) Mainstreaming of disability into international cooperation projects and the monitoring of the 2030 Agenda for Sustainable Development is not fully applied;
- (b) Insufficient consultation with and inclusion of organizations of persons with disabilities, in particular organizations of women with disabilities, as development cooperation partners in the design and implementation of international cooperation programmes.

66. **The Committee recommends that the State party mainstream the rights of persons with disabilities into the design, implementation and monitoring of its international cooperation programmes and into the implementation of the 2030 Agenda for Sustainable Development, at all levels, in close consultation with, and with the active involvement of, organizations of persons with disabilities, through their representative organizations.**

### National implementation and monitoring (art. 33)

67. The Committee notes the following with concern:

- (a) There is no monitoring mechanism that meets the requirements of the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles);

(b) The State party indicates that the monitoring mechanism to supervise the implementation of the Convention is the Andorran Federation of Associations of Persons with Disabilities;

(c) Persons with disabilities have not been adequately involved, through their representative organizations, in the implementation and monitoring of the Convention.

68. **The Committee, taking into account its guidelines on independent monitoring frameworks and their participation in the work of the Committee,<sup>7</sup> recommends that the State party:**

(a) Establish a national human rights institution that meets the requirements of the Paris Principles and ensure that it has sufficient human, technical and financial resources to fulfil its mandate, including monitoring the implementation of the Convention;

(b) Raise awareness of the difference in the roles of the Andorran Federation of Associations of Persons with Disabilities and an independent monitoring mechanism in line with the Convention;

(c) Ensure that persons with disabilities, including women and children with disabilities, and their representative organizations are meaningfully involved in monitoring the implementation of the Convention.

## IV. Follow-up

### Dissemination of information

69. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 26, on equal recognition before the law, 58, on an adequate standard of living and social protection, and 68, on national implementation and monitoring.

70. The Committee requests that the State party implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and the parliament, the General Council, officials in relevant ministries, members of the judiciary, parish councils and relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

71. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic reports.

72. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations, organizations of persons with disabilities and persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and accessible formats, including Easy Read, and to make them available on the government website on human rights.

### Next periodic report

73. The Committee requests the State party to submit its combined second, third, fourth and fifth periodic reports by 11 April 2032 and to include therein information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure,

<sup>7</sup> CRPD/C/1/Rev.1, annex.

**according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.**

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