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**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

### **Andorra**

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\* The annex to the present report is circulated as received.



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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-second session from 4 to 15 May 2015. The review of Andorra was held at the 7th meeting on 7 May 2015. The delegation of Andorra was headed by Minister of Foreign Affairs, Gilbert Saboya Sunyé. At its 14th meeting, held on 12 May 2015, the Working Group adopted the report on Andorra.
2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Andorra: Ethiopia, Portugal and Qatar.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Andorra:
  - (a) A national report (A/HRC/WG.6/22/AND/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (A/HRC/WG.6/22/AND/2);
  - (c) A summary prepared by OHCHR (A/HRC/WG.6/22/AND/3).
4. A list of questions prepared in advance by Germany, Mexico, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Andorra through the troika. These questions are available on the extranet of the Working Group.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The Minister for Foreign Affairs, Gilbert Saboya Sunyé, representing the delegation of Andorra, began his speech by thanking Germany, Mexico, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland for the questions that they had transmitted in advance.
6. The Principality of Andorra had submitted its report for the first cycle of the universal periodic review on 3 November 2010 and, following the review, the Ministry of Foreign Affairs had informed all government departments of the recommendations that had been accepted and had assumed responsibility for coordinating the follow-up and implementation of those recommendations.
7. The report submitted to the Working Group for the second cycle of the review had also been drafted by the Ministry of Foreign Affairs in collaboration with the Ministry of Justice and the Interior, the Ministry of Finance and Public Administration, the Ministry of Health and Welfare, the Ministry of Education and Youth, and the Public Prosecutor's Office. The report had been submitted to all public authorities and to the parliament and local authorities for their input. Civil society had also been invited to participate in the drafting of the report, through an announcement published in the Official Gazette.
8. Since joining the United Nations in 1993, Andorra had ratified more than 200 international treaties. Between September 2010 and January 2015, Andorra had ratified 15 new treaties, including optional and additional protocols, and had adopted over 130 laws and legislative amendments in compliance with its international commitments.

9. Since the first cycle of the review, Andorra had made progress in the submission of reports to treaty bodies. In recognition of the importance of such periodic reports, it would shortly submit a report to the Committee on the Elimination of Racial Discrimination.

10. In the legislative field, a major reform undertaken by Andorra had been the adoption of the Foreign Investment Act of 21 June 2012, which had extended economic rights to all legal residents, with no restrictions based on nationality or residence. On 31 May 2012, the Immigration Act had been amended to bring all provisions relating to the various types of residence in a single text.

11. At the European level, on 18 March 2015, San Marino, Monaco and Andorra had entered into negotiations to establish a new framework of relations with the European Union. The commitment of Andorra to human rights had also been reflected during its chairmanship of the Committee of Ministers of the Council of Europe, from 9 November 2012 to 16 May 2013, when it had set education for democratic citizenship and human rights education as priorities.

12. Andorra had also contributed actively to promoting the European Convention on Human Rights through a social network campaign.

13. Moreover, the University of Andorra had just established a new chair specifically for human rights.

14. Regarding education, the delegation of Andorra referred to the invitation from the Secretary-General of the United Nations to serve as one of the champion countries for the Global Education First Initiative, which aimed to put every child in school, improve the quality of learning and foster global citizenship.

15. The Principality of Andorra had three national public education systems: French, Spanish and Andorran. Education was free, and the system had no doubt encouraged the integration of foreigners in a country that was home to more than 100 nationalities and where the national population accounted for under half of all residents. Multilingualism was therefore important for the promotion of human rights.

16. The Principality of Andorra had since 2002 adopted legislation guaranteeing the rights of persons with disabilities. On 11 March 2014, in response to one of the recommendations made during the first cycle of the review, Andorra had acceded to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

17. Act No. 6/2014 on social and health-care services, which had been adopted on 24 April 2014, had set up a range of technical, economic and technological services for all citizens, particularly persons in need of social assistance or those who were dependent on others, socially excluded or at risk.

18. With regard to involuntary unemployment, at the request of Spain, the delegation of Andorra set out in detail the conditions for granting benefits and allowances, such as requirements in terms of the age of beneficiaries and their personal circumstances.

19. In response to questions on the measures taken to reduce youth unemployment, the delegation of Andorra referred to the Youth Employment Plan, adopted jointly on 19 January 2015 by the Ministry of Justice and the Interior and the Ministry of Education and Youth. The Plan, which was directed at young persons aged 16 to 20 who, having completed their school education, were unable to access the labour market, offered diversified and personalized training to facilitate their integration into the labour force. In addition, on 29 December 2011, an amendment to the Social Security Act had enabled students aged 25 to 30 to pay health insurance contributions. The law had created a new system that allowed unemployed persons registered with

the Employment Service but not receiving an allowance to have access to social security.

20. As for the steps taken to strengthen education and cooperation with civil society and the media to eradicate traditional stereotypes that perpetuated discrimination and violence against women — a question that had been submitted in advance by Germany — the delegation of Andorra explained that the Ministry of Health and Welfare and the Ministry of Education and Youth had launched joint programmes to increase awareness in society of women's rights. It drew attention to information campaigns on women's rights conducted during International Women's Day and to training workshops aimed at preventing abusive behaviour.

21. In 2012, the University of Andorra had, for the first time, encouraged schools to participate in the "children's university" project in order to promote science and break down stereotypes about scientific knowledge. In 2013, Andorra Telecom had organized a day for girls to encourage them to choose a career in engineering or telecommunications.

22. In response to a question from Germany and the United Kingdom of Great Britain and Northern Ireland on whether the Government of Andorra intended to establish a national human rights institution in compliance with the Paris Principles, the delegation pointed out that, during the first cycle of the review, Andorra had not accepted the recommendation. Courts of justice and the *Raonador del Ciutadà* (Ombudsman) were the main guarantors of human rights in the country and the creation of a new institution might be viewed as a costly duplication of those bodies. Andorra could, however, carry out a study to determine whether such an institution was needed.

23. Germany had also submitted a question about ratifying the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol. During the first cycle of the universal periodic review, the Government of Andorra had not accepted the recommendation to ratify certain international instruments, owing to regulatory constraints, including a lack of laws to regulate the right to strike and the economic rights of residents. Nevertheless, on 15 January 2015, in response to recommendations from the first cycle of the review, a bill to regulate labour disputes had been submitted to the parliament. The new Government would review the bill with the aim of resubmitting it before the end of the year.

24. In response to a question from the United Kingdom of Great Britain and Northern Ireland on including a definition of torture in the Criminal Code and establishing a national mechanism for the prevention of torture, the delegation of Andorra referred to amendments made to the Criminal Code pursuant to Act No. 40/2014 of 11 December, which implemented a recommendation made by the Committee against Torture after its consideration of the initial report of Andorra.

25. The delegation of Andorra added that the Ombudsman undertook regular visits to detention centres to receive complaints from inmates for submission to the parliament.

26. As for the Rome Statute, national laws and cooperation with the International Criminal Court — a question raised by the United Kingdom of Great Britain and Northern Ireland — according to the delegation, the Act of 29 December 2000 on international judicial cooperation in criminal matters covered the necessary mechanisms for cooperation with the Court, but the Government planned to study the matter in greater detail.

27. The delegation of Andorra added that the question from the United Kingdom of Great Britain and Northern Ireland on procedures for determining refugee status and non-refoulement was answered by Act No. 9/2012 of 31 May 2012, article 11 of which

acknowledged the right of international organizations such as the Office of the United Nations High Commissioner for Refugees to provide refugees with identity documents. Andorra was also a party to the European Convention on Extradition. Moreover, article 14 of the Extradition Act of 28 November 1996 was very clear on the matter.

28. Mexico had submitted a question on the right of seasonal workers to family reunification. The delegation replied that Act No. 9/2012 of 31 May 2012 allowed seasonal workers to live and work in the country for a continuous period of 12 months at most and did not provide for the right to family reunification. However, the Minister added that, regardless of their parents' immigration status, the children of seasonal workers were covered by the Andorran education and health-care systems.

29. In response to recommendations to prohibit corporal punishment, the most recent reform of the Criminal Code had in December 2014 established that such offences constituted a criminal act. Corporal punishment was thus now prohibited in all places and in all circumstances.

30. Regarding the promotion of gender parity, all parliamentary groups had endorsed the drafting of a white paper on equality as a means of compiling information on the actual situation of women in government and establishing a common strategy.

31. On 15 January 2015, the parliament had also adopted Act No. 1/2015 on the eradication of domestic violence and the establishment of a national commission for the prevention of domestic and gender-based violence.

32. In response to written questions from the United Kingdom of Great Britain and Northern Ireland on gender-based discrimination, the delegation of Andorra indicated that the Constitution and other legal texts such as the Labour Code strictly prohibited all forms of discrimination, inter alia on account of gender. In order to improve the observance of women's rights, the Government intended to submit a comprehensive gender equality bill to the parliament so as to equip the country and its institutions with the mechanisms needed to promote and protect women's rights.

33. With regard to the marriageable age and the recommendations to alter the minimum age, the Government had noted that, over the last four years, there had been no marriages involving minors between the ages of 16 and 18, nor of minors between the ages of 14 and 16 with judicial consent, and that, as there were no cases indicating a problem, amending the law was not a priority for the Government at the present time.

## **B. Interactive dialogue and responses by the State under review**

34. During the interactive dialogue, 39 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report. All written statements by the delegations, which may be checked in the United Nations Webcast archives,<sup>1</sup> are posted on the extranet of the Human Rights Council, when available.<sup>2</sup>

35. Thailand commended Andorra for taking steps to address the problems relating to domestic violence, discrimination against persons with disabilities and human trafficking. It welcomed the amendment to the Criminal Code in 2014 which created new offences within the crime of trafficking in persons for purposes such as slavery and sexual exploitation. Thailand also welcomed the adoption of the Act on the

<sup>1</sup> <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/watch/Andorra-review-22nd-session-of-universal-periodic-review/4221938470001>.

<sup>2</sup> <https://extranet.ohchr.org/sites/upr/Sessions/22session/Andorra/Pages/default.aspx>.

Elimination of Gender-based and Domestic Violence and the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

36. Timor-Leste appreciated the measures taken by Andorra to face human rights challenges, such as the establishment of the National Equality Commission to address anti-discrimination issues and the adoption of a bill on the elimination of gender-based violence and domestic violence.

37. The United Kingdom of Great Britain and Northern Ireland commended the adoption of the Labour Relations Code that prohibits discrimination on the grounds of sex, the establishment of the National Equality Commission and the work done with regard to the rights of migrants, refugees and asylum seekers. It encouraged further action in those areas and hoped that Andorra would ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

38. The United States of America commended Andorra for its exemplary human rights record and longstanding commitment to democracy and the promotion of human rights. However, it was concerned that Andorra had not yet developed or implemented all the mechanisms necessary for the protection of the rights of workers, including laws, resources, investigations, remediation and penalties. It also noted that the law did not provide for an independent mechanism to investigate abuses and killings by the security force and that there was no official status for faiths other than Catholicism.

39. Uruguay noted the recent ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities. It also noted the recent approval of the law on gender-based and domestic violence and that a national commission on the prevention of violence had been established. Uruguay welcomed the multidisciplinary commission to combat gender-based and domestic violence.

40. The Bolivarian Republic of Venezuela stressed the political will of Andorra to implement the recommendations accepted during the first universal periodic review, despite the economic crisis. It underscored the strengthening of the legislative framework for social and health services, which completed the management of the Andorra social protection system. Venezuela (Bolivarian Republic of) recognized the progress made in implementing policies to protect the rights of women and to promote their participation in society. It underlined the approval of significant legislative provisions aimed at eradicating gender-based and domestic violence, which were accompanied by national awareness-raising campaigns on the rights of women.

41. France welcomed the ratification by Andorra of several international conventions, in particular the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), as well as the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuses. It also welcomed the recent legislative amendments to the Criminal Code aimed at prohibiting corporal punishment.

42. Angola commended Andorra for enhancing new developments in the justice sector, which enabled social inclusion of people, regardless of race, social condition or affiliation. It also commended the ratification of the Convention on the Rights of Persons with Disabilities and the United Nations Convention against Transnational Organized Crime. It appreciated the establishment of the National Youth Forum, which enabled youth to participate in political and social life.

43. Argentina commended Andorra for ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It voiced and echoed the concern

raised by the Committee on the Rights of the Child about the rights of children with disabilities, in particular their access to social and appropriate health-care services. Argentina referred to the international campaign for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

44. The delegation of Andorra thanked the other delegations for acknowledging the efforts undertaken by Andorra in the field of human rights. Regarding abuse by law enforcement officials, particularly the police, the delegation reaffirmed that the Criminal Code provided for relevant judicial procedures. As for the request made to Andorra to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Minister replied that the Government would conduct an in-depth study of the commitments required under the Convention.

45. Australia appreciated the strong human rights framework of Andorra, which valued the integrity of the person. It praised the efforts to address gender-based and domestic violence, including through the introduction of domestic legislation. It also commended Andorra for its efforts to protect the rights of children.

46. Brazil appreciated that Andorra had extended a standing invitation to all special procedures of the Human Rights Council and had ratified the Convention on the Rights of Persons with Disabilities, its Optional Protocol and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. It requested Andorra to continue to review its domestic legislation in line with the Convention on the Rights of the Child and also to continue to amend its Criminal Code in order to prohibit the trafficking and sale of children.

47. Canada congratulated Andorra on the initiatives taken since the first review to protect human rights, including the adoption, in 2015, of a law on the elimination of gender-based and domestic violence, the establishment of a national commission on those same matters, as well as the forthcoming White Paper on the promotion of gender equality. Canada commended the amendment, in 2014, to the Criminal Code to create new crimes relating to trafficking in persons and hate crimes.

48. Chile carefully considered the information relating to the standard setting and institutional reforms undertaken. In that respect, it noted the approval of the law on civil unions between persons of the same sex and the amendment to the civil matrimonial law. Chile welcomed the recent approval of the bill to eradicate gender-based and domestic violence and called upon Andorra to promptly implement the law through the various national mechanisms. It requested information on corporal punishment.

49. China commended Andorra for implementing recommendations accepted during the first review. It noted that Andorra had strengthened protection for vulnerable groups such as women, minors and persons with disabilities, and combated corporal punishment against children so as to protect them from violence, sexual exploitation and abuse. It also noted that Andorra had prohibited domestic violence against women, combated discrimination and ensured equal pay for equal work. China welcomed specific measures taken to protect various human rights, including economic rights for foreigners.

50. Costa Rica noted the progress made by Andorra in the period between the first and second cycles of the review. It recognized the increase in the accession to international human rights instruments and the progress made in harmonizing legislation with international treaties. Costa Rica urged Andorra to strengthen initiatives and laws to protect children and against gender violence. It underscored the efforts made to ensure that women represented 50 per cent of the Parliament. While



welcoming the approval by the Parliament of the agreement to promote gender equity, Costa Rica noted that there was no legislation on gender equality and discrimination.

51. Denmark congratulated Andorra for its constructive cooperation with the Committee against Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, including through the incorporation of recommendations into national legislation. However, it was surprised that Andorra had rejected the recommendations made during the first cycle of the review to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

52. Estonia noted that Andorra had made valuable progress in the areas of children's and women's rights, including the establishment of the National Equality Commission in 2010, and the National Action Plan for Equality. Estonia commended the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

53. The delegation of Andorra confirmed its commitment to combating intolerance and hate speech. With regard to torture and ill-treatment, the delegation confirmed that all prison procedures had been reviewed so as to ensure compliance with the recommendations made by the Committee against Torture. The delegation pointed out that the Criminal Code contained a specific provision on child trafficking and that Andorra had ratified the European Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

54. Algeria congratulated Andorra for having signed 15 international human rights treaties since the first review, with special emphasis on treaties protecting the rights of vulnerable groups such as women, minors and persons with disabilities.

55. Georgia commended Andorra for the amendments to the 2008 regulations on social security benefits, which lowered the age for unemployment benefit payments, the adoption of the Act on the social protection system, the bill on the elimination of gender-based and domestic violence and the adoption of legislation introducing standards and mechanisms to improve equality between men and women with regard to working conditions and remuneration.

56. Germany remained concerned, despite many positive developments, at persisting discrepancies between the law on paper and in reality, such as the need to increase awareness about the rights of persons with disabilities and the removal of all barriers, both physical and cultural, which impede persons with disabilities from living in dignity.

57. Indonesia commended the establishment of the National Commission for the Prevention of Gender-based and Domestic Violence and the National Equality Commission. It noted with appreciation the steps taken for the implementation of various strategic national plans and highlighted social and economic developments with regard to youth, health, social security and gender equality. Indonesia commended the enactment of Act 10/2012 on migrant and labour rights, which enables foreign nationals to fully access their economic rights.

58. Ireland commended Andorra for extending a standing invitation to all special procedures of the Human Rights Council. Ireland noted that, despite having ratified both the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, in 2006, Andorra had yet to submit an initial report to either of those treaty bodies. In that regard, Ireland encouraged Andorra to take all possible steps to submit its outstanding reports to the United Nations treaty bodies as expeditiously as possible. Ireland

welcomed the ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

59. Italy welcomed the recent proposal of a legal framework that would protect the rights and guarantees of employees and employers with regard to collective action. Italy also welcomed the steps taken, from 2010 to 2014, against gender discrimination and violence against women, including awareness-raising campaigns on women's rights and the ratification of the Istanbul Convention.

60. Libya commended the progress achieved since the first review, in particular the ratifications of a large number of international human rights instruments, the harmonization of domestic legislation with international obligations, and significant efforts in the area of the right to work, more specifically employment.

61. Mexico noted with satisfaction the progress made since the first cycle of the review, such as the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the reform of the Penal Code regarding trafficking in persons and torture and efforts to promote equal remuneration for women and men.

62. During the interactive dialogue, the delegation of Andorra confirmed its intention to ratify the Convention on Cybercrime and the Arms Trade Treaty. Andorra also undertook to submit an initial report to the Committee on the Elimination of Racial Discrimination within a short time. The delegation mentioned a new initiative of the Ministry of Justice to establish a special prison education unit at prison so as to facilitate the reintegration of prisoners into society through education and work.

63. Monaco applauded the progress accomplished and the action taken by Andorra with regard to protecting and promoting women's rights and, in particular, the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

64. Montenegro commended Andorra for, inter alia, fully cooperating with the United Nations treaty bodies and for fulfilling its reporting obligations despite limited resources. Montenegro congratulated Andorra for its inclusion in the United Nations 16 Champion Countries for the Global Education First Initiative. Montenegro noted the concerns of the Committee on the Elimination of Discrimination against Women with regard to gender equality, in particular the absence of a comprehensive gender equality and anti-discrimination law and a corresponding national plan covering all areas of the Convention, and asked Andorra to elaborate further on the steps and measures taken in that regard.

65. Morocco noted the ratification of 15 international human rights treaties since the first review, in particular the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the harmonization of domestic legislation with international obligations, particularly norms aimed at improving gender equality with regard to remuneration. Morocco expressed satisfaction at the adoption, in January 2015, of the law on the elimination of gender-based and domestic violence and asked for further information on the activities of the Commission established within the framework of that law.

66. Namibia applauded the efforts undertaken to overcome the challenges that Andorra was facing as a result of the economic crisis that had impacted heavily on its economy and population, such as the protection for vulnerable groups and assistance for families. Namibia commended Andorra for passing the Act on the Elimination of Gender-based and Domestic Violence, in January 2015, which provides for the establishment of the National Commission for the Prevention of Gender-based and Domestic Violence.

67. The Netherlands noted with appreciation the recent ratification of the Council of Europe Convention on Action against Trafficking in Human Beings and the Convention on Preventing and Combating Violence against Women and Domestic Violence. The Netherlands remained concerned about the effects of the criminalization of abortion on the health and safety of women.

68. Nicaragua commended the progress made since the first cycle of the review in the area of the rights of children, including the measures taken through its legislation to combat child prostitution, domestic violence and sale of children. Nicaragua encouraged Andorra to further improve the situation of women.

69. The Niger noted the progress made by Andorra since the first cycle of the review and commended the adoption of a wide range of laws in the areas of migration, protection of vulnerable cases and promotion of civil and political rights. It commended the National Forum on Youth and the National Commission for the Prevention of Gender-based and Domestic Violence. Niger welcomed the ratification of other international human rights instruments and encouraged the ratification of the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

70. The Philippines referred to the recommendation from the first review to establish a national human rights institution. It noted the standards and mechanisms to improve equality between men and women, but was concerned about the wage gap in the private sector and the unequal access to managerial posts for women, who are in a disadvantaged position.

71. Portugal welcomed the comprehensive national report presented by Andorra and the progress made since the first cycle of the universal periodic review. It commended the adoption of the Act on the Elimination of Gender-based and Domestic Violence and the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

72. Rwanda commended the progress made by Andorra in promoting and protecting human rights since its first universal periodic review. It noted with appreciation that Andorra has ratified 15 instruments, including the optional protocols and the additional protocols to conventions to which it was already a party. Rwanda commended the adoption of the Act on the Elimination of Gender-based and Domestic Violence and the establishment of the National Commission on the same subject.

73. Sierra Leone praised the commitment of Andorra to human rights, especially its advancement on children's rights and the prohibition of corporal punishment. However, it remained concerned about discrimination against women and incidents of racial intolerance. Sierra Leone encouraged Andorra to sign the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention against Transnational Organized Crime and to establish a national human rights institution, and urged it to enact laws on the status of refugees and asylum seekers. It raised the issue of children with disabilities.

74. Slovenia welcomed the ratification of the Convention on the Rights of Persons with Disabilities, the Istanbul Convention and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure as in its previous recommendation and encouraged the Government to pursue the ratification of the remaining core human rights treaties. It commended the issuance of a standing invitation to the special procedures of the Human Rights Council. Slovenia praised the efforts undertaken in the field of human rights education for teachers and pupils,

public servants and judicial and police officials in line with its recommendation during the first universal periodic review.

75. Spain noted with appreciation the measures taken to combat discrimination based on gender. It commended the adoption of measures relating to non-discrimination and the ratification of the Convention on the Rights of Persons with Disabilities. It also referred to the creation of “saig”.

76. Sweden welcomed the amendment in December 2014 of article 476 of the Criminal Code prohibiting corporal punishment of children in all settings. Sweden stressed the importance of becoming a party to the Convention on the Status of Refugees. It also noted that Andorran legislation does not provide for collective bargaining on the right to strike.

77. The delegation reiterated its appreciation to all the speakers for their recognition of its efforts. In particular, it thanked the Principality of Monaco, with which Andorra shared numerous initiatives and similarities in terms of administrative capacity.

78. In response to the question from Montenegro on the protection of women, particularly women victims of violence, the delegation recalled the raft of measures that had been taken to offer protection, including the establishment of a comprehensive care team for women and the provision of free access to social services, labour inspection and justice.

79. Regarding the numerous requests to establish a national human rights institution, the delegation reiterated the important role played by the Ombudsman in Andorra, but stated that a detailed in-depth study would be conducted to assess the possibility and appropriateness of establishing such an institution.

80. The human rights training for journalists and the media mentioned by Slovenia had also been seen as a suggestion worth considering.

81. In response to Sweden’s comments on the regulation of the right to strike, the delegation indicated that the parliamentary debate on the matter should be relaunched in the wake of the legislative elections that had taken place in March 2015.

82. Lastly, in response to the comment from Spain on legal certainty, the delegation of Andorra acknowledged the need to pursue efforts to develop a faster and more effective justice system by fostering judicial cooperation and the creation of new positions such as that of the court registrar, which had been established by a recent law. Andorra was currently studying the possibility of in the near future signing the Lugano Convention.

## II. Conclusions and recommendations\*\*

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

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

**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);**

**83.3 Establish an inter-institution mechanism to provide follow-up to the recommendations by the UPR and other international mechanisms, to coordinate**

\*\* The conclusions and recommendations have not been edited.

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);

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

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

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);

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);

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

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:

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 Sign and/or ratify the International Covenant on Economic Social and Cultural Rights and also ratify its Optional Protocol, the Optional Protocol to the Convention against Torture, 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 to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture, 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);

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

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);

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);

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

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

- 84.9 Ratify the International Covenant on Economic, Social and Cultural Rights (Montenegro) (Morocco) (Costa Rica) (Timor-Leste) (Sierra Leone);
- 84.10 Ratify the International Covenant on Economic, Social and Cultural Rights within the time frame of the third universal periodic review (Netherlands);
- 84.11 Consider ratifying the International Covenant on Economic, Social and Cultural Rights (Namibia) (Nicaragua);
- 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 the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, as well as the Optional Protocol to the Convention against Torture (Portugal);
- 84.14 Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Montenegro), (Denmark);
- 84.15 Sign and ratify the Optional Protocol to the Convention against Torture (France);
- 84.16 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);
- 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);
- 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);
- 84.19 Ratify the International Labour Organization (ILO) conventions, namely Convention No. 138 (Algeria);
- 84.20 Consider ratifying ILO Convention No. 189 (Philippines);
- 84.21 Consider ratifying ILO Equal Remuneration Convention (Rwanda);
- 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);
- 84.23 Consider ratifying the UNESCO Convention against Discrimination in Education (Rwanda);
- 84.24 Sign and ratify as soon as possible the Council of Europe Framework Convention for the Protection of National Minorities (Chile);
- 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);
- 84.26 Amend legislation in order to decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape (France);
- 84.27 Adopt a law on child protection that provides guidance or directives regarding the roles and responsibilities of government agencies (Portugal);
- 84.28 Decriminalize defamation, currently in the Criminal Code, and place it within the Civil Code, in accordance with international standards (Estonia);

- 84.29 Envisage the creation of a national human rights institution in conformity with the Paris Principles (Libya);
- 84.30 Further its efforts towards the establishment of a national human rights institution that is compliant with the Paris Principles (Philippines);
- 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);
- 84.32 Establish a national human rights institution in full compliance with the Paris Principles (Portugal);
- 84.33 Establish an independent national institution in compliance with the Paris Principles (Timor-Leste) of the United Nations (Canada);
- 84.34 Set up a national human rights institution in line with the Paris Principles (Chile) (Costa Rica);
- 84.35 Continue to engage its international partners with the view to strengthening the capacity and enlarging the resource base of the Commission (Philippines);
- 84.36 Consolidate all human rights efforts through, inter alia, developing a comprehensive national human rights action plan (Indonesia);
- 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);
- 84.38 Continue incorporating the gender perspective in all policies and programmes and improve existing practices in this matter (Uruguay);
- 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);
- 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);
- 84.41 Continue to provide adequate human and other resources to its anti-human trafficking programmes (Philippines);
- 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);
- 84.43 Extend its human rights education efforts to human rights training for media professionals and journalists (Slovenia);
- 84.44 Strengthen criminal legislation aimed at strengthening the fight against racism and intolerance and ensure their compliance (Chile);
- 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);
- 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);
- 84.47 Adopt legislation providing for the right to collective bargaining and prohibiting acts of anti-union discrimination (United States of America);

- 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);
- 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);
- 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);
- 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);
- 84.52 Continue to develop legislation and policies to promote gender equality, placing particular focus on the participation of women in politics (Spain);
- 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);
- 84.54 Address the rights of those individuals detained while awaiting trials, in particular foreigners, whose cases often experience prolonged delays (Germany);
- 84.55 Ensure that credible allegations of police misconduct are investigated through an independent mechanism (United States of America);
- 84.56 Continue its efforts to strengthen mechanisms that could guarantee prompt implementation of judicial resolutions to better protect human rights (Spain);
- 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);
- 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);
- 84.59 Continue to ensure strong legislative protection for children, including by increasing the minimum age of marriage to 18 (Australia);
- 84.60 Raise the minimum age of marriage from 14 to 18 (Sierra Leone);
- 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);
- 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);
- 84.63 Ensure swift approval of its plan to recognize the right to strike, in accordance with the Andorran Constitution and international standards (Italy);
- 84.64 Review its legislation so that it provides legal support for collective bargaining and the right to strike (Sweden);
- 84.65 Pursue its efforts in eradicating unemployment, in particular through the 2015 programme on youth employment (Libya);
- 84.66 Improve the policy on health care to provide affordable health-care services to immigrant women and girls (China);



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);

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

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

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);

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

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

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

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:

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

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.

**88. All conclusions and recommendations contained in the present report reflect the position of the submitting State and the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

[English/French only]

### Composition of the delegation

The delegation of Andorra was headed by H.E. Mr. Gilbert Saboya Sunyé, Minister for Foreign Affairs, and composed of the following members:

- S.E.M. Enric Tarrado Vives, Ambassadeur extraordinaire et plénipotentiaire, Représentant permanent auprès de l'Office des Nations Unies et des autres organisations internationales à Genève;
- Mme Azahara Cascales Ruiz, Juge d'Instruction pénale au Tribunal de Première Instance de la Principauté d'Andorre;
- Mme Ester Cañadas Borjas, Représentant permanent adjoint auprès de l'Office des Nations Unies et des autres organisations internationales à Genève;
- M. Joan Josep López Lavado, Desk Officer pour les Affaires multilatérales, Ministère des Affaires étrangères;
- Mme Patrícia Quillacq Albajes, Conseiller juridique, Ministère des Affaires étrangères;
- M. Manuel Marcu, Agent administratif, Mission Permanente d'Andorre auprès de l'Office des Nations Unies et des autres organisations internationales à Genève.