



# General Assembly

Distr.: General  
19 February 2020  
English  
Original: Spanish

---

**Human Rights Council**  
Working Group on the Universal Periodic Review  
Thirty-sixth session  
4–15 May 2020

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

**Andorra**

---

\* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.



## **I. Progress in the field of human rights**

### **A. Bodies concerned with the promotion and protection of human rights**

#### **The Ombudsman**

1. Andorra decided to extend the powers of the Ombudsman to emulate those of a possible national human rights institution established in accordance with the Paris Principles, as will be explained in the second part of the report. The Ombudsman, whose post was created by the related Act of June 1998, is an independent institution responsible for monitoring the compliance of public servants and, subsequently, private entities, with the fundamental principles of defence and protection of the rights and freedoms enshrined in the Constitution. 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.

2. In 2010, the Act in question was amended to endow the Ombudsman with specific powers relating to the protection of minors and direct access by minors to services dedicated to them.<sup>1</sup> In 2017, it was further amended to include specific powers relating to protection against racism and discrimination, in response to the recommendations made by the European Commission against Racism and Intolerance (ECRI).<sup>2</sup>

#### **Family Visitation Service**

3. This specialized social service was created in 2018 to help establish and enforce visitation schedules in situations involving separation, divorce or other family conflict where the relationship between children and their parent or family member has been disrupted or is problematic.

#### **Support mechanism for youth currently or formerly under guardianship**

4. This mechanism was created in 2015 to provide ongoing support to young people between 16 and 25 years of age currently or formerly under State guardianship, or in a vulnerable situation or at risk of social exclusion, by assisting them in acquiring the skills needed for daily life and ensuring their emancipation and social integration. The mechanism's activities cover the areas of prevention, community intervention and support for emancipation and social inclusion.

#### **The National Social Welfare Commission**

5. The National Social Welfare Commission was set up in 2016 as a political and technical body for coordination and cooperation between the Government and parish councils<sup>3</sup> on issues of common interest relating to social services. Various operational measures designed to avoid duplication, simplify administrative procedures and standardize criteria so as to ensure equal treatment have been proposed and analysed with a view to making the provision of public services as efficient as possible.

#### **National Commission for the Prevention of Gender-based and Domestic Violence**

6. In accordance with article 10 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and article 20 of Act No. 1/2015 of 15 January 2015 on the eradication of gender-based and domestic violence, a decree laying down regulations for the National Commission for the Prevention of Gender-based and Domestic Violence was adopted in 2016. It is a collegiate body responsible for coordination and cooperation between the various government departments involved in preventing and combating gender-based and domestic violence. Cooperation guidelines were also drawn up to ensure the orderly planning of actions by the government departments mentioned above. 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 and to avoid secondary victimization.

## **B. International human rights treaties**

### **Ratification of human rights conventions between 2015 and 2019**

7. Ratification of Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms (17 May 2019).
8. Acceptance of the Convention against Discrimination in Education (13 March 2018).
9. Ratification of the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (16 November 2016).
10. Accession to the Statute of the Hague Conference on Private International Law (11 June 2015).
11. Accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (17 September 2015).

## **C. Legislative amendments and advances**

### **Children, young people and education**

12. The Government of Andorra considers children and education to be cross-cutting priorities.<sup>4</sup> Qualified Act No. 14/2019 of 15 February on the rights of children and adolescents was adopted pursuant to its commitment to guarantee the full realization of the human rights of these persons. This instrument not only targets each child and adolescent as holders of rights and obligations, and their families as the main guarantors of their comprehensive development, but also the public institutions responsible for their care and protection, as well as private entities, professionals and society in general, in accordance with the principle of shared social responsibility between public servants, the family and citizens, whereby priority is always given to prevention so as to promote the healthy, harmonious and positive growth of these groups. This law was drafted in view of all the treaties, agreements and international conventions ratified by Andorra,<sup>5</sup> and led to the introduction of necessary legislative amendments, particularly to the Criminal Code.

13. Qualified Act No. 14/2019 of 15 February on the rights of children and adolescents provides for the adoption of a national plan for children and adolescents within two years of its enactment. The Act implements an advanced system of protection against all types of ill-treatment by establishing a new framework for action that focuses not only on intervention in situations of risk or distress, but that also places a special emphasis on prevention and awareness raising within the community in order to guarantee children and adolescents a safe and healthy living environment.

### **Education for democratic citizenship**

14. Education is one of the main strengths of Andorra. As indicated in the country's common core document,<sup>6</sup> it has developed a national education strategy that guarantees access to free, high-quality public education within any of the country's three education systems, namely, the Andorran, the Spanish or the French system. This particular feature strengthens social cohesion and respect for diversity, and places a strong emphasis on inclusion.

15. Since holding the Chairmanship of the Committee of Ministers of the Council of Europe (November 2012–May 2013), Andorra has continued to work on education for democratic citizenship by promoting the development of skills useful for fostering values such as cultural diversity and justice, and for fostering respect, tolerance, responsibility and critical thinking. These skills are also used to prevent extremism and radicalization.

16. The University of Andorra and the Ministry of Education have worked together to overhaul the Bachelor's degree in teacher training and the Bachelor's degree in education science. Modules on the teaching of skills for education for global citizenship have been

included in these courses. A Master's degree in teacher training, which includes a module on teaching global and democratic citizenship, has also been created. This module was designed in cooperation with the Council of Europe and is delivered partly through distance learning to allow students and teachers from outside Andorra to take part.

17. In schools, prevention workshops are held on, inter alia, gender stereotypes, gender-based violence, *machista* discourse, the situation of migrants and refugees, and the 2030 Agenda for Sustainable Development.

18. Qualified Act No. 10/2018 of 17 May, amending the Qualified Act on Immigration, creates a new temporary visa for young people who are nationals or residents of countries that have signed an agreement with Andorra under which they are entitled to live and work in the country on a temporary basis (working holidays). The law has also partially amended the conditions for granting student visas to allow holders to work for a maximum of 20 hours per week.

19. As for the strengthening of the rights and guarantees of minors against whom criminal proceedings are being brought, Qualified Act No. 15/2019 of 15 February on the criminal responsibility of minors, in addition to regulating issues hitherto not covered by Andorran law, introduces changes that are both substantial and necessary. Firstly, jurisdiction to try criminal offences has been transferred to the Criminal Court (*Tribunal de Corts*), making it the sole court of first instance in criminal matters and the court whose judges have the greatest knowledge and training in this area, meaning that it can offer more guarantees to minors.

20. Moreover, in accordance with the Qualified Act on the Criminal Procedure Code, minors can, for the first time, be tried on the same basis as adults in criminal proceedings. Thus, when advisable, proceedings can be concluded more quickly and a lesser penalty can be imposed on the convicted minor. The Act in question makes it compulsory for judges and magistrates who try minors to undergo specific basic and ongoing training.

21. Regulations governing applications for retrial and for judicial review, the specific detention regime applicable to minors and the specific disciplinary regime applicable to minors when they are imprisoned have also been laid down in order to provide minors with increased guarantees and protection. Minors are held in a child-friendly unit that is completely separate from units holding adults.

### **Refugees**

22. For geographical, territorial and demographic reasons, Andorra does not have specific laws on the right to asylum, nor is it a party to the 1951 Convention relating to the Status of Refugees.

23. In order to help mitigate the humanitarian crisis caused by, inter alia, the Syrian conflict, bearing in mind the size and population of the country (77,543 inhabitants),<sup>7</sup> the Act on Temporary and Transitional Protection on Humanitarian Grounds was adopted in 2018. Subsequently, in May 2018, an agreement was signed with the Community of San Egidio to facilitate the arrival in Andorra of Syrian refugees currently in Lebanon, through a humanitarian corridor.

24. Since October 2018, eight refugees have arrived in Andorra; this number is expected to grow in 2020. The Act in question establishes the necessary framework for hosting refugees by way of a new type of residency and work permit issued under the country's temporary and transitional protection regime. The permit, which is initially valid for two years, can be renewed. The Act also lays down the requirements for obtaining and cancelling such a permit, and provides for the possibility of refugees remaining in the Principality after this transitional period has ended. Their right to gain access to housing, work and training, social and health services, and the education system is therefore recognized.

### **Justice**

25. With regard to access to justice, Act No. 12/2016 of 28 June amending the 1993 Transitional Act on Judicial Proceedings has made improvements to the review procedure

applicable in respect of final decisions taken by the European Court of Human Rights. In keeping with the recommendation made by the Department for the Execution of Judgments of the European Court of Human Rights, the review procedure may be applied in respect of decisions that, despite having been issued prior to the entry into force of Act No. 16/2014 (which first introduced the review procedure), were being executed at that time and whose execution was being monitored by the Committee of Ministers, with a reasonable period of time being allotted for requesting such a review. Otherwise, the Government could not have given effect to a judgment of the European Court of Human Rights ordering a retrial that had been issued prior to 2014.

26. Likewise, Act No. 3/2018 of 22 March on mediation, which is aimed at finding responsible, self-managed and effective solutions to conflicts between private individuals, has been adopted in an effort to expedite the work of the courts by avoiding recourse to legal proceedings in certain disputes. Here, mediation not only serves as an alternative to legal proceedings, but also as a complementary process that allows citizens to benefit from effective and optimal legal protection.

### **Social progress<sup>8</sup>**

#### *Access to housing*

27. The improvement in the country's economic situation and the resulting expansion of the labour market and increase in the number of properties for tourist use has led to a shortage in rental housing. The Government has taken a number of measures to respond to this problem. Adopted in January 2019, Act No. 3/2019 of 17 January on urgent measures related to property rental amended several laws regulating different aspects of the matter and created a new tax for unoccupied properties. Similarly, on 7 July 2019, during the fourth meeting of the National Housing Commission, an agreement was reached to establish the Housing Board<sup>9</sup> as a consultative and inclusive body to serve as the meeting point for Andorran property agents in the public and private sectors. The aim of the Housing Board is to help assess the current situation, to design proposals to bring about improvements and to follow up on the actions taken in this area.

28. In addition, the Government has undertaken to establish, during the first quarter of 2020, a national housing institute as the body responsible for planning public policies, drawing up strategic plans and approving and promoting public housing through the creation of a public-private fund to help finance the sector in order to promote the construction of new housing or the refurbishment of buildings intended for the rental market.

#### *Adequate standard of living*

29. In order to promote social cohesion and to improve living conditions, measures entailing an increase in the lowest wages as a means of increasing purchasing power have been taken. The Government plans to gradually increase the minimum wage until it reaches 60 per cent of the average wage.<sup>10</sup> The minimum wage has grown by 3.2 per cent in 2020 and currently stands at 1,083.33 euros.

30. Act No. 23/2019 of 12 December on urgent measures related to property rental and to improve purchasing power introduces the obligation for employers to apply the consumer price index, as a minimum, in respect of annual salaries below 24,000 euros. Similarly, the value of the pensions of persons receiving a small allowance from the Andorran Social Security Fund has been increased by 3.2 per cent. The cost of this increase is borne by the Government as non-contributory assistance so as not to affect the sustainability of the Andorran Social Security Fund pension system. The value of the solidarity pension for persons with disabilities and the solidarity pension for older persons has increased by the same percentage.<sup>11</sup>

#### *Health*

31. Andorra has introduced regulations that are highly conducive to the protection and promotion of human rights. Firstly, Act No. 20/2017 of 27 October concerning medical

records<sup>12</sup> establishes the rights and obligations of users and professionals of the health-care system. The Act regulates aspects that link human rights to health, such as the right to information, autonomy, privacy, the right to be treated with dignity and the advance directives of patients. Under this law, regulations governing the functioning of the National Register of Advance Directives, which has been operational since May 2019, were adopted on 6 March 2019.

32. Act No. 12/2019 of 15 February on assisted human reproduction techniques was adopted by the Andorran parliament. This regulatory framework allows techniques to be developed with the maximum guarantees, thereby ensuring respect for human dignity and the protection of patients' privacy.

33. Andorra has also adopted Act No. 34/2018 of 20 December on organs, cells, tissues and blood, whose main purpose is to protect human health.

## **II. Implementation of the recommendations made in 2015**

### **A. Reports and treaties**

#### **Response to recommendations 83.3, 83.4 and 83.5**

34. The task of preparing for and drafting the reports due under the universal periodic review process is carried out by a specially established interministerial working group composed of experts from different ministries, who draft the response to the recommendations falling within their field of competence. Reports due under international human rights treaties are usually transmitted to public authorities and civil society, and can be freely commented on. In 2017, the Ministry of Foreign Affairs<sup>13</sup> created the post of "coordinator" as the inter-institutional mechanism responsible for following up on, inter alia, the country's international human rights commitments and for overseeing the drafting of the related reports and responding to the questionnaires received from international bodies of which Andorra is a member. However, owing to the lack of human resources in the Ministry of Foreign Affairs and in other ministries, Andorra has not yet submitted two periodic reports – one due under the Convention against Torture and its initial report due under the International Covenant on Civil and Political Rights. Nonetheless, on 5 February 2018, Andorra submitted its combined initial and second to sixth periodic reports due under the International Convention on the Elimination of All Forms of Racial Discrimination.

#### **Response to recommendations 84.14 and 84.15**

35. The possibility of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, whose purpose is the establishment of a subcommittee to conduct regular visits to places of deprivation of liberty in order to prevent torture and to make recommendations, has been examined on several occasions. However, on 6 January 1997, Andorra ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which provides for the establishment of a committee with functions and objectives similar to those of the Subcommittee of the United Nations. Given the size of the country and the fact that it has only one prison, in addition to small detention units in its police stations, Andorra is firmly convinced that the international conventions that it has already signed in this connection cover the purpose of the Optional Protocol. Moreover, in keeping with article 17 of this instrument, Andorra is equipped with an independent national mechanism (the Ombudsman) empowered to, inter alia, conduct regular visits to the country's prison. In addition, both the Attorney General and the President of the Court of First Instance conduct regular, unannounced visits to the prison in question. Therefore, Andorra already fulfils the objectives of the Optional Protocol. The possibility of signing the Optional Protocol cannot, however, be ruled out, although the need to avoid duplicating the functions of some of the supervisory mechanisms to which Andorra currently reports would need to be taken into account.

**Response to recommendation 83.1**

36. Ratifying the Arms Trade Treaty<sup>14</sup> is subject to the adoption of the regulations relating to the Public Safety Act, which is scheduled to take place in April 2020.

**Response to recommendation 84.11**

37. Andorra wishes to ratify the International Covenant on Economic, Social and Cultural Rights<sup>15</sup> and this possibility is currently being examined by the legal service of the Ministry of Foreign Affairs. However, it has not yet been possible to initiate the necessary internal procedures.

**Response to recommendation 84.18**

38. Since 2015, Andorra has ratified the following international human rights instruments:

- Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms.
- Protocol No. 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms.
- The Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

39. In addition, Andorra intends to ratify the following instruments:

- The International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto.
- The Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine.

40. Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance is not a priority for Andorra, mainly because of the lack of cases of enforced disappearance and the limited human resources of the Ministry of Foreign Affairs. Therefore, there are not yet any plans to initiate the necessary internal procedures for signing it.

**Response to recommendation 84.23**

41. Andorra ratified the UNESCO Convention against Discrimination in Education in March 2018.

**B. Human rights institution, training and indicators****Response to recommendation 84.29**

42. The possibility of establishing a national human rights institution in accordance with the Paris Principles has been examined on several occasions. However, given the size of the country and the capacity of the Andorran public authorities, the Government and the Andorran parliament instead preferred to broaden and strengthen the competencies of the Ombudsman. Pursuant to the Act of 4 June 1998, the body was 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, article 5 of which declares the Universal Declaration of Human Rights to be in force. The Ombudsman submits an annual report on his or her activities to the Andorran parliament. 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. In order to broaden and clarify its mandate, Act No. 79/2010 was adopted on 25 October 2010 to give effect to the provisions of the Convention on the Rights of the Child.<sup>16</sup> As a result, the Ombudsman can now inform and advise 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 of age and persons lacking 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)) explicitly states that children over 12 years of age may seek an audience with the Ombudsman without a legal representative or guardian present. Lastly, in response to a recommendation made by ECRI, the Andorran parliament adopted Act No. 26/2017 of 23 November to, among other things, broaden the Ombudsman's mandate to include handling complaints of racial discrimination in both the public and private spheres.

#### **Response to recommendation 84.37**

43. The Government is currently engaged in developing indicators in a general sense. The different government ministries have been working with the Department of Statistics to develop comparable, useful and effective indicators in various fields, including that of human rights. At the time of drafting the report for the first voluntary national review of Andorra in 2017, the need to work more intensively on developing national indicators based on those of the 2030 Agenda for Sustainable Development was also identified. The Department of Statistics is carrying out this work, which includes developing human rights indicators, particularly in the context of the first Statistical Plan 2018–2021, which will make it possible to increase the number of statistical activities and, in turn, to collect information on more indicators (public safety survey, living conditions survey, health statistics, etc.). However, while the task of identifying and developing indicators is not yet complete, significant progress will hopefully have been made by the time Andorra submits the report for its second voluntary national review in 2022.

#### **Response to recommendation 84.43**

44. Point 11.A of the style manual of *Ràdio i Televisió d'Andorra* states that journalists must take the utmost care to respect the rights of the weakest persons and those facing discrimination. They should thus be particularly careful with news or opinions that are possibly discriminatory or are likely to lead to violence or degrading practices. In order to provide journalists with training in human rights, on 13 April 2016, the Ministry of Education organized a colloquium entitled "Human Rights and Journalism in a Globalized World", which was led by the journalist and activist for press freedom and human rights, Ms. Caddy Adzuba.

45. On 24 February 2016, at the initiative of the Ministry of Social Affairs, Mr. Saïd El Kadaoui Moussaoui, an expert in migration and identity issues, delivered a training course focusing on racism and racial discrimination, exclusion and how differences are perceived. This training was aimed at journalists, media professionals and labour inspectors. In 2019, training sessions on children's rights and gender-based violence were organized for all media outlets (two sessions: one more theory-based and the second more practical) and were attended by some 60 journalists.

### **C. Women's rights, children's rights and equality policies**

#### **Strengthening of social plans and programmes aimed at the population in general and at persons at risk of social exclusion in particular**

##### **Response to recommendation 83.2**

46. The Constitution provides that Andorra is a social State and proclaims respect and promotion of freedom, equality, justice, tolerance, defence of human rights and dignity of persons as the principles underpinning State actions. It also reflects the commitment of Andorra to achieving real equality by stipulating that the public authorities must create the conditions necessary so that equality and personal liberty may be truly and effectively realized.

47. As already indicated during the universal periodic review of Andorra in 2015, the Andorran parliament adopted Act No. 6/2014 of 24 April on social and health services,



which provided the country with an organized model that defines users' rights and obligations, coordinates the resources necessary to manage social and health services, and implements the associated financing system.

48. The Government subsequently developed regulations on the basis of the Act, adopting the Decree of July 2019 on economic benefits and the Decree of 2017 regulating technical and technological assistance and the social and health services portfolio. The aforementioned economic benefits include solidarity pensions for persons over 65 years of age and for persons with disabilities, which guarantee the minimum income necessary to ensure social cohesion, and benefits for dependent children, which are granted to all families with an income below this minimum income, from the first child onwards. The regulations also provide for ad hoc financial assistance to cover basic needs and to prevent situations of marginalization, which, in turn, helps to prevent exclusion and to promote financial independence.

49. The health-care system, which is social security-based, is managed by the Andorran Social Security Fund and funded by contributions made by companies and workers, whether self-employed or employed, according to the percentages of income received, as established by law. The Andorran Social Security Fund covers both contributors (directly insured persons) and declared beneficiaries (indirectly insured persons), and provides coverage to up to 98.5 per cent of the population. The remaining 1.5 per cent are either self-funding or covered by social services in cases of economic hardship or particularly vulnerable persons (minors under guardianship or persons with disabilities). Users receive 75 per cent of the cost of outpatient products and services and 90 per cent of the cost of inpatient products and services.

50. However, the Andorran Social Security Fund already reimburses 100 per cent of the costs associated with certain chronic, long-term or particularly serious illnesses, and the cost of examinations or expensive treatments that are beyond the means of families. For certain treatments, services and examinations, the Andorran Social Security Fund acts as a "third-party payer" from the outset.

51. The labour market situation in Andorra is exceptional within Europe. The outcome of the indicator assessment conducted in 2017 was published in February 2018. The indicators in question included the unemployment rate, which stood at 1.7 per cent (with data from September), and net business creation, which, in 2017, stood at 490 businesses.

52. In addition to the measures described in the country's 2015 report (creation of the involuntary unemployment benefit and employment promotion programmes), attention should be drawn to the fact that, in Andorra, the unemployment situation is essentially structural in nature, which prompted the decision to take a proactive approach to employment and work, in accordance with the Europe 2020 strategy. Act No. 4/2019 of 31 January on employment was adopted to this end and includes a specific chapter on proactive policies, which include job placement, careers advice, training and retraining, employment promotion, support for equal opportunities, promotion of self-employment and business creation, development of initiatives to boost employment in remote areas, implementation of innovative projects and providing advice to companies to help them improve their recruitment practices.

53. The Strategy for the Integration of Persons with Disabilities into the Workforce was adopted in 2016. The Employment Service has updated its procedures to ensure that this group is included in the ordinary employment system and that the required reasonable accommodation is provided, in accordance with the Convention on the Rights of Persons with Disabilities. In addition, the Government created a distinctive emblem – Network of Inclusive Companies – for those companies that would commit to hiring persons with disabilities, in accordance with the general regulations governing labour relations.

54. Act No. 14/2019<sup>17</sup> provides that, regardless of age and administrative status, minors (up to 18 years of age) have the right to health protection, effective access to quality health care and access to, *inter alia*, public health measures and programmes. Therefore, all minors who are under the guardianship of the State and those whose parents lack the necessary financial means are entitled to 100 per cent reimbursement of health-care fees.

55. Lastly, Act No. 13/2019 of 15 February on equal treatment and non-discrimination regulates the right to equality and the different protections available in case of violation or discrimination. The Act provides for the adoption of a programme to promote the employability of women and vulnerable persons.

### **Promoting gender equality and combating discrimination against women**

#### **Response to recommendations 83.6, 84.35, 84.38, 84.48, 84.50, 84.51, 84.52, 84.53, 84.59, 84.60 and 84.66**

56. Andorra has carried out specific actions aimed at achieving gender equality, such as establishing the National Equality Commission and developing the National Equality Plan. To this end, multisectoral working groups were set up (children and young people, older persons, women, persons with disabilities and immigrants) to work on the various problems raised and to set some priorities in terms of equal opportunities. However, a change of government after only two years stalled this work and the adoption of the National Equality Plan.

57. During the last parliamentary session (2015–2019), Andorra introduced a number of legislative reforms: the social protection system was modernized by Act No. 6/2014 of 24 April on social and health services, and the Department for Equality Policies<sup>18</sup> was set up in 2015 and operationalized in 2016. The Department's functions are to:

- Promote and develop cross-cutting programmes and measures to prevent and combat gender-based violence, domestic violence and violence in all other settings.
- Promote and develop cross-cutting programmes and measures to prevent and guarantee effective equality between women and men.
- Strengthen and improve efforts to combat the inequalities and discrimination that affect the persons and groups who are most vulnerable in this regard.

58. In 2015, the Andorran parliament approved the preparation of a white paper on equality<sup>19</sup> in line with the gender-sensitive policies of the Inter-Parliamentary Union. Thus, an exhaustive study was carried out based on the analysis of statistical data, public and private programmes and services guaranteeing equal opportunities and the existing legislative framework in Andorra. Ten priorities for promoting a culture of equality in the country were also agreed.

59. The adoption of Act No. 13/2019 of 15 February on equal treatment and non-discrimination in 2019 was one of the priorities established in the white paper on equality that has since become a reality. The Act establishes a legal framework of guarantees in the event of discrimination that is applicable in both the public and private spheres. In this connection, in 2018, the Ministry of Foreign Affairs submitted the report due in connection with the country's voluntary national review under the 2030 Agenda for Sustainable Development. Although the report focuses primarily on the protection of the environment and sustainable development, it also establishes gender equality as a principle that underpins all public policies. This is reflected in the Strategic Plan for the Implementation of the 2030 Agenda, which was adopted by Andorra in April 2019.

60. Act No. 13/2019 of 15 February on equal treatment and non-discrimination provides that a gender perspective must be mainstreamed in every measure, policy, programme or regulatory provision. The measures to promote equality set out in the Act include the adoption of a strategy for equality and non-discrimination, which should include a specific programme to promote gender equality and specific measures to promote the reconciliation of personal, family and work life. The strategy is to be adopted in keeping with the Convention on the Elimination of All Forms of Discrimination against Women and the Council of Europe Gender Equality Strategy 2018–2023.

61. Act No. 13/2019 of 15 February on equal treatment and non-discrimination provides a general framework for the right to equality, including definitions of equality and non-discrimination (direct and indirect discrimination; discrimination by error or association; discriminatory, sexual and gender-based harassment; and orders to take retaliatory action or

to discriminate) and the different procedures for guaranteeing the protection of this right in case of violation.

62. The Act includes various measures with a direct bearing on gender equality, such as:

- recognizing sexual harassment on the basis of sex and unfavourable treatment arising from pregnancy or maternity as acts of discrimination.
- upholding the principle of equal pay regardless of sex, which entails an obligation to provide equal pay for work of equal value, regardless of the nature of such pay, while ensuring that the factors and conditions governing the performance of the work do not give rise to any discrimination against women.
- introducing social criteria into public procurement in order to promote social integration, the employment of women and the adoption of measures, such as gender equality plans.

63. In the 2019 general elections, the majority of the political parties that put forward candidates had lists of equal numbers of men and women, which led to the formation of a totally gender-balanced chamber and, for the first time in the constitutional history of Andorra, a woman was elected President of the Andorran parliament. The position of Vice-President is also held by a woman. The current coalition Government is composed of six women and six men. Lastly, work is already under way on the future law on effective equality between women and men.

64. The conclusions of the white paper on equality pointed to the existence of a gender wage gap of 21 per cent, similar to that recorded in surrounding countries. The causes of the gender wage gap are multiple: gender stereotypes, a tendency to undervalue professions practised mainly by women, the greater proportion of women in part-time employment, bars to promotion within companies and women bearing the brunt of caregiving.

65. The measures to address these inequalities are multidisciplinary in nature. Act No. 1/2015 of 15 January 2015 on the eradication of gender-based and domestic violence, regulates the application of various preventive and awareness-raising measures in the educational sphere: eliminating sexist content, specific co-educational measures and programmes, and non-sexist and non-discriminatory academic and professional guidance designed to help students choose between the various academic and professional options available to them, in keeping with their skills and abilities, without gender bias or any type of discrimination. In addition, the programme to promote the employability of women and other vulnerable groups is a useful tool in that it assists in the adoption of specific measures to reduce the wage gap.<sup>20</sup> All of this must be considered in the context of the Andorran market economy, which is oriented towards the service and tourism sectors.

66. Dialogue with the country's feminist associations has been strengthened following the adoption of Act No. 13/2019 of 15 February on equal treatment and non-discrimination. The creation of the Secretariat of State for Equality and Citizen Participation, as a service reporting to the Head of the Government, places equality at the heart of government policy.

67. The minimum age of marriage is still 16 years of age. However, in Andorran society, a consensus has been reached to raise it to 18 years of age, which is one of the current political objectives of both the Andorran parliament and the Government. During its previous session, the Andorran parliament was debating the Act on the Rights of Persons and Families in which this amendment was already reflected. However, this work could not be completed due to the call for general elections in April 2019. However, as this law is one of the legislative priorities of the Government and the Andorran parliament, it is expected to be adopted by the parliament during the second half of 2020.

68. Equality policies have been strengthened by two specific measures: (1) the broadening of the mandate of the Ombudsman as the institutional body competent to receive complaints of inequality and discrimination and (2) the creation of the Observatory on Equality to collect information and interpret data with a gender perspective.

## Measures to combat violence against women and domestic violence

### Response to recommendations 83.7, 83.8 and 84.53

69. Policies to combat gender-based and domestic violence have been strengthened during the last parliamentary session (2015–2019). The ratification of the Istanbul Convention and the adoption of Act No. 1/2015 of 15 January 2015 on the eradication of gender-based and domestic violence have undoubtedly provided a legal basis for implementing preventive and proactive policies based on the principles of specialization, gender mainstreaming, comprehensive intervention and citizen participation.

70. The Interdisciplinary Team on Gender Violence, which is responsible for providing care to victims of gender-based violence, was set up within the Department for Equality Policies in 2006. Subsequently, following the entry into force of Act No. 6/2014 of 24 April on social and health services, the Interdisciplinary Team on Gender Violence became the Service for Victims of Gender-based Violence, which provides victims with guaranteed support, free of charge.

71. The Service for Victims of Gender-based Violence offers comprehensive social, psychological and legal assistance to victims. The linchpin of the Service is a female coordinator (a female social worker or female social educator) who conducts a series of interviews (preliminary and follow-up) to assess the risk faced by the woman and, where appropriate, her dependent children. During this process, an individual workplan is drawn up and various objectives are agreed in order to facilitate the victim's recovery in application of the principle of person-centred care. The importance of the social and educational assistance provided to victims cannot be overstated. Depending on the needs identified during this process and, at the request of the woman, the female coordinator can arrange for her to receive, on the one hand, psychological assistance to help her work through the consequences and possible effects of the traumatic experience, and, on the other, legal assistance so that she is aware of the different forms of protection available to her.

72. In addition to intervening directly to provide victims with comprehensive assistance, the police force, the health service and the justice system also offer institutional support to other actors in order to ensure that victims are treated in accordance with the established procedures, thereby preventing their secondary victimization.

73. In 2016 and 2017, the human resources of the Department for Equality Policies were increased through the addition of a female lawyer. In addition, a mother and child psychologist has been hired to assist minors who are victims of gender-based violence. Andorran law provides that the children of women who are victims of gender-based violence are also victims of this violence and should enjoy the rights recognized by law. A male social worker and a male psychologist specializing in the care of men who commit acts of violence against women have also joined the Department. These professionals are responsible for implementing a programme to promote non-violence in relationships. It is possible to join this programme of one's own accord, by judicial referral or by referral from other public services. The main aim of the intervention is to ensure that perpetrators recognize and take responsibility for their violent behaviour and to educate participants about egalitarian relationships and responsible parenting.

74. The number of safe houses for female victims of violence and, where appropriate, their children, has been increased significantly.

75. Similarly, additional training has been provided to the departments that work with victims of gender-based violence. Between 2016 and 2019, basic and specialized training was dispensed to police officers, health professionals and rapid intervention bodies, such as the fire brigade and teaching staff.

76. The Department for Equality Policies, together with the Ministry of Education and Higher Education, organizes tailored workshops on the prevention of gender-based and domestic violence as part of the Bullying Prevention Plan. The Department also carries out various public awareness campaigns.<sup>21</sup> The Service for Victims of Gender-based Violence operates a free hotline for the public, 24 hours a day, seven days a week.

77. Act No. 1/2015 of 15 January 2015 on the eradication of gender-based and domestic violence established the National Commission for the Prevention of Gender-based and Domestic Violence as a political and technical body responsible for formalizing coordination and cooperation between the various ministries and government departments involved in preventing and combating these phenomena. Its functions have included preparing guidelines on cooperation and coordination in the fight against gender-based and domestic violence, which were completed in 2018. This document 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 have useful educational content for professionals involved in caring for and assisting victims, and include a protocol for the early identification of victims and persons at risk of gender-based violence, which includes identification indicators, harmonized action guidelines and cooperation frameworks.

### **Sexual and Reproductive Health Service**

78. In November 2019, Andorra approved the creation of the Sexual and Reproductive Health Service, a project taken forward by the State Secretariat for Health, the State Secretariat for Social Affairs, Housing and Youth and the State Secretariat for Equality and Citizen Participation. The Service will become operational during the first quarter of 2020.

79. The Sexual and Reproductive Health Service will guarantee access to free, tailored information on education, assistance and health promotion. In this way, the Service will inform the general public, especially women and those around them, about sexual and reproductive health at all stages of the fertility cycle, including matters related to pregnancy and its termination.

80. Although the Sexual and Reproductive Health Service will be permanently located at the Santa Coloma primary health-care centre,<sup>22</sup> it will offer services, on a rotating basis, to the rest of the primary health-care centres in the country to ensure that all needs identified in the national territory are met. Users of the Service will be cared for by a team of professionals specializing in sexual and reproductive health who, where appropriate, will refer them to medical or legal specialists, or to the psychological care specialists attached to the Service.

81. Medical professionals follow an established procedure for dealing with requests for information on termination of pregnancy. The procedure is initiated at the request of the patient and involves an interview, during which tailored information is provided. This information is offered irrespective of age or background. Moreover, in the first instance, the Sexual and Reproductive Health Service can provide basic care by telephone or email.

### **Housing assistance**

82. Andorra responded to the appeal for rental housing assistance in 2020 by allocating 1,903,819.69 euros to help pay the rent of applicants.

83. Disadvantaged women living together in a broken home and women who are victims of gender-based violence have been included as priority groups, along with large families, older persons and young people.

84. The Government plans to establish, by legislative means, a national housing institute and to create a public-private fund to promote social housing.

### **Rights of persons with disabilities**

#### **Response to recommendations 84.67, 84.68, 84.69 and 84.70**

85. Even though there is a long-standing body of law responding to the needs of persons with disabilities, the care provided to them and the measures in place to safeguard their rights have evolved considerably in recent years.<sup>23</sup>

86. The country's becoming a Member of the United Nations, together with the entry into force of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, has led to progress in the realization and exercise of the rights of this

group. The Act Guaranteeing the Rights of Persons with Disabilities incorporates the social concept of disability adopted by the General Assembly on 3 December 1982 in the World Programme of Action Concerning Disabled Persons, as well as the terminology (impairments, disabilities and handicaps) and principles (participation, prevention, rehabilitation and equality of opportunities) of that Programme, which recognizes the rights and duties of this group. The aforementioned Act had been preceded by the 1995 Accessibility Act, which represented a very important step in regulating the right of persons with disabilities to accessibility in different environments.

87. Act No. 6/2014 of 24 April on social and health services has also updated and consolidated, by introducing additional guarantees, the rights of persons with disabilities in this area. Following the adoption by the Andorran parliament of Act No. 27/2017 of 30 November on urgent measures for the implementation of the Convention on the Rights of Persons with Disabilities of 2006, a number of obsolete definitions have been updated. Thus, persons with disabilities benefit from multiple social and health services in several fields:

- In the field of education, the early care service for children between 0 and 3 years of age (*Impuls* programme) and children between 3 and 16 years of age (*Progrés* programme) allows reasonable accommodation to be provided in the ordinary education system, thereby ensuring the availability of inclusive education.
- In the field of health, access to the public health system is guaranteed for all persons with disabilities. Andorra is obliged to enrol and contribute on behalf of children with disabilities whose parents lack the necessary financial means, thereby ensuring that they enjoy health-care coverage.
- In the field of employment, a support service for promoting labour market inclusion serves as the first port of call for and provides information on the various labour resources and vocational training available, promotes personal autonomy, offers tailored guidance and advice, as well as training, by providing specific support in the workplace based on monitoring and continuous assessment.
- In the field of leisure, specially trained professionals provide the support necessary to ensure that all persons with disabilities can take part in cultural or sporting activities.

88. Since 2017, the Department for the Promotion of Personal Autonomy has dispensed training to government staff on how to care for a person with a disability while respecting the rights recognized by law and avoiding malpractice.

89. Act No. 1/2015 of 15 January 2015 on the eradication of gender-based and domestic violence protects all women, including women who are particularly vulnerable. The National Commission for the Prevention of Domestic and Gender-based Violence is tasked with “designing strategies to be implemented in order to raise awareness and provide prevention, detection and intervention on behalf of victims of gender-based and domestic violence; such measures should be implemented as action programmes that take into account particularly vulnerable groups, such as girls and women with disabilities and immigrants”. In addition, the Act on the Eradication of Gender-based and Domestic Violence recognizes the right of women with disabilities to receive comprehensive information and appropriate advice regarding gender-based and domestic violence in an accessible and understandable format, either in sign language or in some other form of communication.

90. The protocol for the early identification of victims of gender-based violence included in the cooperation guidelines contains specific information on women with disabilities and highlights specific indicators that have a bearing on their vulnerability. There is a specific framework for cooperation between the Department for the Promotion of Personal Autonomy and the Department for Equality Policies concerning specialized care for women with disabilities who are victims of gender-based or domestic violence or discrimination.

91. The Qualified Act on the Rights of Children and Adolescents expressly recognizes the rights of persons with disabilities during childhood and adolescence. They have the

right to full and effective participation and inclusion in society on an equal footing with others, in an environment that enables them to enjoy an inclusive and rewarding social, school and work life and where accessibility and the provision of reasonable accommodation are guaranteed, in accordance with the Convention.

92. Similarly, public authorities are obliged to ensure that children with disabilities are able to exercise their right to freely express their opinion on matters affecting them and that they receive assistance appropriate to their type of disability so that they can exercise this right effectively.

### **Labour rights**

93. The major effort made by the Government in the areas of employment and work has led to the adoption, between 2018 and 2019, of various laws regulating and providing legal security in these areas. The measures taken to guarantee the right to work of the most vulnerable, and the right to engage in collective bargaining and to strike, are described below.

### **Response to recommendation 83.2**

94. Since 2012 and 2013, Andorra has been implementing several employment and training programmes for unemployed persons registered with the Public Employment Service each year. These programmes are intended to promote employment, on-the-job training and the use of open-ended contracts for unemployed persons. At the beginning of 2015, Andorra implemented a new programme to promote the hiring and practical training by companies of economically active young people between 16 and 21 years of age.

95. Since 2016, the Government has been implementing a new strategy involving the gradual introduction of a system of integrated pathways offering tailored career guidance intended to grant persons who have difficulty in accessing the labour market priority access to proactive employment policy programmes, which has led to these changes. It was thus decided that participants, in addition to having to meet the entry requirements for each programme, also had to belong to a vulnerable group.

96. In 2017 and 2018, all the aforementioned changes were confirmed, as were the labour inclusion needs of persons belonging to the groups who experience the most difficulty in gaining access to employment. In 2019, it was decided that priority would continue to be given to these groups, particularly young people between 18 and 25 years of age, persons receiving some form of involuntary unemployment benefit, persons with disabilities and vulnerable persons who are receiving specialized career guidance through one of the pathways offered by the Public Employment Service.

97. The budget allocated to proactive employment measures is around 0.10 per cent of the country's gross domestic product, which amounted to an average of 2,755,216 euros per year over the period 2015–2018.

98. Furthermore, the adoption, in 2019, of Act No. 4/2019 of 31 January on employment provides the country with a new legal framework enabling it to take a proactive approach to employment. This allows the process of modernizing the public employment system and its administrative structures to move forward, and efforts to promote specific programmes for target groups to continue.

### **Response to recommendations 84.47, 84.63 and 84.64**

99. In late 2018, Andorra adopted Act No. 31/2018 of 6 December on labour relations; Qualified Act No. 32/2018 of 6 December on action by trade unions and employers, and Qualified Act No. 33/2018 of 6 December on collective dispute measures.

100. Act No. 31/2018 of 6 December on labour relations, titles IV and V of which regulate the collective rights of employees and collective bargaining, introduces improvements to encourage the holding of elections to appoint employee delegates and work council members and, at the same time, to promote collective bargaining. Title IV brings the regulations into line with article 19 of the Constitution, which provides that workers and employers have the right to defend their economic and social interests, by

regulating, for the first time in Andorra, collective dispute measures, the right to strike and lockouts.

101. Qualified Act No. 32/2018 of 6 December regulates action by trade unions and employers and the Economic and Social Council, and promotes the participation of trade union and employers' organizations, and other social actors, in social dialogue.

102. Qualified Act No. 33/2018 of 6 December on collective dispute measures establishes the fundamental right to defend economic and social interests, by regulating the different collective dispute measures that may be brought to bear, the right to strike and the right to lockout; this allows workers and employers to defend their economic and social interests with the necessary, and enforceable, legal certainty.

#### **Response to recommendation 84.65**

103. In early 2015, Andorra adopted a programme to promote the hiring and practical training by companies of economically active young people between 16 and 20 years of age, which has been extended to assist young people who have been identified as facing a possible risk of exclusion. In order to assist these young people, it was necessary to extend this joint, cross-cutting programme, which includes measures to support young people through mentoring and to provide them with tailored guidance to help them identify and develop their skills in two successive stages: by improving the employability of young people between 16 and 20 years of age and by promoting their hiring and training.

#### **Criminal and legal issues**

##### **Response to recommendations 83.9, 84.44 and 84.45**

104. The acts of discrimination punishable by law are listed in chapter V of the Criminal Code. Qualified Act No. 40/2014 of 11 December, amending the Criminal Code, substantially changed the wording of article 338 to provide for new criminal offences relating to discrimination, which, to date, have not been punishable.<sup>24</sup> Article 338 (1) lists unlawful acts of discrimination punishable by imprisonment for a term of 3 months to 3 years:

- (a) Incitement to violence, hatred or discrimination against a person or group of persons;
- (b) Public abuse, slander, defamation or threats targeting a person or group of persons;
- (c) Public expression, by whatever means, of an ideology or doctrine that asserts the superiority of a single group of people, or that disparages or denigrates it;
- (d) Public dissemination or distribution of any material containing images or other expressions of the acts mentioned above.

105. The offence of "public expression of a discriminatory ideology" does not only include widespread dissemination but also punishes expressions made even in private meetings or Internet forums.

106. Under article 338 bis, on punishable preparatory acts, possessing or producing any material containing images or expressions of the acts envisaged in article 338 (1) (a), (b) and (c), are punishable by imprisonment of up to 1 year, provided that the material is intended for public dissemination.

107. Article 339, on the offence of insulting a group, criminalizes acts or utterances that, committed or made intentionally and in public, are highly offensive to members of a religious, national, ethnic or political group, a trade union or adherents of a particular faith or ideology. The penalty in this case is confinement.

108. In addition, under article 338 (2) of the Criminal Code, any authority or public official who, in their official capacity, commits any of the offences referred to in article 338 (1), is liable to the prescribed penalty and debarment from holding public office for up to four years. Under article 338 (4) of the Criminal Code, any authority or public official who,



in their official capacity, refuses, with the aim of discriminating, to provide a public service or to grant an entitlement or other advantage envisaged by law, who interferes with the granting thereof or who causes the service, entitlement or other advantage to be revoked, is liable to imprisonment for a term of up to 1 year and debarment from public office for up to three years.

### **Racial discrimination as an aggravating circumstance**

109. Under article 30 (6) of the Criminal Code, discriminatory motives are aggravating circumstances applicable to all the offences specified in the Code.<sup>25</sup>

110. In 2016, the coordinating prosecutor of the service responsible for hate crimes and discrimination and for the investigation and prosecution of crimes and discrimination in Barcelona dispensed training to judicial staff. A handbook on investigating and prosecuting hate crimes and discrimination has been posted on the intranet of the police force.

111. In addition, Act No. 13/2019 of 15 February on equal treatment and non-discrimination was adopted in February 2019. The Act lays down basic definitions that are to be applied in all fields of social life. It reinforces the effective protection of the right to equal treatment and non-discrimination by establishing precise judicial, administrative and institutional guarantees, and by providing protection and adequate reparation to victims of discrimination.

### **Response to recommendation 85.1**

112. Since 2015, the country's legal framework has been broadened considerably in order to punish human trafficking and to enhance protection for victims. Act No. 40/2014, amending the Criminal Code, introduced the following offences: trafficking in human beings for the purpose of organ removal,<sup>26</sup> trafficking in human beings for the purpose of slavery<sup>27</sup> and trafficking in human beings for the purpose of sexual exploitation.<sup>28</sup>

113. Act No. 9/2017 of 25 May on measures to combat human trafficking and to protect victims updates the existing legislative framework by amending various laws in keeping with the obligations arising from the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings. It amends, among others, Act No. 6/2014 of 24 April on social and health services, by introducing provisions on services and assistance for the physical, psychological and social recovery of victims of trafficking, including assisted returns to their country of origin or to any other country that offers the required level of protection, when this is requested by the victim. Lastly, it amended the Social Security Act (No. 17/2008) to allow victims of trafficking and their minor children to be reimbursed 100 per cent of the cost of services rendered and to be included in special social security schemes.

### **Response to recommendation 85.2**

114. In response to the recommendations concerning the need to prohibit and explicitly punish all corporal punishment made during the country's first universal periodic review, a reform of the Criminal Code was clearly and forcefully undertaken in order to address the problem of domestic violence. In 2014, the word "corporal", which had hitherto been absent so as to avoid possible misunderstandings, was introduced into article 476.<sup>29</sup> The Andorran parliament adopted Act No. 14/2019,<sup>30</sup> which includes a specific article on protection against any kind of ill-treatment.<sup>31</sup>

115. Article 80 of the Act lays down the definition and concept of a situation of risk.<sup>32</sup>

116. Lastly, article 112 refers to remedial education measures within the scope of residential care, which prohibit corporal punishment, deprivation of food, deprivation of visitation rights and a relationship with family members or other persons close to the child, interference with oral or written communications, deprivation of the right to education and assistance at the educational institution, deprivation of the right to health care, or any other measure that violates the dignity of the child or adolescent in care.

**Response to recommendation 84.54**

117. The Code of Criminal Procedure does not distinguish between Andorran nationals and foreign nationals for the purposes of provisional detention. The judge may order provisional detention and explain the reasons for applying this exceptional measure in specific cases.<sup>33</sup>

118. The duration of the provisional detention cannot exceed 4 months. However, the competent judge may, by means of a reasoned decision, extend its duration for the same amount of time, after which provisional release will be granted in the case of minor offences. In the case of serious offences, the duration of the provisional detention may be extended by 4 months at a time, a maximum of twice. In cases involving specific offences, a third<sup>34</sup> extension may be granted at the request of the Public Prosecution Service. A fourth extension (very exceptional) may also be granted if the crimes being prosecuted are particularly serious.

119. The duration of the provisional detention may not exceed half the maximum penalty prescribed by the Criminal Code for the offences for which it has been ordered, taking into account the system of accumulation of penalties.

120. Once the case has been sent to court, the duration of the pretrial detention cannot exceed 6 months (minor offences) or 12 months (serious offences) from when notification is received of the terminating order and, in any event, provisional release will be granted when the duration of the provisional detention reaches half the maximum penalty prescribed by the Criminal Code for the offences for which it has been ordered.

121. If an appeal is lodged, the duration of the pretrial detention cannot exceed 18 months from the date of notification of the judgment, and provisional release will always be granted when the duration of the detention reaches that of the penalty imposed at first instance.

**Response to recommendation 84.56**

122. While it is true that there was a considerable delay in the execution of a large number of judgments issued by the courts owing to insufficient human resources and to the growing number of court judgments to be issued because of the courts' increased caseload, Andorra, taking into account the recommendations made by various international bodies, decided, in 2014, to adopt Act No. 43/2014 of 18 December on bailiffs<sup>35</sup> in order to guarantee the right of any person in respect of whom a final judgment has been issued to have it executed within a reasonable time frame.

123. Bailiffs have the power to execute final civil and administrative judgments, and enforceable administrative measures, which, in all cases, entail the payment of a sum of money. He or she is a specialized and independent executor acting on a representative basis and under the direction of the competent judicial or administrative authority in order to reduce the time taken to execute court decisions.

124. The current Code of Criminal Procedure regulates in detail the different aspects of the enforcement of monetary and non-monetary claims.

*Notes*

<sup>1</sup> Véase respuesta a la Recomendación 84.29.

<sup>2</sup> Comisión contra el Racismo y la Intolerancia del Consejo de Europa.

<sup>3</sup> Administraciones locales.

<sup>4</sup> Andorra ha destinado entre 2015 y 2019 un total de 815.500 €, en materia de cooperación al desarrollo directamente para la infancia, la educación y la capacitación.

<sup>5</sup> En particular la Convención sobre los Derechos del Niño, de 20 de noviembre de 1989, y los Protocolos facultativos de la Convención, incluso el Protocolo facultativo de la CDN relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía, así como toda la normativa relativa a la infancia del Consejo de Europa.

<sup>6</sup> Documento Común entregado a Naciones Unidas en mayo de 2018.

<sup>7</sup> Datos estadísticos oficiales, diciembre de 2019.

<sup>8</sup> En este apartado no se hará referencia a la temática de la igualdad ni de derechos de diferentes grupos

- vulnerables ya que en la parte segunda del Informe se explica los avances de manera detallada.
- <sup>9</sup> Esta Mesa ya se ha reunido cinco veces desde su creación.
- <sup>10</sup> Ésta es una de las recomendaciones del Consejo de Europa.
- <sup>11</sup> Pensiones reguladas en los artículos 25 y 26 de la Ley 6/2014, de 24 de abril, de Servicios Sociales y Sociosanitarios.
- <sup>12</sup> Ley 20/2017 de 27 de octubre de derechos y deberes de los usuarios y de los profesionales del sistema sanitario y sobre la historia clínica.
- <sup>13</sup> Ministerio de Asuntos Exteriores.
- <sup>14</sup> Tratado sobre Comercio de Armas.
- <sup>15</sup> Pacto Internacional de Derechos Económicos, Sociales y Culturales.
- <sup>16</sup> Convención sobre los Derechos del Niño.
- <sup>17</sup> Ley 14/2019, de 15 de febrero, Cualificada de los Derechos de los Niños y los Adolescentes (LCDNA).
- <sup>18</sup> Área de Políticas de Igualdad.
- <sup>19</sup> Libro Blanco de la Igualdad.
- <sup>20</sup> Pacto para la definición y valoración mínima de las diversas categorías profesionales, incentivos en la formación técnica de mujeres y hombres en áreas en las que haya sub-representación de un sexo, revaloración de los trabajos vinculados con el cuidado.
- <sup>21</sup> Todas las campañas están disponibles en la página web: <https://www.aferssocials.ad/igualtat/campanyes-25n>.
- <sup>22</sup> Centro de Atención Primaria.
- <sup>23</sup> Ley de 14 de octubre de 1983, de creación de la Pensión de Adultos Minusválidos y la Ley de Garantía de los Derechos de las Personas con Discapacidad de 17 de octubre de 2002.
- <sup>24</sup> La reforma del Código Penal, contenida en la Ley 40/2014, también permitió incluir el concepto de móvil discriminatorio en la definición de la asociación ilícita y se atribuyó la responsabilidad criminal a las personas que dan apoyo financiero o de cualquier otro tipo. Véase artículos 359 y 360 del Código Penal.
- <sup>25</sup> El mismo artículo 30.6 define el móvil discriminación como *“la toma en consideración, respecto de una persona física, el nacimiento, el origen, su pertenencia nacional o étnica, el color, el sexo, la religión, la opinión filosófica, política o sindical o cualquier otra condición personal o social, como su capacidad física o mental, su modo de vida, sus costumbres, su lengua, su edad, o su identidad u orientación sexual”*. Aunque la definición de móvil discriminatorio no incluye la mención “raza”, los jueces se acogen a los criterios de origen, pertenencia nacional o étnica y color de la piel para penalizar este tipo de discriminación.
- <sup>26</sup> Artículo 121 bis del Código Penal.
- <sup>27</sup> Artículo 134 bis del Código Penal.
- <sup>28</sup> Artículo 157 bis del Código Penal.
- <sup>29</sup> Destacar las explicaciones dadas en el segundo informe periódico (A/HRC/WG.6/AND/1, párrafos 66, 67, 68 y 69).
- <sup>30</sup> Ley 14/2019, de 15 de febrero, Cualificada de los Derechos de los Niños y los Adolescentes (LCDNA).
- <sup>31</sup> Artículo 59: *“1. Las administraciones públicas, en el ámbito de sus competencias, deben proteger a los niños y adolescentes contra cualquier tipo de maltrato, para garantizar su bienestar, así como su pleno y sano desarrollo. 2. El sistema de protección de los niños y adolescentes incluye el conjunto de actuaciones, medidas y servicios dirigidos a prevenir, detectar, notificar, derivar, intervenir, prestar atención y facilitar la recuperación y la reinserción social, según corresponda, en relación a cualquier forma de maltrato que puedan sufrir niños y adolescentes. 3. Por maltrato se entiende cualquier tipo de violencia, física o psicológica, como los **castigos corporales**, la negligencia, los abusos sexuales, la violencia de género, doméstica o familiar y la explotación sexual, laboral o con cualquier otra finalidad, incluyendo la fecha en que se haya llevado a cabo, mediante las tecnologías de la información y la comunicación, independientemente del entorno, la persona o la institución que la genere. También se considera maltrato la falta de atención de las necesidades básicas de un niño que afecte a su desarrollo.”*
- <sup>32</sup> a) *La falta de atención física o psíquica de un niño o adolescente, por parte de sus progenitores o de las personas que ostentan la tutela o la custodia, que suponga un perjuicio leve para su salud física o emocional, o la obstaculización del ejercicio de sus derechos. b) La utilización del castigo físico o emocional sobre un niño o adolescente que no constituya un episodio severo o un patrón crónico de maltrato.*
- <sup>33</sup> 1. Cuando la libertad del procesado presente un peligro para la seguridad pública, o bien el hecho haya causado alarma social. 2. Si existen motivos, teniendo en cuenta las circunstancias de los hechos y la gravedad del delito y la pena asignada, para creer que el delincuente intentará sustraerse de la acción de la justicia. 3. Si el delito ha causado un perjuicio a un tercero y no ha sido presentada una caución o fianza suficiente. 4. Si la detención es necesaria para la protección del procesado o para

prevenir la reiteración del delito. 5. Si el inculpado no cumple la orden de comparecencia dictada por el tribunal o el juez. 6. Si el mantenimiento en libertad puede perjudicar el desarrollo normal de la instrucción.

- <sup>34</sup> Delito de homicidio, de asesinato, de tortura, de esclavitud, de agresión o abuso sexuales, de tráfico de drogas, de secuestro, de tráfico de niños, de tráfico ilegal de armas, de proxenetismo, de terrorismo, de financiación del terrorismo, de blanqueo de dinero o valores, de asociación para atentar contra el Principado o contra el orden constitucional y los delitos contra la comunidad internacional.

- <sup>35</sup> *saig* en catalán y *huissier de justice* en francés.
-