



REFERENCE: DB/follow-up/Andorra/66

26 April 2017

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined second and third periodic report of the Principality of Andorra at the Committee's fifty-sixth session, held in October 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/AND/CO/2-3). You may recall that in the concluding observations, the Committee requested the Principality of Andorra to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 22 and 32 of the concluding observations.

The Committee welcomes the follow-up report received with 12-month delay in October 2016 (CEDAW/C/AND/CO/2-3/Add.1) under the CEDAW follow-up procedure. At its sixty-sixth session, held in March 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 22** of the concluding observations, recommending that the State party “ensure the adoption of a comprehensive law addressing all forms of violence against women, establishing measures to prevent and combat them”: The State party indicated that subsequent to ratification of the Istanbul convention, a law to prevent and combat violence against women and domestic violence was adopted in January 2015. It added that this is a comprehensive law, which establishes rights of victims and provides for awareness raising, prevention, training, investigation, intervention, protection and legal protection for victims of all forms of gender-based and domestic violence.

The Committee welcomes the adoption of a comprehensive law addressing all forms of violence against women and establishing measures to prevent and combat them. The Committee considers that the recommendation **has been implemented**.

In relation to the recommendation that the State party “amend the Criminal Code to criminalize all forms of violence against women, including sexual violence and stalking, and establish measures to provide victims with redress”: The State party repeated information provided during the dialogue on its second and third combined periodic reports and reiterated after this dialogue, indicating that its Penal Code punishes sexual aggressions (Article 144), sexual aggression constituting abuse (*agresión sexual constitutiva de violación*, Article 145), qualified

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aggressions (article 146), non-consensual sexual acts (Article 147) and sexual harassment (Article 149). It also informed that, in accordance with the Penal Code (Article 19), victims can bring civil action in order to seek compensation for injury sustained, either directly to the Ministry of Finance or through a lawyer.

The Committee takes note of the criminalization of acts of sexual violence and stalking. It however regrets lack of information on measures taken to provide victims with further redress. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

With regards to the recommendation that the State party “strengthen its efforts to prevent violence against women, including by conducting awareness-raising and education campaigns to inform women and girls about their right to be free from violence and about available support and legal remedies for victims”: The Committee **did not receive any information** to assess whether the recommendation has been implemented

In relation to the recommendation that the State party “provide adequate assistance to women victims of violence, including migrant women, and ensure that victims have access to legal remedies, such as restraining orders, and to shelters and medical and psychosocial support, in cooperation with non-governmental organizations”: The State party indicated that its Policy on Equality provides for a care-group for victims of domestic violence (*Equipo de Atención a las Víctimas de Violencia de Género y Doméstica*, EAVVGD). The EAVVGD provide legal aid in civil and criminal matters, psychological treatments, monitoring of experienced violence and empowerment in relation to abuse, socio-educational counselling and economic benefits to cover for childcare, recreational activities, nutrition and rent. The State party added that subsequent to the adoption of the law on gender-based violence, support granted to victims of gender-based violence has been extended to other areas, such as work environment and the community. The State party also informed that currently, procedures in relation to support and referral to implied professionals are being revised in order to guarantee coordinated and comprehensive care, as well as to avoid re-victimisation.

The Committee welcomes legal, psychological, economic and socio-educational support of victims of gender-based violence in the home, work environment and the community through care-groups. It however regrets the lack of information on medical support granted to victims, as well as on measures destined at migrant women. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “provide public funding to non-governmental organizations that operate shelters”: The State party indicated that no non-governmental organization in Andorra is currently managing housing for women victims of gender-based and domestic violence. It underlined that existing reception centers are State-run.

The Committee welcomes the use of public funding for shelters destined at victims of gender-based violence. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

Concerning the recommendation that the State party “provide training to the police on gender-sensitive methods for investigating cases of violence against women and for providing age-appropriate advice to victims, taking into consideration their socioeconomic situation”: The State party indicated that one of the functions of care groups for victims of domestic violence (EAVVGD) is the prevention of gender-based violence. It added that since 2008, and thus since the establishment of these groups, awareness of the general population on gender-based violence has been raised on every 8 March and 25 November, that capacities of young people between 14 and 16 years of age on gender stereotypes have been strengthened to prevent abusive conduct in couples, and that members of the judiciary have been sensitized on the rights of women and children. It moreover reported that in the future, awareness raising is to be extended throughout

the year and that workshops are to address capacities of all professionals involved in the eradication of gender-based and domestic violence, in accordance with Article 11 of the law to prevent and combat violence against women and domestic violence.

The Committee welcomes efforts undertaken by the State party to conduct capacity building and awareness raising to prevent gender-based violence. Noting that the new law to prevent and combat violence against women and domestic violence provides for capacity building of involved professionals, it regrets the lack of information planned training of police on gender-sensitive methods for investigating cases of violence against women and for providing age-appropriate advice to victims, taking into consideration their socioeconomic situation. The Committee considers that the recommendation **has not been implemented**.

In relation to the recommendation that the State party “accelerate the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”: The State party indicated that it has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence on 22 April 2014.

The Committee welcomes the ratification of the Council of Europe Convention and considers that the recommendation **has been implemented**.

The Committee recommends that, in relation to paragraph 22 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Reinforce measures to provide redress to victims of all forms of violence against women, including victims of harassment and talking sexual violence and stalking.
2. Strengthen efforts to prevent violence against women by conducting awareness-raising and education campaigns which will inform women and girls about their right to be free from violence and the availability of support and legal remedies for victims.
3. Adopt specific measures to ensure adequate assistance to migrant women victims of violence, and access to shelters and medical support for all victims of gender-based violence.
4. Provide training to the police on gender-sensitive methods in investigating cases of violence against women and in providing age-appropriate advice to victims, considering their socioeconomic situation.

With regards to the recommendation made in **paragraph 32** of the concluding observations “to decriminalize abortion and provide access to legal abortion in cases of threats to the life or health of the pregnant woman, rape, incest and severe foetal impairment “: The State party indicated that it has not taken any measures to implement this recommendation, that it has rejected recommendations in the Universal Periodic Review of March 2015 to decriminalize abortion under certain circumstances and that it has no intention to modify the Constitution in its article 8.1 on the right to life.

The Committee regrets the refusal of the State party to implement the recommendation to decriminalize abortion and provide access to legal abortion in cases of threats to the life or health of the pregnant women, rape, incest and severe foetal impairment. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation “to ensure affordable access for women and girls to modern methods of contraception and educate them about the risks of early pregnancy and sexually transmitted diseases, including HIV/AIDS”: The State party indicated that in primary education, contents on the reproductive function are included in Science and Technology classes,

and that they are part of Natural Sciences classes in secondary education. Classes on secondary level furthermore include information on sexual and reproductive health and sexually transmitted diseases. In High School, the control of reproduction and HIV/ AIDS is studied in Biology classes.

The Committee welcomes that information on reproductive health, control of reproduction and sexually transmitted diseases are included in school curricula. The Committee however regrets the absence of specific capacity building on methods of contraception, early pregnancy and sexually transmitted diseases. It moreover regrets the lack of measures taken to ensure affordable access to modern methods of contraception. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

With regards to the recommendation that the State party “ensure affordable access for all migrant women and girls to the health-care system and consider amending the legislation restricting access to health care on the basis of legal residence”: The State party indicated that on 18 May 2016, a governing regulation on economic, social and socio-medical services was approved which establishes, in its additional provision, that aid can be granted in situations of emergency and unplanned extreme necessity, for the subsistence of persons and on humanitarian grounds. The State party underlined that the Law on Social and Socio-Medical Services, as well as its governing regulation, thus recognize the right to determined forms of social support without legal residence requirement.

The Committee appreciates the newly introduced regulation granting social and socio-medical support to migrant women in specific circumstances, irrespective of their legal residence. It however regrets that this measure concerns social and socio-medical services, thus not covering the range of required health-care, and that no measures have been implemented to ensure affordable access to health care for migrant women. It also regrets that legislation restricting access to health care on the basis of legal residence has not been amended. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation “To devise and implement gender-sensitive programmes to prevent HIV/AIDS and include disadvantaged and marginalized groups of women, such as those in prostitution and migrant women, therein”: The State party indicated that it systematically realizes prevention activities on HIV / AIDS and other sexually transmitted diseases in educational establishments, through the health education programme. Considering that in the last two years, only one conviction on the encouragement of child prostitution has been initiated, the State party didn't deem relevant to establish specific programmes to prevent HIV / AIDS for women in prostitution.

The Committee welcomes the implementation of programmes to prevent on HIV / AIDS in educational establishments. It however regrets the absence of a gender-sensitive approach in these programmes, as well as insufficient efforts to include disadvantaged and marginalized groups of women, such as those in prostitution and migrant women. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**

The Committee recommends that, in relation to paragraph 24 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Legalize abortion on the basis of threats to the life or health of the pregnant woman, rape, incest and severe foetal impairment and take steps to ensure its access to all women in the State party.

2. Take measures to ensure affordable access for women and girls to modern methods of contraception and introduce specific education about the risks of early pregnancy and sexually transmitted diseases, including HIV/AIDS in school curricula.

3. Take measures to ensure affordable access for all migrant women and girls to the health-care system and consider amending the legislation restricting access to health care on the basis of legal residence.

4. Devise and implement gender-sensitive programmes to prevent HIV/AIDS and include disadvantaged and marginalized groups of women, such as those in prostitution and migrant women, therein.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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