



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

Summary of Stakeholders' submissions on Andorra*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of four stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies²

2. The Center for Global Nonkilling (CGNK) recommended that Andorra ratify the International Convention for the Protection of All Persons from Enforced Disappearance.³

3. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that Andorra sign and ratify the Treaty on the Prohibition of Nuclear Weapons.⁴

4. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT), during a visit to Andorra in 2018, reiterated its recommendation that Andorra sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in order to ensure regular and preventive monitoring by a National Preventive Mechanism of all places where people are deprived of their liberty.⁵

5. The Group of Experts on Action against Trafficking in Human Beings of the Council of Europe (CoE-GRETA) noted that Andorra was not party to the 1951 Geneva Convention Relating to the Status of Refugees or to its 1967 Protocol.⁶

* The present document was not edited before being sent to United Nations translation services.



B. National human rights framework⁷

6. The Commissioner for Human Rights (CoE-Commissioner), following a visit to Andorra in 2016, pointed to the need to continue progress towards strengthening the institutional framework for the protection of human rights.⁸

7. The European Commission against Racism and Intolerance (CoE-ECRI) encouraged Andorra to amend the Nationality Law in order to reduce the period of residence required to obtain Andorran citizenship to 10 years as defined by article 6 of the European Convention on Nationality. It also recommended considering ways of making provision in national law for the possibility of holding dual nationality.⁹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination¹⁰

8. CoE-ECRI noted that the rule regarding the sharing of the burden of proof where discrimination complaints on grounds of race, colour, ethnic origin, nationality, religion, language, gender identity and sexual orientation were brought before the civil or administrative courts had not been introduced into law, and made a recommendation in that regard.¹¹

9. CoE-ECRI also reiterated its previous recommendation to set up an independent body with responsibility for receiving complaints against all forms of media and monitoring the media in order to identify any racist or discriminatory hate speech.¹²

10. CoE-ECRI urged Andorra to strengthen data collection as concerns racist and homo/transphobic hate crime. Such data should include aggravating circumstances to make it easier to identify the racial or discriminatory motivation behind an offence.¹³

2. Civil and political rights

Right to life, liberty and security of person¹⁴

11. CoE-CPT welcomed the fact that the national law had been amended to limit the solitary confinement of adult detainees to 14 days as a disciplinary measure.¹⁵ It recommended that Andorra further modify its provisions, so as not to apply it to minors under any circumstances in conformity with UN General Assembly resolution 45/113.¹⁶

12. Following its visit to the Central Police Station, CoE-CPT reiterated its previous recommendation that the duration of police custody does not exceed 24 hours in the cells of the station, due to the absence of daylight in the cells and of an outdoor yard.¹⁷

13. CoE-CPT remained concerned at the complete strip searches systematically imposed on prisoners before and after family visits, and reiterated its recommendation that such practice be conducted upon individual risk assessment.¹⁸

14. CoE-CPT welcomed the recent introduction of the use of audio-visual means of communication via the internet (Skype) to encourage links between prisoners and their families. Nevertheless, it remained critical of the restrictive conditions in which visits to the visiting room were held.¹⁹

15. Following its visit to the detention centre *La Comella*, CoE-CPT recommended to double the length of the visiting time of the psychiatric and of the psychologist in the light of the very high proportion of detainees requiring mental health monitoring.²⁰

*Right to participate in public and political life*²¹

16. The Office for Democratic Institutions and Human rights (OSCE-ODIHR) deployed a Needs Assessment Mission to observe the 2019 parliamentary elections in Andorra, and expressed a high level of confidence in the integrity of the electoral process.²²

*Prohibition of all forms of slavery*²³

17. In 2019, CoE-GRETA welcomed the adoption by Andorra of Law 9/2017 on measures to combat trafficking in persons and protect victims, and an Action Protocol for the protection of victims of trafficking in 2018.²⁴

18. CoE-GRETA noted, however, that Andorra had no national plan to combat trafficking in human beings, and urged Andorra to either adopt a strategic policy document focusing on prevention measures, raising awareness on the issue and providing training to relevant professionals, or to incorporate such measures of prevention in the adopted Action Protocol or in an existing national plan.²⁵

19. CoE-GRETA also urged Andorra to take the necessary measure to transcribe all the purposes of trafficking in human beings set out in the Council of Europe Convention on Action against Trafficking in Human Beings in their domestic law, in particular trafficking for the purpose of forced labour and services. It also urged Andorra to adopt legislative measures allowing for the possibility of holding legal persons criminally liable for the offences provided for in the afore-mentioned Convention.²⁶

20. Noting the increase in the number of labour inspectors, CoE-GRETA urged Andorra to take further steps aimed at preventing trafficking in human beings for the purpose of labour exploitation, including by ensuring that the terms of reference of labour inspectors enable them to contribute to preventing and detecting cases of trafficking for the purpose of labour exploitation, including within households, and by further working with trade unions, civil society and the private sectors.²⁷

21. CoE-GRETA was of the view that it remained highly unlikely that a trafficking victim would manage to meet the numerous requirements governing recruitment in Andorra, thus facing a real obstacle to obtaining a residence and work permit before the recovery and reflection period expires.²⁸

22. CoE-GRETA urged Andorra to consider trafficking of children, i.e. of every person of less than 18 year of age, as an aggravating circumstance, in accordance with the afore-mentioned Convention.²⁹

23. CoE-GRETA considered that Andorra should guarantee effective access to compensation for victims of trafficking in human beings. It also considered that Andorra should take further measures to ensure compliance with the principle of non-punishment of victims of trafficking in human beings for participation in unlawful activities, including administrative infringements, when compelled to do so.³⁰

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*³¹

24. In its Conclusions on the report submitted by Andorra in 2017, the European Committee of Social Rights (CoE-ECSR) noted that Andorra's health and safety legislation and regulations did not specifically cover a majority of occupational risks. It also noted that self-employed workers were not adequately protected, there was no provision for workers assigned to night work to be given compulsory medical check-ups, the minimum wage of young workers was not fair, and the apprentices' allowances were not adequate.³²

Right to social security

25. CoE-ECRI noted that a number of restrictions to access to social security provisions, which affected vulnerable groups, had been removed by law. In particular, the 2017 Law on measures to combat trafficking in persons and protect victims foresees that trafficking victims

and their underage children can receive full reimbursement for services and be included in special social security regimes.³³

26. CoE-ECSR noted that equal treatment with regard to social security rights was not guaranteed to nationals of other State Parties to the Council of Europe.³⁴

27. CoE-ECSR also noted that the minimum level of sickness benefits, of occupational injury and occupational disease benefits was inadequate.³⁵

Right to an adequate standard of living

28. CoE-ECSR noted that the minimum inter-professional wage did not ensure a decent standard of living to all workers.³⁶

Right to health³⁷

29. CoE-Commissioner noted that Andorra had one of the most restrictive legal frameworks on abortion in Europe and expressed the hope that future debates about abortion would lead to its decriminalisation, at least in certain cases.³⁸

4. Rights of specific persons or groups

Women³⁹

30. CoE-Commissioner welcomed the adoption of a comprehensive law on violence against women and expressed the hope that the new inter-ministerial commission tasked with the implementation of this law will help improve the coordination of measures in this field.⁴⁰

31. OSCE-ODIHR noted that there were no special legislative measures to enhance women's political participation, leaving the 2013 CEDAW Committee's recommendation to adopt temporary special measures aimed at advancing women in political life unaddressed.⁴¹

Children⁴²

32. CoE-Commissioner noted that further efforts were required to enhance the overall protection of children's rights. In particular, the Commissioner encouraged Andorra to design and implement a national strategy for the protection of children's rights in close co-operation with all the relevant stakeholders, including from among civil society.⁴³

33. CoE-CPT recommended that measures be taken to ensure that all minors placed under the authority of the police, as soon as they arrive in the detention facilities, receive an information leaflet setting out the specific guarantees applicable to them. Information should be child-friendly, written in a simple and clear language and should be available in different languages.⁴⁴

Persons with disabilities⁴⁵

34. Following its visit to the mental health service at the *Nostra Senyora de Meritxell* Hospital, CoE-CPT identified a few shortcomings in the protocols for recording and monitoring the use of restraint measures intended to appease patients in a state of crisis, such as isolation, mechanical or chemical restraint.⁴⁶ It also criticized the use, even on an exceptional basis, of mechanical means of restraint on young children.⁴⁷

Minorities⁴⁸

35. CoE stated that Andorra has neither signed nor ratified the Framework Convention for the Protection of National Minorities.⁴⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society**Individual submissions:*

CGNK	Center for Global Nonkilling Geneva (Switzerland);
ICAN	International Campaign to abolish nuclear weapons Geneva (Switzerland).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France);
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Attachments:

(CoE-CPT) Report to the Government of Andorra on the visit carried out by the European Committee for the Prevention of Torture from 29 January to 2 February 2018, CPT/Inf (2019) 12;

Press release after the visit of Mr. Nils Muižnieks, CoE Commissioner for Human Rights, conducted in May 2016, Ref. CommDH 017 (2016);

(CoE-ECRI) European Commission against Racism and Intolerance's report on Andorra (CRI(2017)1);

(CoE-GRETA) – Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Andorra, Second Evaluation Round, adopted on 22 March 2019, GRETA (2017) 38;

(CoE-ECSR) Factsheet: Andorra and the European Social Charter, updated March 2019.

OSCE-ODHIR	Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw, (Poland);
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Attachment:

(OSCE/ODIHR) Needs Assessment Report of 2019, Parliamentary Elections on 7 April 2019.

² For the relevant recommendations, see A/HRC/30/9, paras. 83.1, 83.4, 83.5, and 84.1–84.24.

³ CGNK, p. 6.

⁴ ICAN, p. 1.

⁵ CoE-CPT, p. 8.

⁶ CoE-GRETA, p. 24.

⁷ For the relevant recommendations, see A/HRC/30/9, paras. 83.2, 83.3, 83.6, 84.29–84.37, 84.57, and 85.1.

⁸ CoE-Commissioner, Ref. CommDH 017 (2016), p. 3.

⁹ CoE-ECRI, p. 25.

¹⁰ For the relevant recommendations, see A/HRC/30/9, paras. 84.44–84.46, and 84.48–84.49.

¹¹ CoE-ECRI, p. 25.

¹² CoE-ECRI, p. 25.

¹³ CoE-ECRI, p. 25.

¹⁴ For relevant recommendations, see A/HRC/30/9, para. 84.55.

¹⁵ CoE-CPT, p. 5.

¹⁶ CoE-CPT, p. 21.

¹⁷ CoE-CPT, p. 12.

¹⁸ CoE-CPT, p. 22.

¹⁹ CoE-CPT, p. 20.

²⁰ CoE-CPT, p. 17.

²¹ For relevant recommendations, see A/HRC/30/9, paras. 84.28, and 84.61–84.62.

²² OSCE-ODIHR, p. 1.

²³ For relevant recommendations, see A/HRC/30/9, paras. 84.39–84.42, and 86.

²⁴ CoE-GRETA, pp. 8–9.

²⁵ CoE-GRETA, p. 34.

²⁶ CoE-GRETA, p. 34.

²⁷ CoE-GRETA, p. 34.

- ²⁸ CoE-ECRI, p. 36.
- ²⁹ CoE-GRETA, p. 34.
- ³⁰ CoE-GRETA, p. 27.
- ³¹ For relevant recommendations, see A/HRC/30/9, paras. 84.47, 84.51, 84.58, 84.63, 84.64, and 84.65.
- ³² CoE-ECSR, p. 3.
- ³³ CoE-ECRI, p. 25.
- ³⁴ CoE-ECSR, p. 3.
- ³⁵ CoE-ECSR, p. 3.
- ³⁶ CoE-ECSR, p. 3.
- ³⁷ For relevant recommendations, see A/HRC/30/9, paras. 84.66, 84.25, and 84.26.
- ³⁸ CoE-Commissioner, p. 3.
- ³⁹ For relevant recommendations, see A/HRC/30/9, paras. 83.7, 83.8, 84.38, 84.49, 84.50, 84.52, and 84.53.
- ⁴⁰ CoE-Commissioner, p. 2.
- ⁴¹ (OSCE/ODIHR) Needs Assessment Report of 2019, Parliamentary Elections on 7 April 2019, p. 7.
- ⁴² For relevant recommendations, see A/HRC/30/9, paras. 84.27, 84.59, 84.60, 85.2, and 87.
- ⁴³ CoE-Commissioner, p. 3.
- ⁴⁴ CoE-CPT, p. 11.
- ⁴⁵ For relevant recommendations, see A/HRC/30/9, paras. 84.67–84.70.
- ⁴⁶ CoE-CPT, p. 27.
- ⁴⁷ CoE-CPT, p. 29.
- ⁴⁸ For relevant recommendations, see A/HRC/30/9, para. 84.24.
- ⁴⁹ CoE, p. 3.
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