INTRODUCTION

All the specific recommendations are very important and, at the same time we believe it is necessary to start by talking about how it affects us in a general way and in a human rights level. In relation to this we will focus on 4 important aspects that specifically violate women’s rights, these are:

1. Women’s sexual and reproductive rights, their absence and how it affects the women in our country
2. The government women’s service on abortions, the SIAD, and what difficulties we see in this service.
3. The rights of the temporary migrants who come to work during the winter season, above all, labor rights.
4. Human rights defenders.

A general recommendation made in 1st cycle by 6 countries and 14 countries on the 2nd Cycles is related to the International Covenant on Economic, Social and Cultural Rights which has not been Signed or ratified by Andorra since his creation Thus, that Andorra does not have signed or ratified the International Covenant on Economic, Social and Cultural Rights has a general impact on the entire population living in the country in which;

- Labor rights:
  - Dismissal is free, with a reduction in severance payments since the last labor reform in 2018
  - Economic unemployment benefits are scarce and with somewhat inflexible parameters, only full-time employment is accepted and the population with part-time jobs or does not work in order to take care of children or older people are not entitle to the health coverage unless they register with their partners (civil unions or marriages) that has a monthly income of, at least, the interprofessional minimum salary. Due to this system we are deeply concerned that in case of being in an abusive relationship it means more vulnerability for women

- Health rights;
  - Health coverage in Andorra is neither universal nor free. Almost the entire population pays 25% of the cost of their health service, with an exception for some people over the age of 65 and only if the person applies for it.
  - In adulthood, health coverage is only accessed when the monthly income arrives the minimum interprofessional salary or in the situation explained above.
  - Article 12.2 in relation to the reproductive rights of the treaty, due to our co-principal status and one of them being under the command of the Catholic Church, is not viable up to date in Andorra, this point will be detailed below. Although the law on human assisted reproduction has recently been approved, which far from giving women reproductive rights, only legalizes the opening of private clinics in Andorra that profit with this service and it is not an option that enters through public health coverage, even the possibility of embryos being discarded, the status of a Catholic country has not been a problem in passing the law.

- The right to health coverage; for all the migrants, this right is not guaranteed in Andorra due to the labor and health model.
- Education rights; Andorra has an illiteracy rate of 1’7%.  
- In consequence of the above we encourage the petition for our government to sign and ratify the International Covenant on Economic, Social and Cultural Rights as a democratic guarantee and commitment to the citizens of Andorra, we also request Andorra be part of the ILO (International Labor Organization) to guarantee, above all, legitimate labor rights in a country with a huge influx of tourism.

2 According to the report of the Andorran chamber of commerce called "Andorra in xifres" of 2018 (link; https://www.ccis.ad/andorra-en-xifres/)
1- Women sexual and reproductive rights in Andorra (pp pag 4-6)

From all the recommendations that are made to Andorra 28 of this recommendation where related to Women’s rights or Discrimination against Women;

Recommendations In cycle 1

**Australia** - Continue to ensure strong legislative protection for children, including by increasing the minimum age of marriage to 18 // **Azerbaijan**- Carefully monitor the impact of legislation, policies and programs to eliminate inequality between women and men, and take steps to ensure that equal rights are enjoyed de facto // **Netherlands** - Amend legislation in order to decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape // **Netherlands** - Take measures to eradicate traditional stereotypes of women, especially through educational programs, and apply a gender perspective in the design of future policies and programs // **Spain** - Continue to develop legislation and policies to ensure effective gender equality and to combat gender violence

Recommendations In cycle 2

**Australia**- Continue its efforts to prevent gender-based and domestic violence and to protect and support victims // **France** - Amend legislation in order to decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape // **Monaco** - 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 // **Netherlands** - Amend legislation in order to decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape, as previously recommended // **Sierra Leone** - Raise the minimum age of marriage from 14 to 18 // **Spain** - Continue to develop legislation and policies to ensure effective gender equality and to combat gender violence

The sexual and reproductive rights of women are not included in any official document; therefore, they are a diffuse concept that is used without specifying which are they and consequently, hinders the existence of clear protocols for action and the claim of these rights.

The consequences of not having an institutional framework that protects and respects sexual and reproductive rights are:

a) **Criminalization of abortion**, in all its forms which have physical, psychological and sexual consequences on women and girls in childbearing age in the country, in 2015 a minor who became pregnant as a result of a rape was forced to give birth.

b) **Absence of legal regulations against obstetric violence**, allowing coactions or violence during gynecological consultations, as an example, to force a woman to listen to the fetal heartbeat who has requested information on where to have an abortion outside our borders.
   An excess of unjustified C-sections, from 467 births during 2019, 40.9% were by C-section, question that has also been processed in parliament by the opposition party to our government. Recommended by the WHO are 10% to 15%.³

c) **Absence of specialized and effective services against sexual violence**

- Sexual violence will be accepted institutionally and structurally if there are no specialized services in the country to deal with sexual violence in the public space, and intimate partner violence.
- There is no known if there are action protocols in case of rape.
- Our experience when accompanying women has been that the police act in a paternalistic and chaotic way when facing a rape, and the hospital does not have medical specialists to assist them.

³ Website PS (Social Party) Andorra
http://www.psa.ad/el-ps-vol-saber-si-el-ministeri-de-salut-t%C3%A9-prevista-cap-accl%C3%B3-disminuir-la-taxa-de-ces%C3%A9ries-andorra
Recommendations for immediate action on women sexual and reproductive rights:

1. Create a comprehensive legislation regarding sexual and reproductive rights, with a gender perspective and non-discrimination towards women.

2. Legalize abortion under the following circumstances; Rape, fatal or severe fetal malformations, psychological and/or physical risk for the mother, vulnerability and/or social exclusion of the mother and remove from the Criminal code punishment for consented abortion eliminating article 108.

Article 108. Consented abortion

1. Whoever produces an abortion with the woman’s consent must be punished with a prison sentence of three months to three years and disqualification from practicing any health profession for a period up to five years.

2. The woman who commits an abortion or consents to another to cause it must be punished with penalty of arrest.

3. The attempt of the behavior described in the first section is punishable.

This change is critical for the progress of women human rights in our country and has no impact in our constitution, also the modifications of the laws are common in our parliament.

3. Create a legislation that defines and classifies what is consider obstetric violence as a measure of protection and respect for women’s sexual and reproductive rights.

4. Ensure that all emergency services (Police, emergency room, courts) has a trained team specialized in domestic and sexual violence during all shifts, 24/7.

And since we are an association specialized in this subject we would also like to be involve, in coordination with public services, in order to create an effective prevention, awareness and care service against domestic and sexual violence, endowed with political will and budget.

2- SIAD (Servei Integral d’atenció a la dona) service (pp pag 7-8)

Linked to the previous recommendations

Recommendations In cycle 1

Azerbaijan - Carefully monitor the impact of legislation, policies and programs to eliminate inequality between women and men, and take steps to ensure that equal rights are enjoyed de facto // Canada - Institute mechanisms to ensure that a gender perspective is incorporated into its future policies and programs // Chile - Continue considering the incorporation of a gender perspective into policies and programs, in accordance with what was recommended by the Committee on the Elimination of Discrimination against Women // Hungary - Take the gender perspective into consideration in the design of future policies and programs // Netherlands - Take measures to eradicate traditional stereotypes of women, especially through educational programs, and apply a gender perspective in the design of future policies and programs // Spain - Continue to develop legislation and policies to ensure effective gender equality and to combat gender violence

Recommendations In cycle 2

Morocco - 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 // Spain - Continue to develop legislation and policies to promote gender equality, placing particular focus on the participation of women in politics // Uruguay - Continue incorporating the gender perspective in all policies and programs and improve existing practices in this matter
In March 2020, the government, due to international and national pressure, started a service to inform and support women that has decided to have an abortion (outside our borders) this service is called SIAD

Note that the association Stop Violències in 2018 started the “Xarxa la Meri”, a secure, specialized and respectful net for women in order to inform and accompany them to have an abortion in Spain while we fight for the decriminalization of abortion.

Some of the following doubts arise to us regarding this service.

- No study on women's needs has been done or not has not been published.
- We do not know the protocols in case of sexual assault, for women without work or health coverage, there is no legal guarantee that they will not revictimize them, since obstetric violence is NOT legislated.
- We suspect of low service specialization of the service, regarding the abortion process, on sexual or intimate partner violence, or a not feminist or gender perspective.

On a recent documentary shown on the Catalan public TV regarding Andorra : “ El Mirall Andorrà” one of the health professionals in charge of the service argue that the law on abortion is the one we have and that it cannot be changed, which we do not find has a lot of gender perspective, we would like the government to provide more writing information. 4

- How will women be informed? From which theoretical framework, if the country is strongly catholic and anti-abortion? If women feel blamed where will they complain? How can the government guarantee a respectful and dignified service if it does not decriminalize abortion in order to advance in sexual and reproductive rights?
- The government will not pay for the abortion, but they will cover another expense so the woman can afford the payment of the abortion, par example, the rent, we wonder, how fast will this process go, and if the bureaucratic obstacles would unnecessarily lengthen the waiting time for women or jeopardize the possibility of legally aborting in neighboring countries due to the weeks of pregnancy
- The current head of state declared that if women doubt what to do with the pregnancy, they will be helped to decide to have it and give it up for adoption. This has been said publicly in the press and in meetings held on this new service called SIAD. How do you guarantee that impartiality is guaranteed after this type of statement? 5

We have experience and a network already created for women who want to have an abortion, it is a shame that the government duplicates services and has not allowed us to contribute into building a service for women with a gender perspective, with specialized training, and no victimization of women.

We reiterate the need, once again, to decriminalize abortion. We ask for an act of courage from our government, which it is sure to be able to do, for the advancement in our country of human rights and especially in the rights of women.

We also ask that our association is taken into account and collaborate in the service called SIAD, as the professionals we are, with political will and financial support, to avoid possible secondary victimization of women.

3 Seasonal migrant workers’ rights in Andorra (pp pag 9-11)


Translation from Question 7: (...) We are talking about a service that will provide medical, psychological, social and legal support to women who are already determined to have an abortion and would do so anyway, but surely without the necessary support or assistance, especially those who are in a situation of precariousness or social exclusion. It is also a service for adoption in the case of women who have or are expecting a child and do not want to have an abortion. (...)

4
Following the 16 recommendations related to all Migrant workers

**Recommendations In cycle 1**

*Algeria and Mexico* - Pursue its commitment to the ratification of international conventions by ratifying fundamental instruments, in particular the IC on ESC Rights, the International Convention on the Protection of All Migrant Workers and Members of Their Families // *Brazil* - Consider taking necessary steps to guarantee access to fundamental social human rights, such as health care and education, for foreign residents, including their children, regardless of their migratory status // *Mexico* - Promote the right of temporary workers to family reunification in accordance with the European Commission’s recommendation against racism and intolerance, particularly in the light of the Immigration Law which entered into force in July 2008 // *Morocco* - Establish a system for data collection to better evaluate the situation of migrants, and consolidate efforts to ensure that their rights are respected and // *Turkey* – and which would allow a stock-taking of the situation of immigrant problems in areas such as employment and access to public office, and take measures to solve these problems

**Recommendations In cycle 2**

*Angola* - Strengthen national policies for the promotion and protection of migrants // *China* - Improve the policy on health care to provide affordable health-care services to immigrant women and girls // *Costa Rica* - Adopt public policies for migrants in conformity with its international obligations // *Indonesia, Nicaragua, Philippines* - 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 // *Nicaragua* - 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 // *Sierra Leone, Uruguay* - Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and - *Uruguay* - and the International Convention for the Protection of All Persons from Enforced Disappearance

We identify a structural violence against women who come to work during the winter season, mostly from Latin America. Throughout our social activity we have seen the following problems:

- **No health coverage**, as mentioned before our health system only provides semi-public assistance (we paid 25% of the cost) and only once the person is employed.
- Labor protection, **women that just arrive to our country are not aware of their rights** also they are not provided in Spanish or another language
- They are **requested by some companies to pay for the temporary residence card or green card** (when it is the obligation of the company)
- **Job offers in exchange for sexual favors.**
- They are more unprotected against a rape or sexual abuse as many arrive to our country without a previous **work agreement looking for a job**, we have known of sexual abuse on temporary workers who have not wanted to report because of fear of repercussions or being expelled from the country. If there is data collection or studies regarding this situation this are not published.
- **More difficulties to access a safe abortion** outside our borders due to; lack of economic resources or emotional social networks in a country that they just have arrived.

**Recommendations for immediate action on the rights of seasonal workers**

We would like our government to promote and protect the rights of the women who come to our country to work since they also contribute to the economic and welfare growth of the country, and we think is our responsibility as a recipient country to ensure their wellbeing and not to treat them only as workforce.

1. **Create a service with the aim to help seasonal workers and women to be informed about their rights** in a language they understand and to be assured they will be heard and protected in case of need

2. **Carry out studies and collect data** of seasonal workers population on why they come to work to Andorra, economic precariousness, political or armed conflicts in their country of origin or if they need specific help or assistance.

*As recommended previously by Morocco - establish a system for data collection to better evaluate the situation of migrants, and consolidate efforts to ensure that their rights are respected and - Turkey – and which would allow a stock-taking of the situation of immigrant problems in areas such as employment and access to public office, and take measures to solve these problems

**4- Situation of human rights defenders and recommendations** *(pp pag 12-13)*
Even the 15 recommendations related to civil organization cooperation, right of freedom of expression and opinion

Recommendations In cycle 1

Algeria - Continue efforts in the submission of periodic reports, including by utilizing the potential offered by international cooperation and technical assistance // Argentina - Strengthen educational measures and intensify cooperation with civil society organizations and the media, with a view to eradicating traditional stereotypes that perpetuate discrimination and violence against women // United Kingdom - Become a party to the Optional Protocol to the Convention against Torture

Recommendations In cycle 2

Brazil - Adhere to the Optional Protocol to the Convention against Torture // Canada - 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 // Denmark - Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment // Estonia - Decriminalize defamation, currently in the Criminal Code, and place it within the Civil Code, in accordance with international standards // France - Sign and ratify the Optional Protocol to the Convention against Torture // Italy - Ensure swift approval of its plan to recognize the right to strike, in accordance with the Andorran Constitution and international standards // Montenegro - Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment // Portugal - Ratify the Optional Protocol to the Convention against Torture // Slovenia - Extend its human rights education efforts to human rights training for media professionals and journalists // Sweden - Review its legislation so that it provides legal support for collective bargaining and the right to strike // United States - Adopt legislation providing for the right to collective bargaining and prohibiting acts of anti-union discrimination // Uruguay - Ratify the Optional Protocol to the Convention against Torture

We are experiencing coercion of human rights defenders

Our government has requested the public prosecution to investigate one of the points of the report presented by our entity and the president Vanessa Mendoza Cortés as responsible as responsible. This report was presented during our participation in the 74th session of the CEDAW in October 2019. Since we were aware of this action through the press at the end of November 2019, we know nothing about this petition, up to date we have no response either verbally or in writing and we have requested publicly the prosecutor’s office to confirmed whether or not the petition of investigation has been accepted.

We would like the government of Andorra, to stop trying to criminalize us, more active listening and to start implementing effective means to end the suffering of women which we have been witnessing and exposing since 2014.

We encourage the petition to our government as recommended in previous cycles to;

1. Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

2. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance

3. Decriminalize defamation, currently in the Criminal Code, and place it within the Civil Code, in accordance with international standards

Flagging out what is wrong, should serve to change it and take political responsibility, we are confident that our country and government can do it.

THANK YOU.

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