



2RP: Responses to Recommendations & Voluntary Pledges

ANDORRA

Second Review Session 22

Review in the Working Group: 7 May 2015
Adoption in the Plenary: 25 September 2015

Andorra's responses to recommendations (as of 29.09.2015):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
9 accepted 2 noted 74 pending	Out of 74 pending recommendations, 33 were accepted, one which is considered as already implemented (84.54) and 44 were noted ¹	The VP of the HRC stated that out of 85 recommendations received, 41 enjoyed the support of the Andorran Government and 44 were noted, whilst we count three additional recommendations as outlined in footnote 1.	Accepted: 42 Noted: 46 Total: 88

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/30/9:

83. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Andorra:

¹ Recommendations 84.2, 84.3 and 84.13 were noted, with some parts accepted. As the parts accepted and noted were clearly identified, the recommendations were split into two recommendations, one accepted and one noted. The total number of recommendations is now 88.

A - 83.1 Ratify the Convention on Cybercrime and the Arms Trade Treaty within a reasonable period of time (Georgia);

A - 83.2 Continue to strengthen its social plans and programmes in particular in the area of employment, health and food to ensure the best possible well-being of its people with a special emphasis on the most excluded sectors of the population (Bolivarian Republic of Venezuela);

A - 83.3 Establish an inter-institution mechanism to provide follow-up to the recommendations by the UPR and other international mechanisms, to coordinate the presentation of reports to treaty bodies and to study Andorra's accession to the treaties to which it is not yet a party (Mexico);

A - 83.4 Submit its overdue reports to two treaty bodies (Sierra Leone);

A - 83.5 Continue its efforts to submit its outstanding periodic reports (Slovenia);

A - 83.6 Continue its efforts aiming at the elimination of discrimination against women by further aligning its legislation and national policies to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (Morocco);

A - 83.7 Redouble its efforts in the field of violence against women and domestic violence through the different measures provided in the legislation aiming at the eradication of violence against women and domestic violence (Monaco);

A - 83.8 Continue its efforts to prevent gender-based and domestic violence and to protect and support victims (Australia);

A - 83.9 Thoroughly investigate cases of hate crimes and fully prosecute those responsible for acts of incitement to violence (Sierra Leone).

84. The following recommendations will be examined by Andorra which will provide responses in due time, but no later than the thirtieth session of the Human Rights Council in September 2015:

N - 84.1 Align fully its national legislation with the Rome Statute of the International Criminal Court, in particular by incorporating provisions to cooperate promptly and fully with the Court (Estonia);

84.2

N - Sign and/or ratify the International Covenant on Economic Social and Cultural Rights and also ratify

N - its Optional Protocol,

A - the Optional Protocol to the Convention against Torture,

N - the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);

84.3 Adhere

N - to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance,

A - the Optional Protocol to the Convention against Torture,

N - the 1951 Refugee Convention and the 1967 Protocol thereto, as well as the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education, as previously recommended (Brazil);

N - 84.4 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria) (Sierra Leone);

N - 84.5 Strengthen its legal framework on the fulfilment of the rights of migrants, by considering accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);

N - 84.6 Consider ratifying those international human rights instruments to which it is not yet a party, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nicaragua);

N - 84.7 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines);

N - 84.8 Sign and ratify the International Covenant on Economic, Social and Cultural Rights (Ireland) (Spain);

N - 84.9 Ratify the International Covenant on Economic, Social and Cultural Rights (Montenegro) (Morocco) (Costa Rica) (Timor-Leste) (Sierra Leone);

N - 84.10 Ratify the International Covenant on Economic, Social and Cultural Rights within the time frame of the third universal periodic review (Netherlands);

A - 84.11 Consider ratifying the International Covenant on Economic, Social and Cultural Rights (Namibia) (Nicaragua);

N - 84.12 Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and accede to its inter-States investigative mechanism (France);

84.13 Ratify

N - the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, as well as

A - the Optional Protocol to the Convention against Torture (Portugal);

A - 84.14 Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Montenegro), (Denmark);

A - 84.15 Sign and ratify the Optional Protocol to the Convention against Torture (France);

N - 84.16 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);

N - 84.17 Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of the Committee on Enforced Disappearances in conformity with articles 31 and 32 of the Convention (France);

A - 84.18 Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance as well as the core international human rights instruments to which it is not yet a party (Argentina);

N - 84.19 Ratify the International Labour Organization (ILO) conventions, namely Convention No. 138 (Algeria);

N - 84.20 Consider ratifying ILO Convention No. 189 (Philippines);

N - 84.21 Consider ratifying ILO Equal Remuneration Convention (Rwanda);

N - 84.22 Start a national consultation with a view to becoming a member of the ILO and adhering to the core ILO conventions, as previously recommended (Brazil);

A - 84.23 Consider ratifying the UNESCO Convention against Discrimination in Education (Rwanda);

N - 84.24 Sign and ratify as soon as possible the Council of Europe Framework Convention for the Protection of National Minorities (Chile);

N - 84.25 Amend legislation in order to decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape, as previously recommended (Netherlands);

N - 84.26 Amend legislation in order to decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape (France);

N - 84.27 Adopt a law on child protection that provides guidance or directives regarding the roles and responsibilities of government agencies (Portugal);

N - 84.28 Decriminalize defamation, currently in the Criminal Code, and place it within the Civil Code, in accordance with international standards (Estonia);

A - 84.29 Envisage the creation of a national human rights institution in conformity with the Paris Principles (Libya);

N - 84.30 Further its efforts towards the establishment of a national human rights institution that is compliant with the Paris Principles (Philippines);

N - 84.31 Take up again the recommendations of the first review relating to the creation of a national human rights institution in conformity with the Paris Principles (Nicaragua);

N - 84.32 Establish a national human rights institution in full compliance with the Paris Principles (Portugal);

N - 84.33 Establish an independent national institution in compliance with the Paris Principles (Timor-Leste) of the United Nations (Canada);

N - 84.34 Set up a national human rights institution in line with the Paris Principles (Chile) (Costa Rica);

A - 84.35 Continue to engage its international partners with the view to strengthening the capacity and enlarging the resource base of the Commission (Philippines);

N - 84.36 Consolidate all human rights efforts through, inter alia, developing a comprehensive national human rights action plan (Indonesia);

A - 84.37 Consider developing human rights indicators as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);

A - 84.38 Continue incorporating the gender perspective in all policies and programmes and improve existing practices in this matter (Uruguay);

N - 84.39 Continue efforts to amend the Criminal Code in order to prohibit the trafficking and sale of children for all purposes and to extend criminal liability to legal persons, and fully implement those amendments (Germany);

N - 84.40 Take measures to provide redress to victims of trafficking in persons and adopt specific policies to fight against forced labour and prostitution (Mexico);

N - 84.41 Continue to provide adequate human and other resources to its anti-human trafficking programmes (Philippines);

N - 84.42 Adopt a national plan against human trafficking and provide assistance to all victims of trafficking regardless of the form of exploitation (United Kingdom of Great Britain and Northern Ireland);

A - 84.43 Extend its human rights education efforts to human rights training for media professionals and journalists (Slovenia);

A - 84.44 Strengthen criminal legislation aimed at strengthening the fight against racism and intolerance and ensure their compliance (Chile);

A - 84.45 Strengthen relevant legislation to tackle racism and intolerance and take concrete measures to prohibit public instigation to racial violence, hatred and discrimination (China);

N - 84.46 Establish authoritative institutions at national level to combat racism, racial discrimination, xenophobia, anti-Semitism and intolerance and to raise awareness amongst the Andorran population on these manifestations (Namibia);

A - 84.47 Adopt legislation providing for the right to collective bargaining and prohibiting acts of anti-union discrimination (United States of America);

A - 84.48 Ensure that further steps are taken to address anti-discrimination issues and ensure that the National Plan of Action for Equality addresses all areas of the Convention on the Elimination of All Forms of Discrimination against Women (United Kingdom of Great Britain and Northern Ireland);

N - 84.49 Consider adopting new legislation to counter all forms of discrimination against women and reserve a quota of non-executive board seats for women (Italy);

A - 84.50 Adopt a comprehensive law on gender equality and against discrimination, consistent with the Convention on the Elimination of All Forms of Discrimination against Women (Nicaragua);

A - 84.51 Pursue measures, in law and in practice, that address the wage gap in the private sector and unequal access to managerial posts, with women in a disadvantaged situation (Philippines);



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A - 84.52 Continue to develop legislation and policies to promote gender equality, placing particular focus on the participation of women in politics (Spain);

A - 84.53 Ensure effective law enforcement and prevention and protection measures to bridge the gap between legislation and practice in combating violence against women (Thailand);

A - 84.54 Address the rights of those individuals detained while awaiting trials, in particular foreigners, whose cases often experience prolonged delays (Germany);

N - 84.55 Ensure that credible allegations of police misconduct are investigated through an independent mechanism (United States of America);

A - 84.56 Continue its efforts to strengthen mechanisms that could guarantee prompt implementation of judicial resolutions to better protect human rights (Spain);

N - 84.57 Bring its legislation closer to the requirements of the European Convention on Nationality, which stipulates that to obtain the nationality, the period of residency should not be above 10 years (France);

N - 84.58 Promote the rights of temporary workers to family reunification (in conformity with the recommendation on racism and intolerance of the European Commission) in all applicable legislation, including law 9/2012 (Mexico);

A - 84.59 Continue to ensure strong legislative protection for children, including by increasing the minimum age of marriage to 18 (Australia);

A - 84.60 Raise the minimum age of marriage from 14 to 18 (Sierra Leone);

N - 84.61 Demonstrate respect for freedom of religion or belief by recognizing the legal status of other faiths in addition to Catholicism (United States of America);

N - 84.62 Adopt a law on access to information in order to fully promote the exercise of the right to freedom of expression and freedom of opinion (Canada);

A - 84.63 Ensure swift approval of its plan to recognize the right to strike, in accordance with the Andorran Constitution and international standards (Italy);

A - 84.64 Review its legislation so that it provides legal support for collective bargaining and the right to strike (Sweden);

A - 84.65 Pursue its efforts in eradicating unemployment, in particular through the 2015 programme on youth employment (Libya);

A - 84.66 Improve the policy on health care to provide affordable health-care services to immigrant women and girls (China);

A - 84.67 Continue its efforts in promoting and protecting the rights of persons with disabilities with particular attention to the specific needs of women and children with disabilities, especially by increasing awareness of their rights to prevent social discrimination and providing equal access to adequate social and health services (Thailand);

A - 84.68 Strengthen assistance measures to women, children and persons with disabilities (Angola);

A - 84.69 Continue the trend to strengthen the protection of children with disabilities, promoting their inclusive education (Spain);

A - 84.70 Continue to work on awareness-raising of the rights and needs of children with disabilities and ensure that children with disabilities have equal access to social and appropriate health-care services (Argentina);

N - 84.71 Strengthen national policies for the promotion and protection of migrants (Angola);

N - 84.72 Adopt public policies for migrants in conformity with its international obligations (Costa Rica);

N - 84.73 Harmonize legislation on asylum seekers and refugees in line with the international framework in force (Mexico);

N - 84.74 Review its legislation to create legal ways to seek asylum in Andorra (Sweden).

85. The recommendations below did not enjoy the support of Andorra, but were noted:

N - 85.1 Amend the Criminal Code with the view to specifically prohibiting trafficking in human beings as a criminal offence (Ireland);

N - 85.2 Prohibit and appropriately sanction corporal punishment (Chile).

86. Andorra noted the recommendation contained in paragraph 85.1 concerning the need to amend the Criminal Code in order to specifically prohibit trafficking in human beings as a criminal offence. It stated that article 134 bis, entitled “Trafficking of human beings”, of the Andorran Criminal Code currently in force, explicitly prohibits trafficking in human beings and sanctions anyone who “recruits, transports, transfers, hosts one or more persons for the purpose of slavery or other types of servitude” with a prison sentence from 2 to 6 years. Article 134 bis, point 2, further extends the offence by specifying that whenever such actions are perpetrated upon children, there is no need for any listed misconducts, such as abuse, intimidation, threat, use of force, promise of economical rewards or other benefits, in order to consider it human trafficking. Putting at risk the life of persons who are victims of such conducts or acting on persons with special vulnerabilities such as mental or physical incapacities are all aggravating causes. Articles 121 bis and 157 bis of the Andorran Criminal Code also criminalize trafficking in human beings for the purpose of the removal of organs and sexual exploitation.

87. Andorra noted the recommendation contained in paragraph 85.2 regarding the prohibition of corporal punishment of children, based on the legal framework already in force in Andorra. It stated that article 476 of the Criminal Code Qualifying Law 9/2005, as amended by article 40 of Law 40/2014 of 11 December 2014, clearly prohibits all forms of corporal punishment of children, including teenagers, in all settings in Andorra.



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