



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
13 June 2013
English
Original: Spanish

**Committee on the Elimination of Discrimination
against Women**

Fifty-sixth session

30 September-18 October 2013

**Responses to the list of issues and questions relating to the
combined second and third periodic reports**

Andorra*

* This report has been published without editorial revision.



Generalities

1. Please explain the grounds for not submitting on time the reports, in line with Article 18 of the Convention. Please provide information about the process for preparing the report. In particular, please indicate which government departments and institutions of the State party were involved, the nature and extent of their participation, whether non-governmental organisations were consulted, in particular women's organisations, and whether the report was approved by the Government and submitted to Parliament.

Andorra is conscious of the accumulated delay in submitting the periodic reports of the Convention on the Elimination of All Forms of Discrimination against Women. The Government has very limited human resources at its disposal, which prevents it from submitting the periodic reports by the set deadlines. In this respect, Andorra has made a great effort and undertakes to continue doing so.

A working commission was set up in 2010 to prepare the report, comprising representatives of the ministries of justice and the interior; health, welfare and work; education and culture; and foreign affairs. The Department of Statistics, the Andorran Social Security Fund, the Supreme Council of Justice and the Centre for Research and Sociological Studies also collaborated and provided information on the topics in question.

Concerning consultation with the country's NGOs, the following associations took part: the Women's Association of Andorra, the Association of Immigrant Women of Andorra and the Federation of Entities of Persons with Disabilities, as well as the Red Cross and Caritas. These NGOs also participated in developing the National Plan for Social Assistance (2006) and the National Action Plan for Equality (2008-2010).

Lastly, it is noted that the report was approved by the Government and was not submitted to the *Consell General* (the Andorran parliament).

2. The report and its annexes contain very limited and significantly outdated statistical data referring to areas and situations covered by the Convention about the situation of women and disaggregated by sex. Please provide updated information and statistical data, disaggregated by sex, age and socio-economic situation, insofar as available, regarding all the relevant areas and situations covered by the Convention. The report recognises that, from the study of women and men initiated by the Government of Andorra in 2003, it emerged that "the collection of data disaggregated by sex continues to represent a challenge for Andorran society" (Paras. 23 and 24). Please indicate the steps taken by the State party to establish a system of regular collection and analysis of such data, and how it is being used to inform the development of policies and programmes, as recommended by the Committee in its previous concluding observations (A/56/38).

With regard to the collection of information disaggregated by sex, it is correct that deficiencies existed both in the collection of the information and in its dissemination. As a result of the report's recommendations and also of its own volition, the Department of Statistics has incorporated the disaggregation by sex whenever possible when collecting new data.

As evidence of this, please note the increased number of data tables that can be found in the annex of this document:

- (a) Data from the Andorran Social Security Fund (CASS) as source:
 - 1. Wage earners by gender 2005-2012
 - 2. Average wage by gender 2005-2012
 - 3. Average wage by gender and economic activity 2005-2012
 - 4. Wage earners by gender and economic activity 2005-2012
- (b) Data from the census of the municipalities (*censo communal*) as source:
 - 5. Population of working age by age and gender 2006-2012
- (c) Data from the Labour Force Survey (LFS) as source:
 - 6. Socio-demographic profile of the population with regard to employment 2009-2011
 - 7. Salaries by occupation and gender 2011
 - 8. Unemployment rate by gender 2009-2011
 - 9. Activity rates by age and gender 2009-2011
 - 10. Activity rates, occupation, inactivity and unemployment by gender 2009-2011
 - 11. Distribution of business owners by gender 2009-2011
- (d) Data from the Register of Economic Activities as source:
 - 12. Economic activities by gender 2006-2012
- (e) Data from the Employment Service as source:
 - 13. Jobseekers in the Employment Service by gender and reason for registration 2007-2012
 - 14. Job placings through the Employment Service by gender 2007-2012
- (f) Data from the Immigration register as source:
 - 15. Valid immigration permits by gender 2007-2012
 - 16. Valid immigration permits by gender and period of residency in the country 2007-2012
 - 17. Valid immigration permits by gender, age and nationality 2007-2012

It is also noted that on 18 April 2013, the *Consell General* (Andorran parliament) approved the Function of Public Statistics Act, which designates the Department of Statistics as the statistical authority responsible for planning, standardising, co-ordinating and managing the country's system of statistics.

The law establishes that the public statistics are a public service, the aim of which is to present the economic, geographical, social, cultural and territorial reality of the country, with the objective of providing society with complete, objective and impartial information. To fulfil these objectives, the Department of Statistics has

been tasked with designing and developing the Statistical Plan and the yearly statistical programmes.

Therefore, the Department of Statistics is committed to including in the Statistical Plan that it shall shortly develop the collection of data disaggregated by sex in all operations in which this is possible.

Lastly, it should be noted that the data collected by the Department of Statistics is used by the Ministry of Health and Welfare and the Council of Health and Welfare for the development of social policies.

Constitutional, legislative and institutional framework

3. In the State party's report it says, in paragraphs 1, 37 and 104, that Article 6 of the Constitution of Andorra forbids discrimination on the grounds of sex. Please provide information about specific legislation that further develops Article 6 of the Constitution and about specific sanctions in cases of discrimination against women.

No specific regulation exists that develops Article 6 of the Constitution. However, all domestic legislation respects its provisions, such that no regulation supports civil or judicial actions based on discrimination on the grounds of gender, nor limits the rights of women.

In certain areas of special protection, the judicial norms establish specific measures to protect women. Thus, the labour regulation includes, as a general principle, the obligation of the business owner and the worker to avoid any form of sexual discrimination, voiding clauses that constitute an act of discrimination. For example, the nullity of dismissal without cause or for objective reasons where this affects a pregnant worker. Also, in the event that a female worker is obliged to temporarily absent herself from her place of work as a result of being a victim of gender-based violence, the employee is entitled to re-join in the same position within the company, once the period of suspension of her contract has ended (a suspension that can last up to three months), save where it has been expressly stated to the contrary.

In its Article 338, the Criminal Code classifies as an offence such behaviour that, as a result of a discriminatory motive, refuses the sale or lease of a good or service, or subjects the granting of it to special conditions, or refuses the employment of someone, leads to said person's dismissal, or imposes on said person a disciplinary sanction, or introduces differences in salaries, conditions of work or in the development of occupational careers. Specifically, a discriminatory motive is legally defined as that which takes into consideration, with regard to an individual, birth, origin, nationality or ethnicity, sex, religion, philosophical, political or trade union opinions, or any other personal or social condition, such as an individual's physical or mental disability, lifestyle, customs or sexual orientation. Likewise, also classified as an offence is the action of an authority or official which, in the performance of the authority or official's functions, and as a result of a discriminatory motive, refuses to provide a public service or to grant an entitlement or advantage envisaged in law, or which hinders the granting thereof or leads to it being revoked, such that discriminatory behaviour that might arise within the actions of the Public Administration is also considered an attack on a specific legal

right, which merits special protection. In fact, the sanctions envisaged for these latter offences are greater than that envisaged for the typical behaviour that is limited to the private area.

Criminal legislation also takes into consideration the victim's condition as a woman as a circumstance aggravating criminal responsibility when it combines in the commission of the offence with motivation derived, among other non-cumulative circumstances, from the sex of the victim. Public law penalises discriminatory conduct which is limited to and takes place in the area of private contracts, where the choice of law prevails and it is especially difficult to establish a primary measure of control and suppression of discriminatory conduct.

It is also noted that the acts and omissions of business owners that contravene the principle of non-discrimination are classified as very grave violations by the Labour Relations Code, which sets out the following penalties:

- In the minimum degree, a fine of 3,001 euros to 6,000 euros;
- In the medium degree, a fine of 6,001 euros to 12,000 euros;
- In the maximum degree, a fine of 12,001 euros to 24,000 euros;

4. Taking into account the information in Paragraph 44 about the “recurs d’empara” (remedy of amparo) before the Constitutional Court, please provide information about case law in which the provisions of the Convention have been directly applied or invoked in proceedings before the Constitutional Court or in other courts. Please indicate what specific legal measures have been adopted to guarantee women’s access to justice, such as the provision of free legal aid and facilitating access to information about available legal procedures. Please provide information about the number of cases alleging discrimination against women brought before the courts and other competent authorities, the grounds invoked and the outcome of these cases.

The Constitutional Court has not registered any remedy of amparo in which the Convention was invoked or in which it was applied. With regard to it possibly being invoked in other proceedings, tried in other courts, it must be said that the ordinary courts are not competent to try proceedings similar to that foreseen for the constitutional amparo, with the exception of those cases in which a violation of the right to jurisdiction is alleged.

The Andorran legal system guarantees access to jurisdiction, including free legal aid, in any area (civil, criminal or administrative), to any citizen legitimately entitled to it, and within the limits of its economic capability, without gender distinction. In practice, where the condition of the applicant as a woman implies a situation of inequality in that person's economic capacity, derived from any circumstance outside of the judicial procedure, that person's access to the jurisdiction is prioritised.

Furthermore, a team is available that is specialised in assisting women who are victims of gender-based violence, and which can provide continued assistance in person or over the telephone. The assistance includes information and an assessment, by a female lawyer, of the existing legal procedures in the civil, criminal, labour and family areas.

With regard to cases of sexual discrimination, only one claim was filed during 2008-2012, with regard to alleged illicit behaviour, as foreseen in Article 338 of the Criminal Code. Specifically, a criminal investigation was launched based on a criminal complaint being filed with regard to a labour-related discrimination offence. The case was closed while still in the preliminary investigation phase and subsequently confirmed in the second instance.

5. Please provide information on steps taken to raise the awareness of women about their rights under the Convention and to encourage them to seek redress when their rights to non-discrimination and equality are violated. Please indicate whether the Convention, the Committee's general recommendations and related domestic legislation form an integral part of the legal education and training of the legal profession and of law-enforcement officials.

Awareness campaigns concerning the rights of women under the Convention are carried out periodically and the events of the 8th March are used to carry out awareness activities organised jointly by the Public Administration and civil society.

Furthermore, every year, during the process of allocating subsidies to social entities, carried out by the Ministry of Health and Welfare, those projects are given priority that have as their objective raising the awareness of society with regard to non-discrimination and equality.

Concerning the training of practicing lawyers, once they have completed their studies, there is no compulsory training plan for them, so they are free to choose which training courses to undergo. In the case of judges and magistrates, training co-operation agreements exist with France and Spain that allow attendance each year of courses and seminars that may include training in respect of the Convention and the Committee's general recommendations. The Supreme Council of Justice considers all kinds of training offers, not limited solely to Spain or France.

Domestic violence forms part of the initial training programme for new classes of police officers, of which there have been three during the reference period.

Also, a training course on criminal law was carried out in 2012, aimed at senior posts. The course was taught by the Attorney General, a magistrate and a practicing lawyer with extensive experience in criminal law. It allowed the changes in criminal law with regard to gender-based violence, which entered into force in February 2011, to be explained.

With regard to discrimination, in addition to matters directly related to criminal law, new officers are taught about the prohibition of discrimination as a principal of action.

National mechanisms for the advancement of women

6. Please provide information on the steps undertaken by the State party to establish a comprehensive institutional framework to fulfil its obligations under the Convention. In particular, please clarify which government department is currently mandated to pursue implementation of the State party's obligation to eliminate all forms of discrimination against women and achieve substantive equality of women with men. Please indicate what are the functions and

responsibilities, lines of co-ordination and co-operation at central level and with local authorities, as well as the financial, technical and human resources of the government's central body for equality of women with men.

The Ministry of Health and Welfare is the body tasked with co-ordinating all policies on equality and non-discrimination against women. During the period of drawing up the National Action Plan for Equality (PANI), in 2009 and 2010, a State Secretariat for Equality was established, with a specific participation body for the entities, called the National Equality Commission. When the process of drawing up the PANI was completed (2010), and in view of the social entities' difficulties in covering so many forums for participation, all the participation councils of the Ministry of Health and Welfare were subsumed into the current Health and Welfare Assessment Council, where all matters relating to equality policies are discussed.

The Ministry of Health and Welfare, supported by the Health and Welfare Assessment Council, currently co-ordinates the actions of all the ministries in the area of policies on equality.

The parish councils (*Comuns*) have the authority to develop independent and specific public policy on the question of gender equality. Co-operation between the local entities and the central Government in the aforementioned matter is based on a good climate of co-operation and dialogue between institutions, and is usually held in a specific and informal manner within the legal framework of the Principality of Andorra.

7. Please provide more detailed information on the content of the Action Plan to Promote Equality of Opportunity for Women and Men (Para. 33), as well as the measures taken by the State party to achieve the action plan's objectives and the level of partnerships with other entities, as well as with women's organizations, in its implementation. Please indicate mechanisms set up to monitor and evaluate implementation of the action plan. Please also indicate whether any new action plans aiming at equality of women and men were adopted or are envisaged.

The Action Plan for the Promotion of Equal Opportunities for Women and Men carried out its activities from 2004 onwards, with the participation of the following entities: the Women's Association of Andorra, Women's Group for Reflection and Action, the Association of Immigrant Women of Andorra, the Andorran Association of Separated Parents, the Trade Union Andorra, Caritas and Casa de Madrid, as well as the local administrations and representatives of the Central Government.

From 2006 onwards, this dynamic continued under the formula of commemoration and revision of compliance with the Beijing agreements, on the 10th anniversary of these being adopted. Every year a campaign has been carried out in the social, educational, association and health areas, focussing on a specific topic: The social role of the woman at the start of the 21st Century (2004); The role of the woman in sport (2005); Reconciling work and family life (2006); Women as protagonists and engines of history (2007); Women as agents of development and change (2008); and The social construction of gender stereotypes (2009).

From 2004 to 2009, it was the role of the Ministry of Health and Welfare, with the support of the entities that participate in the Action Plan Working Group, to monitor and evaluate the implementation of the Action Plan for the Promotion of Equal Opportunities for Women and Men.

From 2008 to 2010, work focused on developing a new action plan: the National Action Plan for Equality (PANI), which began its activities in 2011 and will continue until 2015. With the PANI coming into effect, the action plan itself already envisages the monitoring and evaluation of the results by means on the development of an annual report on activities carried out.

Temporary special measures

8. Please explain the lack of temporary special measures aiming to ensure substantive equality of women with men (Para. 104) in the State party. In particular, please indicate any obstacles to the implementation of such measures and whether the State party envisages adopting specific temporary special measures, in particular in those areas where women are underrepresented or disadvantaged.

Andorra has not adopted any temporary special measure aimed at correcting inequality between men and women. With the approval of the Constitution of Andorra in 1993, the mechanisms necessary to guarantee the rights enshrined in the Constitution have progressively been put in place.

In this respect, it needs to be taken into consideration that the promotion of gender equality by the institutions has enjoyed the support of civil society, the most notable result of which has been the election of a parliament with perfect parity.

In 1997, only 7.1% of members of the *Consell General* (Andorran parliament) were women. Today, women comprise 50% of the members elected to the *Consell General*. This result has been achieved without the need to establish any interim special measure, which is why raising social awareness and education in promoting gender equality have been set up as the principal tools for correcting existing inequalities.

Stereotypes and harmful practices

9. In paragraphs 27 to 35, the report refers to awareness-raising campaigns to combat gender-based stereotypes and pervasive patriarchal attitudes in the family, the workplace and society. Please indicate the results of those campaigns and to what extent they involved the participation of media, educational and other relevant professionals. Please provide further information about programmes targeted directly at girls and boys, as well as about campaigns aimed at combating discrimination against women from disadvantaged groups, such as women with disabilities, migrant or older women.

The results of the *T'ho creus* (Do you believe it?) campaigns do not specifically have a system of evaluation. The results of the campaigns are compiled in a report on the activities carried out and the level of participation therein. However, an indirect assessment is carried out through the results of the "Survey on gender stereotypes and inequality", which is carried out periodically every five years. The *T'ho creus* (Do you believe it?) campaigns were disseminated through advertisements in the country's main media.

With regard to programmes aimed at boys and girls, the school curriculum of the Andorran education system expressly includes in its general objectives for the compulsory education teaching stages, and in the general objectives of the area of social sciences, explicit references to the fight against all kinds of discrimination, including gender discrimination.

The *Tema de Centre* (School Topic) takes place annually in Andorran schools. This activity, to which an entire day is dedicated and in which all pupils and teachers at the school take part, serves the purpose of addressing a cross-cutting topic. The topic at issue, which changes every year, concerns the defence of human rights, democracy, citizenship, interculturality and non-discrimination on the basis of gender, race, etc.

With regard to awareness-raising campaigns aimed at vulnerable groups, the various associations of the elderly, persons with disabilities, women and immigrants, which have a social purpose, carry out a variety of awareness actions for the population in general, and in particular tasks relating to shelter and assistance for persons in a situation of social need. For all this they receive financing from the Government of Andorra by means of an annual programme of subsidies that amounts to a total of 200,000 euros.

Violence against women

10. Domestic violence constitutes a criminal offense under the Criminal Code (Para. 66). Please provide updated information on the number of investigations and convictions in cases of domestic violence against women over the past four years. Please provide more detailed and updated information on the implementation and concrete results of the plan of action to combat domestic violence referred to in paragraphs 108 and 111 of the report. Please also indicate whether the domestic violence observatory (Para. 130) was established and the computerized data collection programme (Para. 129) created. Please provide updated data on the prevalence and trends in all forms of gender-based violence against women, including psychological, sexual and economic violence. Please describe the measures aimed at preventing violence against women, including but not limited to information on awareness- raising campaigns and measures to protect women victims of violence, such as the issue of restraining orders. Please provide the number of women murdered by their husbands, partners or ex-partners in the last four years.

Only one case of a woman being murdered by her husband was registered during the period of 2008-2012. The events happened in June 2009, and the husband was sentenced for homicide to 14 years imprisonment and permanent expulsion from the country.

It is also noted that in the same period no other violent crime of this type has taken place that has not been resolved.

With regard to the results of the plan of action to combat domestic violence, the main result has been the creation of the Interdisciplinary Team on Gender Violence (EAID) in December 2006, the general objectives of which are the following:

General objective 1: To make Andorran society aware that gender violence is a social problem.

General objective 2: To ensure comprehensive assistance and recovery for women victims of gender violence, as well as for their underage children.

General objective 3: To strengthen the forums for exchange and co-ordination between the agents involved in the problem.

General objective 4: To analyse the reality of gender violence in the country through the collection of data relating to women who use the team, and to their children, with the aim of developing new resource proposals and intervention models.

To achieve the aforementioned objectives, the EAID has been assisting women victims of domestic violence, carrying out actions directed at raising society's awareness, and monitoring the social problem by means of data collection.

With regard to the gender violence observatory, in the end this was not set up. The functions initially envisaged for the gender violence observatory were assumed by the EAID, which is in charge of collecting and monitoring data relating to gender violence.

Data has been presented below relating to the number of gender violence cases to which the EAID responded in 2007-2012; the types of abuse suffered by the victims of gender violence in 2010-2012; and the percentage of the total number of women victims of gender violence by nationality in 2010-2012.

Number of gender violence cases dealt with by the EAID (2007-2012)

	2007	2008	2009	2010	2011	2012
Number of cases attended	92	118	162	192	201	207

Compiled internally. *Source:* EAID annual report (2010, 2011, 2012).

Types of abuse suffered by the victims of gender violence (2010-2012)

<i>Type of abuse</i>	2010	2011	2012
Psychological	100%	100%	100%
Physical	75%	75%	75%
Social	67%	70%	67%
Sexual	30%	30%	30%
Economic	75%	73%	75%

Compiled internally. *Source:* EAID annual report (2010, 2011, 2012).

Percentage of the total number of women victims of gender violence by nationality (2010-2012)

<i>Nationality</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Portuguese	33%	35%	34%
Spanish	32%	31%	33%
Andorran	15%	15%	14%
French	2%	2%	4%
Others	18%	17%	15%
Total	100%	100%	100%

Compiled internally. *Source:* EAID annual report (2010, 2011, 2012).

In addition to the campaign to raise awareness in society, the EAID has been carrying out various training workshops for the prevention of abusive behaviour, aimed at youngsters aged 14 to 16, with the aim of making known the gender stereotypes with regard to building male and female identities, preventing abusive behaviour within couples, and reflecting on the factors that influence gender violence.

With regard to restraining orders, these are envisaged in criminal law as preventive measures or as a penalty.

In the first case, the order is configured as an obligation to refrain from approaching or contacting a certain person, moving or remaining in a locality or within a radius close to the home or place of work of the victim. In order to adopt the measure, the judge or the court that is trying the criminal proceedings can adopt it upon request and at any time during the proceedings, provided that the alleged perpetrator or accomplice, as the case may be, have been formally charged with acts that constitute an offence. The interested persons are immediately informed of the measure having been adopted and of its content, and irrespective of whether it has been formally constituted as part of the proceedings or not; at the same time, law enforcement is also informed about the measure. Failure to observe this obligation can lead to provisional liberty being revoked and to provisional imprisonment being imposed.

In the second case, the restraining order is configured as a prohibition to contact the victim and consists in the prohibition to reside in the place of residence of the victim, to approach and to establish contact by any means. The court can extend the sanction to a prohibition to reside in the same locality or within a certain distance of the victim's place of residence or workplace. The sanction can only be imposed if the charge, be it public or private, requests it, and the duration can be from up to six years in sentences for minor offences to up to twelve years for more serious offences. Failure to observe the sanction imposed constitutes a new offence, this time of breach of sentence.

Civil legislation also envisages the possibility of dictating measures forbidding one spouse from contacting the other, or the respective children. This measure can be adopted in a precautionary manner at the request of one of the members of the couple (it also is applicable in cases of non-married couples or those which are not regarded as a stable conjugal union) in cases of grave danger to their physical or psychological health. These provisions form part of the Qualified Act 3/2012 amending the Qualified Marriage Act, and enter into force on 24 May 2012.

The cases of alleged domestic violence in which the victim has been a woman and which have been the subject of a judicial investigation comprise 158 (2008), 159 (2009), 129 (2010), 133 (2011) and 131 (2012).

The sentences handed down during the same periods numbered 69 (2008), 62 (2009), 55 (2010), 45 (2011) and 45 (2012).

It should be noted that this data does not include those investigations or sentences for offences committed within the family where the victim is another household member other than the woman (husband, elders or descendants).

11. Please provide updated information about the mechanisms in place to ensure adequate assistance to women victims of violence, including counselling, legal assistance, social welfare benefits, as well as temporary accommodation facilities for women victims of violence and their children. Please provide further information about the strategic goals and responsibilities of the specialised team within the police (Para. 101) and the results of its activities.

The Interdisciplinary Team on Gender Violence (EAID) is tasked with providing assistance and support for victims of gender violence. The EAID consists of five women professionals: a social worker, a community worker (*educadora social*), a lawyer, a psychologist and a community worker [sic], who work together to provide a comprehensive service to victims of gender violence.

The EAID professionals provide information and assessment on existing social support and resources, and also help with managing these, if necessary. The social assistance provided is aimed at covering basic needs (food and accommodation) and at after-school activities for under-age children.

In addition, the Ministry of Health and Welfare has four shelters (two rooms in two hotels, a family providing shelter and a support flat) for the purpose of assisting victims of abuse who do not possess sufficient personal and/or family resources to cope with their situation.

With regard to the specialist police team, the police has an offences against-the-person unit, assigned to the Area of the Criminal Police, which investigates, among others, domestic violence offences. The agents comprising this unit coordinate directly with the EAID. The police also operates a prevention and social guidance service that can treat victims of all kinds. This service includes an external female psychologist, who is not a member of the police.

Trafficking and exploitation of prostitution

12. The report states in paragraph 131 that the Qualified Act No. 9/2005 of the Criminal Code does not specifically refer to trafficking in women nor does it include a general offence of trafficking in human beings. Please provide data and information on women victims of trafficking for purposes of sexual and labour exploitation, and exploitation of prostitution and on persons, if any, prosecuted and sentenced for committing crimes related to the trafficking and exploitation of prostitution of women. Please indicate the efforts that are being made to encourage reporting by women and to ensure adequate protection, assistance and support to victims. Please also indicate whether the State party envisages amending its Criminal Code and adopting other measures to

harmonise its legislation and policies with the Council of Europe Convention on Action against Trafficking in Human Beings, to which Andorra is a party.

There has been no case of trafficking of women for the purpose of sexual, labour or prostitution exploitation, for which reason no secondary or tertiary prevention has been carried out. The network of primary healthcare and welfare centres, as well as the women's associations and NGOs such as Caritas and the Red Cross, are particularly watchful with a view to providing information to all women victims of any offence, as well as adequate protection and assistance.

With regard to the Criminal Code of Andorra, this dedicates six articles to the freedom of movement of persons (articles 133 to 138, in chapter one of Title VI, Crimes against Liberty).

In this respect, despite the fact that Article 252 of the Legislative Decree of 17 December 2008, relating to the publication of the reformed text of the Andorran Criminal Code, defines the offence of trafficking human beings solely for the purpose of their sexual exploitation (with aggravating circumstances, such as the fact that the victim is a minor and that the offence has been committed by a criminal organisation using deceit, violence, intimidation, endangering life, health or integrity of the victims), it is necessary, in accordance with the provisions of the Convention, to make the offence more specific, defining it more broadly with the aim of including all possible activities related to trafficking.

At present, an Inter-Ministerial Commission has been set up with the aim of making various changes to the Criminal Code of Andorra, based on the commitments deriving from the ratification of various international human rights instruments, under both the Council of Europe and the United Nations. This Inter-Ministerial Commission aims to present a project for a reformed text towards the end of May 2013.

Participation in public and political life

13. Considering the low representation of women in municipality councils, judicial bodies and in the security and public order sectors (Paras. 137 to 147, 152, 154 and 155), please provide information on any measures taken or envisaged to increase women's representation in local legislative bodies, in the judiciary and the public order sector, including at high level positions.

No specific measure has been taken to increase the representation of women in the judicial bodies or in the public sector. The campaigns to raise awareness in society have the indirect aim of resolving this problem through the elimination of gender stereotypes.

Changes to patterns of behaviour are a social phenomenon that is hard to change in the short term. In this respect, the awareness campaigns and the various workshops aimed at the educational community seek to reverse society's patriarchal behaviour, especially among the young, which is why the results should become apparent in the long term.

Data on the presence of women in the Public Administration has been presented below.

1. Total number of elected parish council (*Comuns*) members by gender (2007-2012)

	2007		2008		2009		2010		2011		2012	
	Women	Men										
Councillors	44	28	44	28	44	28	44	28	26	46	26	46
Mayor	1	6	1	6	1	6	1	6	3	4	3	4
Deputy mayor	1	6	1	6	1	6	1	6	1	6	1	6

Source: Department of Statistics.

2. Total number and percentage of wage-earning parish council (*Comuns*) members by gender (2006-2012)

	2006	2007	2008	2009	2010	2011	2012
Women	803	828	871	900	872	843	818
Men	811	832	859	890	875	870	860
Total	1,614	1,660	1,730	1,790	1,747	1,713	1,678
% Women	50	50	50	50	50	49	49
% Men	50	50	50	50	50	51	51

Source: Department of Statistics and Andorran Social Security Fund.

3. Total number of wage-earners in the Central Administration by gender (2012)

	2012
Men	1,074
Women	892

Source: Ministry of Finance and Public Function.

4. Total number of men and women in posts of political responsibility (2012)

	Men	Women
Section heads	49	20
Directors	25	25
Secretaries of state	2	0
Ministers	7	2

Source: Ministry of Finance and Public Function.

5. Composition of judicial career members by gender (2012)

	Men	Women
Trial judge	5	7
Deputy Attorney General	1	3
Attorney General)	1	0
Magistrates	4	1
Deputy magistrates	1	1
Members of the Supreme Council of Justice	5	0
President of the Criminal Court	1	0
President of the Supreme Court	1	0

Source: Ministry of Finance and Public Function.

Education

14. The report lacks detailed information on the gender composition of the teaching staff at the higher levels of the education system and of women and men in leadership positions at education institutions. Please provide these data. Please indicate any efforts made to integrate a gender perspective in teachers' initial training, retraining and in-service training programmes. Considering the low enrolment of women in science and mathematics (Para. 210), please provide information on specific measures aimed at increasing the enrolment of women in traditionally male-dominated fields of studies.

In the academic year 2012-2013, as in previous ones, women comprise the majority of the teaching or technical educational staff of the Ministry of Education and Youth. Likewise, women occupy the majority of higher level roles and leadership positions. Out of 896 individuals, 744 are women and 152 are men. With regard to the educational personnel and education technicians working at the Ministry of Education and Youth, data disaggregated by sex for 2012 has been presented below:

<i>Education personnel</i>	<i>Men</i>	<i>Women</i>
Teachers/Lecturers	82	193
Teachers (primary school)	44	301
Educational psychologists	1	15
Specialist technicians	4	16
School library education technicians	1	9

With regard to non-teaching staff, who in the case of Andorra are called educational collaborators (*colaboradores educativos*), only 2 out of 159 are men.

The information about staff in higher level positions in the education system, for the last two academic years (2011 and 2012), is the following:

<i>Higher level roles at Ministry of Education and Youth (Academic year 2011-2012)</i>	<i>Gender</i>	
	<i>Female</i>	<i>Male</i>
School director	10	3
Head of area in the ministry	9	4
Head of studies	14	4
PERMSEA ¹ co-ordinator	1	0
Education inspector	5	2

¹ Strategic Plan for the Renewal and Improvement of the Education System of Andorra.

As can be seen from the table above, women occupy the majority of the senior posts at the Ministry of Education and Youth. In the last two academic years of 2011-2012 and 2012-2013, the minister of education and youth has been a woman, as have three of the four directors-general of the ministry and the director-general of higher education.

With regard to the inclusion of gender perspective in the teachers' initial training, retraining and in-service training programmes, to date no specialist training on gender perspective has been carried out, although it is a cross-cutting topic that is included in a variety of training, such as on democracy, human rights or interculturality.

With regard to the registration of pupils, the data confirms that while there has been a slight increase in the number of women registering for science studies, they continue to be a minority.

Table: Number of registrations for science studies by gender (2008-2012)

<i>Number of registrations for science studies</i>	<i>2008-2010</i>	<i>2009-2010</i>	<i>2010-2011</i>	<i>2011-2012</i>
Boys	241	244	225	252
Girls	71	75	83	80

Source: Survey of the Centre for Sociological Studies (CRES).

In order to promote science studies among students, the University of Andorra (UDA) has proposed, for the first time this academic year, the participation of schools in the University of Children (*La Universidad dels Infants*) project. This project is directed at pupils aged 11 and 12 and aims to stimulate the spread of science and to break the stereotypes about the inaccessibility of scientific knowledge. The aim is to create a programme that allows the transfer and dissemination of technical knowledge in a clear and attractive manner.

On the other hand, to commemorate the international day of girls in information and communication technology (ICT), Andorra Telecom (the public telecommunications company) this academic year organised an open day aimed at promoting studies relating to engineering and telecommunications among girls. Girls in secondary education throughout the country took part in this open day, exchanging information and experience with the female engineers who work at this public telecommunications company.

Lastly, it needs to be mentioned that each school organises career days aimed at secondary and baccalaureate pupils at which, together with professionals and companies in the country, information is provided on different studies and professional career exits, including science options.

15. According to paragraphs 211 and 212 of the report, the State party designed a programme to promote integrated education for girls with disabilities. Please provide updated data on girls and women with disabilities who have been beneficiaries of integrated education and indicate steps taken by the State party towards ensuring that principles of inclusive education, in line with the human rights perspective, are applied in its education programmes.

The Ministry of Education and Youth, as envisaged under Article 8 of the Organic Education Act, works on the principle of inclusive education for all pupils with functional diversity, be they boys or girls, in the country's public schools, and this includes pupils of both genders. All pupils with special needs arising from a disability have the same rights. This is monitored on an individual basis.

The National Commission for the Evaluation of Disabilities (CONAVA) is a professional body that evaluates and establishes the degree of disability of minors. All under-age pupils who reach a degree of disability above 33% receive specialist assistance and support at ordinary schools or, in very specific cases (approximately 8%), at a specialised school.

After a pupil has been evaluated by CONAVA, the family chooses the school at which it wishes to enrol its child from among the three education systems in the country: Andorran, French or Spanish.

Once enrolled at the school, it is the school, with the advice of the support specialists (psychologist, educational psychologist, specialist teachers), which requests from the Schooling Commission, which is answerable to the Ministry of Education and Youth, the specific assistance and support required for each pupil (such as special materials, involvement of specialist educators or auxiliary staff). This allows the specific needs of the pupil to be met in a normal environment.

The Schooling Commissions meet once a term with the aim of monitoring the progress of each pupil and to re-assess, if necessary, the assistance provided.

The data disaggregated by sex for pupils benefiting from the programmes in 2009-2012 is the following:

<i>Year</i>	<i>Programme Progrés*</i>	<i>Programme EDES**</i>	<i>Total pupils (male and female)</i>
2009-10	104 pupils (m)	9 pupils (m)	113 pupils (m)
	49 pupils (f)	5 pupils (f)	54 pupils (f)
2010-11	126 pupils (m)	9 pupils (m)	135 pupils (m)
	52 pupils (f)	4 pupils (f)	56 pupils (f)
2011-12	130 pupils (m)	9 pupils (m)	139 pupils (m)
	55 pupils (f)	4 pupils (f)	59 pupils (f)
2012-13	126 pupils (m)	11 pupils (m)	137 pupils (m)
	55 pupils (f)	6 pupils (f)	61 pupils (f)

* Programa Progrés (Progress Programme): A programme aimed at pupils with special educational needs resulting from disability who attend ordinary schools.

** Programa de Educación Especial (Special Education Programme): A programme aimed at pupils with special educational needs resulting from a serious disability who need intensive assistance and a more protected environment, and who attend a special education centre. There is one such centre in Andorra, the Escuela Especializada Nostra Senyora de Meritxell (Nostra Senyora de Meritxell Special School – EENSM), with which the Government of Andorra signed a co-operation agreement on 2 May 2002. On 26 March 2013, the Government of Andorra approved a new co-operation agreement between the government, the EENSM and the Andorran Social Security Fund (CASS).

The Government of Andorra practices a policy aimed at ensuring that persons with disabilities enjoy their full rights and have available services that allow them to exercise the equality of opportunities. To fulfil this objective, legal provisions have steadily been created that have made it possible to establish actions aimed at prevention, education, early assistance, rehabilitation, as well as at social and labour insertion. This legal framework, which has as its objective to ensure equality of opportunities, has followed the guidance provided by the conventions and resolutions of the Council of Europe and United Nations.

The Organic Education Act of 1993 sets out that the assistance for pupils with special education needs shall be guided by the principle of integration, and that they are entitled to receive school and occupational guidance, as well as to receive the support necessary to compensate for possible deficiencies of the family, economic, social and cultural kind. The law recognises the right to equal opportunities of persons with disabilities in terms of access to education and establishes the basic principles for their schooling.

The decree on the regulation of schooling for pupils with disabilities in public institutions of ordinary education of 2008, states that the school must ensure the support measures necessary to reduce the barriers to learning and to ensure the full participation of pupils with disabilities in the education community.

The Ministry of Education and Youth follows the principles that govern inclusive education with the aim of educating pupils within the framework of ordinary education whenever possible. Acting within the ordinary education framework involves providing appropriate education services and programmes that are stimulating and suitable for the capabilities and needs of the pupils.

On the other hand, the Study Support Act of 2002 sets forth that all pupils with special needs of pre-compulsory (schooling from 3 to 6 years) and compulsory (schooling from 6 to 16 years) education levels are entitled to free schooling.

Employment

16. Please provide updated information on the gender pay gap in the State party (Para. 230) and any measures taken to incorporate in the State party's legislation the principle of equal pay for work of equal value and to address the wide gender pay gap. Please indicate whether the State party has adopted measures to monitor salaries in the private sector. Please provide information on any measures taken by the State party to address occupational segregation (Para. 232) in the public and private sectors and to promote women's access to decision-making positions. Further to the information in the State party's report (Para. 50) on the Employment Contracts Act No. 8/2003, prohibiting any form of discrimination by the employer, please provide examples of cases where sanctions were imposed on employers for violation of women's rights to non-discrimination. Please also elaborate on the capacity of the network of childcare centres mentioned in paragraph 241, as well as the accessibility and affordability of the centres to women, in particular single mothers.

In 2009, the Labour Relations Code entered into force, which develops throughout its text the constitutional principles of equality and non-discrimination, establishing explicit measures with the aim of safeguarding the effective application of the principle of equality in all stages of occupational life, avoiding direct or indirect discrimination and prohibiting any abuse of right, anti-social behaviour or discrimination on the grounds of birth, race, sex, sexual orientation, origin, religion, opinion or any other personal or social condition, as well as trade union affiliation or the lack thereof.

The business owner and the worker are obliged to act in good faith in fulfilling a contract. The business owner and the worker are obliged to avoid any kind of abuse of right or anti-social or discriminatory behaviour. The principle of good faith ensures that it is not possible to evade directly or indirectly the prohibition of any abuse of right, anti-social behaviour or discrimination.

The principles envisaged in the Code are imperative and, save where the regulation itself states it to the contrary, they constitute inalienable minimums which employers and workers are obliged to fulfil. Where these inalienable rights coincide with fundamental rights, that is, those recognised by the Constitution (as is the case of the right to equality and to non-discrimination), the character of mandatory law of the labour regulations becomes absolute.

The principle "in dubio pro operario" is recognised in the Code. It also envisages explicitly that any discriminatory act is just cause for the worker to cease work, without the need to give advance notice in any form of contract. It also

foresees that the concurrence of the just cause of the worker ceasing work as a result of a discriminatory act, gives him or her the right to appeal to the competent jurisdiction and to opt for compensation equivalent to that of dismissal without cause, or to demand reinstatement in the business, along with redress for the discriminatory act or compensation for making good the loss suffered, which is set by the competent jurisdiction without there being any upper limit.

The labour regulations govern the minimum conditions of pay that affect women and men equally: such as the guarantee of a minimum wage, compensation for overtime and increase of wages for night work. As a result, the law guarantees for every man or woman wage-earner the minimum rights that the labour regulation considers imperative and inalienable, and the control and oversight of which has been entrusted to the Labour Inspectorate.

Equal pay for work of equal value and equal treatment in the valuation of quality of work are guaranteed through the principle of non-discrimination proclaimed by the law and the principle of the nullity of pacts that imply discrimination, with the aim of ensuring the effective application of the law.

Beyond the imperative character of the labour regulations, a social reality exists which the legislator intends to correct by means of a series of measures to effectively ensure the right to equality. In effect, the differences in overall pay that might exist between that earned by men and that earned by women in practice are due to the greater availability of a man to dedicate himself in full to his professional life and to the limitations suffered by the woman, taking into account her family responsibilities as allocated to her by society and which she has assumed almost exclusively.

Even though, theoretically, the family responsibilities are the same for men and women, as well as the difficulties in balancing work and family life, in reality they affect women to a greater extent, considering the social model of the division of labour that entails a double working day for women: their professional occupation and their occupation as housewives. This actual burden of work means unequal competition between men and women in the job market beyond the recognition of their formal equality as recognised by the law without exceptions.

The legislation envisages, with the exception of the six weeks after giving birth which the mother needs to recover, the possibility for both the father and the mother, without distinction, to request maternity leave after the six weeks following birth; adoption leave during all or part of the period; unpaid leave of absence for the birth, adoption of a child or family placement; paid feeding breaks for infants of two hours during the nine months after birth; or the paternity leave of two weeks that the father can choose in cases of birth or adoption of a child.

In 2004, the Government approved the regulations governing the national classification of labour occupations of Andorra. The regulations establish a classification of all the labour occupations for workers, without distinction, and allow a unique and common definition in the process of labour hiring. It permits statistics to be drawn up for job offers and to compare statistics of occupations and salaries. In 2002, the Employment Service was established, answering to the Department of Labour, for the purpose of centralising data and obtaining useful information in order to determine the Government's general policy with regard to labour and immigration. The Employment Service guarantees a public service, free

and open, in accordance with the principle of equality and non-discrimination, for all citizens able to work according to the legislation in force: those aged over 16, Andorrans, resident foreigners, or foreigners with frontier work permits, who are unemployed or who are looking to improve their conditions in a job other than that in which they are employed.

The Government's Department of Statistics was created in 2007, in order to improve the statistics on salaries and, in general, all statistics on the labour market, by means of improving and broadening the fields of data collection based on the contributions to the Andorran Social Security Fund (CASS) and a broadening of the sample of the statistics resulting from the Labour Force Survey (LFS).

The Government, in addition to setting the minimum inter-professional wage, sets the base salaries for each professional category in the regulations which regulate the general immigration quotas. The aim is to carry out coherent policies in the area of employment and immigration so as to regulate the internal job market and, at the same time, ensuring wage equality for the same occupational category without discrimination.

The existing body of law (Civil Service Act of 2000, application regulations and bilateral agreements with Spain, France and Portugal 2001 and 2007 [sic]) establishes the procedures to cover positions and the mobility of civil service personnel, always with absolute respect for the principle of equality between men and women.

With regard to discrimination at work, in addition to the legal framework outlined above, it should be noted that in relation to the system of occupational classification and occupational category of workers, the Labour Relations Code regulates the employment contract and the occupational categories, always on the basis of the principle of equality.

However, there is a social reality that cannot be avoided, given that there are specific occupational activities in certain sectors (construction, industry, repair shops) that traditionally have been and continue to be carried out by men. There are also professions and occupations that socially have been considered female. Even though there can be multiple reasons for this (such as custom or physical condition), it is a fact that in certain occupations, probably, the fact weighs that men continue to enjoy a greater availability as has been explained above.

Aware of the problem, the legislator has envisaged the measures described above to promote the change of social customs and enable an equitable distribution of family responsibilities.

For now it has not been necessary to take measures at the legislative level, given that the access of women to senior positions and positions of responsibility, both in the public and private sectors, has taken place as a normal and gradual process.

Two texts of two verdicts relating to cases in which penalties were imposed on employers for violating women's right to non-discrimination have been presented below.

1. Verdict of the Supreme Court of Justice – Civil court – No. TSJC-359/07 of 27 March 2008

V. “(...) an employer must never abuse his right and use it to humiliate or harm an employee for personal reasons. In the case at bar, the prohibition of Ms... to have coffee and to talk to other employees, constitutes, in addition to a clear abuse of power, an arbitrary and discriminatory measure that cannot be tolerated. The act of suddenly altering the schedule of weekly rest days also constitutes an abuse of direction power and an arbitrary and discriminatory measure (...). The sum of all these acts that violate the principles of equality of treatment, prohibition of arbitrariness and of discrimination, as envisaged under Article 55 of the Employment Contract Act, has had as a consequence the creation of an environment of harassment for Ms..., gravely humiliating and offensive to her dignity as a person, thus justifying her ceasing work”.

2. Administrative ruling

Ruling dictated by the minister of justice and the interior within the framework of the disciplinary proceedings initiated by the Labour Inspectorate, No. SIT-J13/12. The ruling imposed:

“(...) C) A penalty of €3,001 for a serious violation, in the minimum degree, as envisaged in Article 159, Section 3, for the unilateral decisions of the administrative owner of the business, which implied discrimination with regard to the working conditions of Ms T. by means of the changes, without grounds, of the conditions of working hours, weekly rest and place of work, with disregard of the minimum periods and of the causes thereof, which, everything indicates, had their origin in the pregnancy of Ms T. and the impossibility of quickly achieving her dismissal without cause in the middle of December 2011.”

With regard to the accessibility and affordability of the childcare centres, at present the network of nurseries and home child-minders extends to nine population centres in the seven parishes (municipalities) of the country. All have vacancies to meet new demand, there being no waiting lists.

It is noted that, should waiting lists exist, single-parent families are given priority of access. Furthermore, the costs of the service are fully subsidised for single-parent families in need.

Health

17. Please provide information on measures adopted in the context of the Public Health Act to ensure girls' and women's access to sexual and reproductive health-care information and services, including through accessible information to women with disabilities. The report indicates that the penalties in the case of abortion were reduced (Para. 65). Please provide more information on this revision of penalties and indicate whether the State party has taken any steps towards decriminalizing abortion, at least in cases of rape and to preserve the health of the mother. Please provide information on the number of death and health-related complications due to illegal and unsafe abortion.

Every year the programme of the subject of natural sciences in the compulsory secondary education includes 4 credits for Health Education, which all pupils in Andorra between the age of 12 and 16 receive. These credits include, among other topics, training on sexual and reproductive health, as well as the fight against gender stereotypes that do not respect women.

Also, the basic healthcare and welfare service system infrastructure (10 centres in the 7 parishes – municipalities) includes in its programmes the *Consulta Joven*, aimed in particular at looking after the overall health of young people.

With regard to abortion, in 2005 the Organic Act 9/2005, of 21 June, of the Criminal Code was approved. The offence of abortion without a woman's consent is penalised with a prison sentence of four to ten years, plus the penalty of disqualification from practicing the corresponding healthcare profession. The offence of abortion with consent is punished, with regard to the participating subject other than the woman, with a prison sentence of between three months and three years, as well as the corresponding penalty of disqualification, and, lastly, the offence of abortion practiced by the woman herself or to which she gives consent is punished by imprisonment. It is highlighted that with regard to this last action, the attempt is not punishable, as opposed to what is the case with the other actions mentioned above. It also needs to be taken into consideration that, in accordance with the content of the penalty of imprisonment, this can in no case exceed six months. The 2005 reform of the Criminal Code resulted in a significant reduction of the penalties envisaged for a woman who consents to abortion, whether it is carried out by her or not.

Subsequent legislative reforms have had no impact on the classification of the offence of abortion, or on the actions described above, or on the punishment envisaged for each action.

With regard to the last point, it is noted that on 18 April 2013, the *Consell General* (Andorran parliament) voted to reject a white paper aimed at amending the Criminal Code, specifically to decriminalise abortion with consent, both for the person practicing it and for the woman herself, in cases of a threat to the life or health of the mother and in cases of offences relating to genetics and human reproduction or against sexual freedom, or in cases of grave anomalies or malformations of the foetus.

The Government of Andorra issued, as stipulated by article 103.2 of the regulations of the *Consell General*, its opinion, which has been included below:

“... Beyond the motives for the white paper at issue here, reasonable doubts arise with regard to adapting it to the current constitutional framework, in particular with regard to Article 8.1 of the Constitution (“The Constitution recognises the right to life and fully protects it in its different phases”). Not the Government, but the Constitutional Court must rule whether or not the white paper adapts, and to what degree, to the constitutional requirements, even though the Government notes that the Andorran Constitution is much more explicit and detailed than other constitutions when defining the full protection of the right to life in all its phases.

If this white paper were to continue its course through parliament, it would be necessary to take into account these possible indications of unconstitutionality and to always be aware that by virtue of the principle of legal hierarchy it would not be possible to pretend to modify the constitution by means of an organic law.

The Government in part shares the motivation of the white paper and, above all, understands and respects the disquiet among a large part of society with regard to this issue. However, beyond this motivation and the question of the white paper’s constitutionality, the Government cannot provide its support for a legal text before the potential risk – a risk that everyone who bears a political responsibility should bear in mind – of possibly causing a greater institutional crisis.

From the records bearing witness to the constitutional process it can be gathered that the will of the constituent was to provide maximum possible cover to the right to life, because to do otherwise would constitute “an insurmountable conflict between the condition of Bishop and that of Co-Prince”. That is how it was formulated by one of the parties of the tripartite commission and that is how it was accepted by the other two parties. The final objective was a compromise of a clearly institutional nature.

As has been mentioned above, it is not for the Government or the *Consell General* to determine in the last instance whether or not this white paper adapts to the constitutional framework. However, the Executive cannot pretend not to be aware of the responsibility and the institutional and political implications that a reform of this nature would have, and nor ought the Legislative pretend not to be aware thereof. A partial decriminalisation of abortion with consent could lead to (and the records of the constitutional process indicate that it is so) a repercussion of first magnitude in the institutional structure of Andorra, specifically in the figure of the Co-Princes as joint and undivided Head of State.

Therefore, before a possible reform of this nature, it is necessary always to ponder the legitimate aspirations expressed in the summary of grounds of the white paper and the institutional implications that such a reform would bring with it. Reform processes such as this one always require global reflection and under no circumstances can they be treated in an isolated manner, refusing to see the ultimate implications of such a reform. For all these reasons, the Government believes that a reform of this nature would need to be carried out taking into account the historical and social evolution of the Principality of Andorra and the respect for its institutional structure...”

With regard to the number of deaths and health-related complications due to illegal and unsafe abortions, it is noted that no such cases have taken place in the country.

Migrant women

18. The report makes no mention of the situation of migrant women. Please provide information on the situation of migrant women, in particular those working in the tourist industry and as domestic workers and indicate legal provisions and measures in place to protect migrant women at risk of sexual exploitation, as well as to protect migrant women against forced labour and to ensure their access to labour rights and social security.

The Criminal Code of Andorra includes in its Title XIII (Offences against the rights of workers) four articles (249 to 252) against degrading and dangerous labour conditions, abusive labour conditions and the trafficking of persons for their sexual exploitation. They protect any kind of immigrant person, irrespective of gender or nationality, from sexual exploitation or forced labour. Furthermore, the labour rights of every person are guaranteed, in the first place, through the Constitution of Andorra, and the Labour Relations Code of 18 December 2008. Registration with the Andorran Social Security Fund is compulsory for any worker who wishes to perform his or her professional activities in the country.

Women with disabilities

19. In light of the Rights of Disabled Persons Act “*Llei de Garantia dels drets de les persones amb discapacitat*” adopted by the parliament on 17 October 2002 (Paras. 63, 76 and 78), please provide updated information on the number of women with disabilities who have benefited from the income support allowance, as well as on their access to health care, education, housing and employment, and on the main barriers that prevent women with disabilities from enjoying these rights.

At present, 53 men and 51 women with disabilities benefit from income support allowance. This is set with reference to the level of income of the applicant, potentially amounting to 100% of the minimum inter-professional wage, and currently amounts to 962 euros in the case of a person without any income at all. It should be noted that the income support allowance is not exclusive, meaning that beneficiaries can obtain other official support, but the amount of the income support allowance cannot exceed the limit of 962 euros a month in the overall calculation of the applicant's income.

Marriage and family relations

20. The report states that the legislation sets the minimum age for marriage at 16 (Para. 271) and that the overall number of marriages has increased by 196 per cent between 1997 and 2006 (Para. 272). Please indicate whether the State party intends to set the minimum legal age for marriage at 18 in order to comply with the Convention. The report also indicates that in 2005, the

Qualified Act 21/2005 on Stable Conjugal Unions (*Llei qualificada de les unions estables de parella*) “recognized the conjugal union of two individuals, irrespective of the sex of those concerned” (Para. 49). Please explain the current legal situation pertaining to division of property when such a union ceases to exist.

Andorra undertook at the 9th session of the Universal Periodic Review to make appropriate amendments with the aim of increasing the legal age of marriage and thereby complying with the Convention’s provisions. Nevertheless, it is noted that in the last four years no marriage has taken place in which either the bride or groom were under the age of 18. Therefore this does not comprise a structural problem requiring immediate action on the part of the Government.

With regard to stable conjugal unions, these can be dissolved by mutual agreement; at the unilateral volition of one of the members of the couple, notified in a verifiable manner to the other member; by death or legal declaration of death of one of the members; or by one of the members entering into matrimony.

Where the cause for the dissolution is one member entering into matrimony without having notified the other, or if the parties have not proceeded to settle the rights and obligations resulting from the agreement signed between them, then the ordinary jurisdiction is competent to try the disputes over assets that might arise, set the damages that might derive from these, and manage any other matter that may need to be brought before the courts. For the duration of their union, the members of the couple retain ownership, enjoyment and management of their property, though they may not make any disposals with regard to the joint household or the furniture and fixtures of everyday use without the consent of the other member of the couple, even though these may belong to the first member. Where the cohabitation ends during the lifetime of its members, the Qualified Marriage Act is applied with regards to the obligations towards children, use of the family home and each member’s personal items, as well as to setting alimony in the case of unjust enrichment.

In the event that the dissolution of the union occurs as a result of the death or legal declaration of death of one of its members, the rules of inheritance law apply, without prejudice to the effect that the private agreements concluded may have on establishing or dividing the inherited property.
