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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Andorra

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document is being issued without formal editing.



1. The Principality of Andorra is deeply committed to the universal periodic review, a unique process that allows all States to provide information on the measures that they have taken to improve the human rights situation in their country and to assess persistent challenges. The process also allows other States to review the progress achieved and make recommendations. Such recommendations are essential for the continued improvement of the human rights situation. That situation can always be made better, and it is up to each of us to ensure that each State keeps its commitment to protecting human rights. Andorra works hard to do so and thanks all the States that have submitted recommendations, as they either provide an opportunity for Andorra to discuss the progress that has been made and describe its national system for the protection of human rights or serve as a reminder that some of its protection policies can be improved.
2. This dialogue is beneficial for all, particularly the most vulnerable groups and the international and national systems for the protection of human rights.
3. Andorra has carefully considered the 104 recommendations it received. An interministerial working group took part in preparing responses to the recommendations and will continue working to implement the accepted recommendations over the next four years.
4. Andorra accepted 60 recommendations, or 57.69 per cent of the 104 recommendations received. It partially accepted 6 and noted 38.

Recommendations

84.1–84.13. Noted.

Andorra cannot currently commit to ratifying the International Covenant on Economic, Social and Cultural Rights within the next four years. Andorra is, however, aware of the importance of ratifying this international instrument and therefore undertakes to carry out, over the next four years, all the legal studies needed to determine the legislative changes required for ratification.

Additionally, Andorra cannot undertake to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, given the country's heightened security situation in this area and the absence of reported cases, or, for the moment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, or the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

Andorra is in the process of studying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and is also examining the possibility of signing on to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, under the Council of Europe, regularly visits the only prison in Andorra, which has an average population of 60 prisoners, operational detention centres and patients who have been committed. National oversight bodies such as the Ombudsman, the president of the court of first instance and the Prosecutor General also ensure and verify that the situation is more than satisfactory with respect to the prevention of torture. Lastly, no claims of torture have been made relating to Andorra.

84.14. Partially accepted. Andorra undertakes to provide human rights training to State officials who work with migrants.

84.15. Accepted. For the time being, however, Andorra has not put forward any candidates.

84.16. Noted. Andorra will examine this possibility.

84.17. Noted. Andorra will examine this possibility.

84.18–84.20 and 84.22. Noted. Andorra will strengthen the role of the Office of the Ombudsman so that its work more closely resembles that of a national human rights institution.

84.21. Accepted.

84.23. Accepted. Several bills under consideration will further strengthen the protection of vulnerable groups.

84.24. Accepted. The human rights protection framework will continue to be strengthened through legislation and government efforts.

84.25. Noted.

84.26. Accepted. The Family Code will amend Act No. 34/2014, under which civil unions for same-sex couples have already been recognized, so that civil unions between persons of the same sex can be called civil marriages.

84.27. Accepted. The bill on effective equality between women and men expands the definition of discrimination against women, without prejudice to the application of Act No. 13/2019 on equal treatment and non-discrimination.

84.28–84.29. Accepted. The bill on effective equality between women and men will allow for the implementation of this recommendation.

84.30 and 84.32–84.37. Accepted. Act No. 13/2019 already addresses the principle of equal pay, but the bill on effective equality between women and men provides for a register to be created on differences in the wages of women and men in order to help close the pay gap.

84.31. Accepted.

84.38–84.39. Accepted. Although racial discrimination is already included in article 4.2 of the Act on Equal Treatment and Non-Discrimination, a legal formulation encompassing the grounds of national origin, colour and descent, in accordance with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, will be examined and put into effect.

84.40. Noted. The creation of an independent supervisory body would not seem to be necessary, given the number of media outlets in Andorra.

84.41. Accepted.

84.42–84.43. Accepted. These measures are already required under Acts No. 13/2019 and 14/2019.

84.44. Accepted. A number of efforts related to this recommendation are under way.

84.45. Noted. For the time being, there are certain structures and laws that are still needed to be able to involve certain vulnerable groups in the development of disaster risk reduction policies.

84.46. Accepted. The Government is working to create a strategic commission on violence against women and domestic violence, with the involvement of various ministries.

84.47. Noted. There are no plans for major improvements, given that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has found conditions to be satisfactory.

84.48. Accepted. Professionals in the justice system receive regular training on human rights.

84.49. Accepted. A great deal of work and follow-up is already being done on this recommendation.

84.50. Noted. For the time being, there are no plans to adopt a civil code in the near future.

84.51. Noted. The Government of Andorra and the Andorran justice system do not engage in any judicial harassment. The judiciary is an independent entity that follows the procedures established by law.

84.52. Partially accepted. Andorra distinguishes between public participation and political participation. Andorra has recently created new mechanisms for civic engagement that are open to all Andorran residents. Accordingly, we accept the part of the recommendation dealing with public participation, but not the part dealing with political participation.

84.53–84.54, 84.58–84.63 and 84.65. Accepted. A strategic road map for preventing and combating trafficking in persons and protecting victims is under consideration and will be adopted.

84.55–84.57. Partially accepted. We accept the implementation of a strategy to prevent and combat trafficking in persons and protect victims, but not an action plan as such.

84.64. Accepted. There has been no such situation in Andorra, but if one were to arise, the content of this recommendation would be respected.

84.66. Accepted. This is provided for under the proposed qualified act on the family.

84.67. Accepted. The Government is currently working on a housing strategy.

84.68–84.74 and 84.76–84.77. Noted. The right to life is protected in its different phases under article 8 of the Constitution and articles 107, 108 and 109 of the Criminal Code (which define offences against human life). In order for the law to be amended to decriminalize abortions performed under certain circumstances, article 8.1 of the Constitution would first have to be amended. In addition, any amendment to the text of the Constitution would need to be approved by a majority in the parliament, an outcome that we cannot guarantee today.

84.75. Accepted. A new, recently created office makes it possible for these rights to information, guidance and education to be ensured.

84.78. Accepted.

84.79–84.80. Accepted. The Convention on the Elimination of All Forms of Discrimination against Women forms part of our legal texts, and the Government and the High Council of Justice are continuing their efforts to disseminate it more broadly.

84.81. Accepted. A working group has been established to address the recommendations made by the Committee on the Elimination of Discrimination against Women.

84.82–84.85. Accepted. A great deal of work and follow-up is already being done on these recommendations.

84.86. Partially accepted. Andorra agrees to continue its efforts to combat and prevent discrimination against women but does not commit to decriminalizing abortion within the next four years for the reasons set out during its presentation under the universal periodic review mechanism.

84.87–84.91. Accepted. These recommendations are addressed in the bill on effective equality between women and men.

84.92. Accepted. The creation of the Observatory for Equality will make it possible for this recommendation to be addressed.

84.93. Accepted. The proposed qualified act on the family will address this recommendation.

84.94–84.95. Accepted. A national plan for children and adolescents is currently being drafted, with the assistance of the Council of Europe, and its methodology includes the participation of children, young people and civil society.

84.96. Accepted. Various legislative amendments that will address this recommendation are being made.

84.97. Accepted.

84.98. Accepted.

84.99. Accepted. The laws of Andorra already address this recommendation.

84.100. Noted. All migrant workers, including female migrants and domestic workers, have access to complaint procedures, including those within the justice system. The Labour Inspectorate works to monitor compliance with labour and occupational health and safety laws, as provided for by the legislation in force. However, certain areas are specifically excluded from the area of competence of the Labour Inspectorate. Domestic work is one of these few exceptions. No legislative amendment is planned at the moment, but the possibility has not been excluded. This recommendation will therefore be given due consideration.

84.101. Accepted. The guiding principles of Act No. 4/2019 of 31 January on employment, which regulates, inter alia, employment policies, are equal opportunity, non-discrimination and social cohesion. This means that individuals must be given equal access, without discrimination, to employment and the range of services offered by the country's employment system.

In addition, employment policy must also be coordinated with immigration policy in order to ensure the employability of Andorrans and foreigners holding residence and work permits, in accordance with immigration regulations, and encourage companies to hire people with employment backgrounds matching their needs and business objectives. However, the Immigration Act gives priority in the granting of work permits to nationals of countries with which Andorra has signed agreements, to nationals of the European Union and the European Economic Area and, lastly, to nationals of other countries.

84.102. Noted. We are committed to ensuring the protection of unaccompanied minor children, but we cannot currently undertake to develop a legal process to ensure the protection of all refugees and asylum seekers.

84.103–84.104. Noted. We will nonetheless examine these two recommendations closely.
