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Draft report of the Working Group on the Universal Periodic Review***Andorra**

* The annex to the present report is circulated as received

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-second session from 4 to 15 May 2015. The review of Andorra was held at the 7th meeting on 7 May 2015. The delegation of Andorra was headed by H.E. Mr Gilbert Saboya Sunyé, Minister of Foreign Affairs. At its 14th meeting held on 12 May 2015, the Working Group adopted the report on Andorra.
2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Andorra: Ethiopia, Portugal and Qatar.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Andorra:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/22/AND/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/22/AND/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/22/AND/3).
4. A list of questions prepared in advance by Germany, Mexico, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Andorra through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Le Ministre des Affaires Etrangères, Son Excellence Gilbert Saboya Sunyé représentant la délégation d'Andorre a débuté son discours en remerciant l'Allemagne, l'Espagne, le Mexique, le Royaume Uni et la Slovénie pour leurs questions envoyées préalablement.
6. La principauté d'Andorre a présenté son premier rapport de l'EPU le 3 Novembre 2010 et suite à cette revue, le Ministère des Affaires Etrangères a informé tous les Départements du Gouvernement des recommandations acceptées et s'est chargé de coordonner le suivi et la mise en œuvre de ces recommandations.
7. Le second rapport de l'EPU présenté lors de ce Groupe de Travail avait été aussi élaboré par le Ministère des Affaires Etrangères en collaboration avec le Ministère de Justice et de l'Intérieur, le Ministère des Finances et de la Fonction Publique, le Ministère de la Santé et du Bien Etre, le Ministère de l'Education et de la Jeunesse et le Bureau du Procureur. Ce rapport avait été soumis à toutes les instances publiques ainsi qu'au Parlement et aux autorités locales pour leur contribution. Aussi la société civile avait été invitée à participer à l'élaboration de ce rapport suite à la publication d'une Notice dans le Bulletin Officiel de la Principauté.
8. Depuis son adhésion à l'organisation des Nations Unies en 1993, l'Andorre a ratifié plus de 200 traites Internationaux. Entre Septembre 2010 et Janvier 2015, l'Andorre a ratifié 15 nouveaux Traités parmi lesquels des Protocoles Facultatifs ou Additionnels et

plus de 130 lois et amendements législatifs ont été approuvés en réponse à ses engagements internationaux.

9. Depuis le premier cycle de l'EPU, l'Andorre a fait des progrès dans la soumission de ses rapports aux organes de Traités. L'Andorre soumettra prochainement son rapport au Comité pour l'Élimination de la Discrimination Raciale, reconnaissant l'importance de ces rapports périodiques.

10. Dans le domaine législatif, une réforme majeure entreprise par l'Andorre a été l'adoption de la loi du 21 Juin 2012 sur les investissements étrangers qui a étendu les droits économiques à tous les résidents légaux sans aucune restriction de nationalité ni de résidence. Le 31 Mai 2012, une réforme législative de la loi sur l'Immigration, a permis d'intégrer toutes les modalités de résidence sous un seul et unique texte.

11. Dans le contexte Européen, le 18 Mars 2015, Saint Marin, Monaco et Andorre ont initié des négociations en vue d'établir un niveau cadre de relation avec l'Union Européenne. L'engagement de l'Andorre pour les droits de l'homme a aussi été reflété lors de sa Présidence du Comité des Ministres du Conseil de l'Europe entre le 9 novembre 2012 et le 16 mai 2013 où la priorité a été l'éducation à la citoyenneté démocratique et aux Droits de l'Homme.

12. L'Andorre a aussi contribué activement à la promotion de la Convention des Droits de l'Homme avec une campagne dans les réseaux sociaux.

13. De plus l'Université d'Andorre vient d'établir une nouvelle Chaire dédiée spécifiquement aux Droits de l'Homme.

14. Dans le cadre de l'éducation, la délégation d'Andorre a fait référence à l'invitation du Secrétaire General de l'Organisation des Nations Unies, M. Ban Ki Moon, à faire partie du groupe de pays champions de l'Initiative Globale l'Education avant tout. Une initiative dédiée à l'éducation primaire universelle, à une meilleure qualité d'éducation et à la promotion de citoyenneté globale.

15. Au niveau national, la principauté d'Andorre compte trois systèmes éducatifs publics, le système Français, Espagnol et Andorran. Un système éducatif gratuit qui sans aucun doute, a favorisé l'intégration des étrangers, dans un pays où résident plus de 100 nationalités et où la population nationale représente moins de la moitié des habitants, d'où l'importance du multilinguisme pour promouvoir les droits de l'homme.

16. Depuis 2002, la principauté d'Andorre a adopté une législation garantissant les droits des personnes handicapées. Suite à l'une des recommandations du premier cycle de l'EPU, le 11 Mars 2014, l'Andorre a ratifié la Convention relative aux droits des personnes handicapés et son Protocole Facultatif.

17. La loi 6/2014, du 24 Avril de 2014, sur les services sociaux et sociaux-sanitaires a établi un ensemble de services de prestations techniques, économiques et technologiques pour tous, plus spécifiquement pour ceux qui sont en situation de nécessité sociale, de dépendance, d'exclusion sociale ou de risque.

18. Concernant le chômage involontaire, suite à la demande de l'Espagne, la délégation d'Andorre a exposé en détails les conditions d'octroi des prestations et des allocations telles que les conditions d'âge du bénéficiaire et sa situation personnelle.

19. En réponse aux questions soumises relatives aux moyens adoptés pour réduire le chômage des jeunes, la délégation d'Andorre s'est référée au Plan adopté conjointement par le Ministère de la Justice et de l'Intérieur et le Ministère de l'Education et de la Jeunesse le 19 Janvier 2015 pour améliorer l'emploi des jeunes. Ce Plan ayant pour objet la situation des jeunes entre 16 et 20 ans qui en fin de scolarité ne peuvent pas avoir accès au marché de l'emploi, offre une structure de formation diversifiée et personnalisée afin de faciliter leur

insertion sur le marché du travail. De plus, le 29 Décembre 2011, un amendement à la Loi sur la Sécurité Sociale a permis aux étudiants entre 25 et 30 ans de cotiser pour une couverture médicale. Cette loi a créé un nouveau régime afin que les personnes au chômage inscrites au Service de l'Emploi mais ne recevant aucune indemnité, puissent avoir accès à la Sécurité Sociale

20. Sur les mesures prises afin de renforcer l'éducation et la coopération avec la société civile et les médias afin d'irradier les stéréotypes traditionnels qui perpétuent la discrimination et la violence faite aux femmes, question préalablement soumise par l'Allemagne, la délégation d'Andorre a expliqué que le Ministère de la Santé et du Bien Etre et le Ministère de l'Education et de la Jeunesse avaient lancé des programmes communs afin de sensibiliser la société aux droits des femmes se référant aux campagnes d'information sur les droits de la femme durant la journée de la femme ainsi que des ateliers de formation pour la prévention des conduites abusives.

21. En 2012, l'Université d'Andorre avait proposé pour la première fois la participation des centres scolaires dans le projet "l'Université des Enfants", afin de stimuler la divulgation scientifique et de rompre avec les stéréotypes sur la connaissance scientifique. En 2013, *Andorra Telecom*, avait organisé une journée pour les filles afin de les encourager vers des carrières dans l'ingénierie et les télécommunications.

22. A la demande de l'Allemagne et du Royaume Uni sur les intentions du Gouvernement d'Andorre d'établir un Institut National des Droits de l'Homme, d'accord avec les Principes de Paris, la délégation a mentionné que durant le premier cycle de l'EPU, l'Andorre n'avait pas accepté cette recommandation: Les tribunaux de justice, le *Raonador del Ciutadà* – Ombudsman-, demeuraient les garants principaux des Droits de l'Homme dans le pays et la création d'un nouvel Institut pourrait être perçue comme une duplication coûteuse de ces instances. Cependant, l'Andorre pourra mener une étude sur la nécessité de créer une telle Institution.

23. L'Allemagne avait aussi soumis une question au sujet de la ratification du Pacte international relatif aux droits économiques, sociaux et culturels et de son Protocole Facultatif. Lors du premier cycle de l'EPU, le Gouvernement d'Andorre n'avait pas accepté la recommandation de ratifier certains instruments internationaux car des restrictions existaient au niveau normatif notamment l'absence de réglementation du droit de grève et des droits économiques des résidents. Or suite à ces recommandations du premier cycle de l'EPU, le 15 Janvier 2015, un projet de loi sur la réglementation des conflits collectifs a été soumis au Parlement. Le nouveau Gouvernement révisera le projet de loi afin de le soumettre à nouveau avant la fin de l'année.

24. En réponse à la question du Royaume Uni sur l'inclusion de la définition de la Torture dans le Code Pénal et la création d'un mécanisme national de prévention de la torture, la délégation d'Andorre a fait référence aux amendements au Code Pénal suite à la Loi 40/2014, du 11 Décembre qui mettait en application de la recommandation faite par le Comité sur la Torture après l'examen du rapport initial d'Andorre.

25. De plus la délégation d'Andorre a ajouté que le *Raonador del Ciutadà*, l'Ombudsman, visitait régulièrement les centres de détention pour y recueillir les plaintes des détenus et les soumettre au Parlement.

26. Quant au Statut de Rome, les lois nationales et la coopération avec la Cour Pénale Internationale, question formulée par le Royaume Uni, les dispositions de la loi du 29 Décembre 2000 sur la coopération judiciaire internationale en matière pénale couvrent, selon la Délégation, les mécanismes de coopération nécessaires avec la Cour Pénale Internationale, mais le Gouvernement a l'intention d'étudier cette question de manière plus approfondie.

27. La délégation d'Andorre a ajouté que la demande du Royaume Uni au sujet des procédures de détermination du statut des réfugiés et du non refoulement trouvait sa réponse dans la Loi 9/2012, du 31 Mai qui dans son article 11 reconnaît aux organisations internationales comme le Haut-Commissariat pour les Réfugiés la possibilité de donner des documents d'identité aux réfugiés. L'Andorre est aussi partie à la Convention Européenne d'Extradition. De plus, la Loi sur l'extradition du 28 novembre 1996 dans son article 14 est très claire à ce sujet.

28. Le Mexique avait soumis une question relative au droit au regroupement familial pour les travailleurs saisonniers. La délégation a répondu que la Loi 9/2012 du 31 Mai permet aux travailleurs saisonniers de travailler et de résider dans le pays pour une période continue de 12 mois maximum et ne donne pas droit au regroupement familial; le Ministre a cependant ajouté qu'indépendamment du statut de migrant de leurs parents, les enfants des travailleurs saisonniers sont pris en charge par le système éducatif et sanitaire andorran.

29. Suite aux recommandations sur la prohibition des châtiments corporels, la dernière réforme du Code Pénal de Décembre 2014 a permis de compléter l'incrimination de cette infraction. Les châtiments corporels sont désormais interdits en tout lieu et toute circonstance.

30. Sur la promotion de la parité des genres, tous les groupes parlementaires ont approuvé l'élaboration d'un Livre Blanc sur l'Égalité, une compilation d'informations sur la situation réelle des femmes au sein des pouvoirs publics afin d'établir une stratégie commune.

31. Le Parlement a aussi approuvé le 15 Janvier dernier, la Loi 1/2015 pour l'éradication de la violence domestique et la création d'une Commission Nationale de Prévention de la Violence Sexiste et Domestique.

32. Suite aux questions écrites du Royaume Uni sur la discrimination de genre, la délégation d'Andorre a informé que la Constitution ainsi que d'autres textes législatifs tels que le Code du Travail interdisent formellement tout acte discriminatoire basé entre autres sur le genre. Afin d'améliorer les droits des femmes, le Gouvernement a l'intention de soumettre au Parlement une loi générale sur l'égalité des genres afin de doter le pays et les institutions des mécanismes nécessaires pour promouvoir et protéger les droits de la femme.

33. En ce qui concerne l'âge légal pour le mariage et les recommandations demandant de modifier l'âge minimum, le Gouvernement a constaté que durant ces quatre dernières années aucun mariage n'avait eu lieu entre des mineurs de 16 à 18 ans, ni entre des mineurs de 14 ans à 16 ans sous la tutelle du juge, et qu'en l'absence totale de cas dénotant un problème, la modification de la loi n'est pour l'instant pas une priorité du Gouvernement.

B. Interactive dialogue and responses by the State under review

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

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

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

35. Thailand commended Andorra for having taken steps to address the problems related to domestic violence, discrimination against persons with disabilities and human trafficking. It welcomed the amendment in 2014 of Andorra's Criminal Code creating new offences within the crime of trafficking in persons for purposes such as slavery and sexual exploitation. It also welcomed the adoption of the Act on the Elimination of Gender-based and Domestic Violence, as well as the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

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

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

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

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

40. The Bolivarian Republic of Venezuela stressed the political will of Andorra to implement the recommendations accepted during the first UPR in spite of the economic crisis. Venezuela underscored the strengthening of the legislative framework for social and health services for the population which completed the management of the Andorra social protection system. Venezuela recognized the progress made in implementing policies to protect the rights of women and promote their participation in society. It underlined the approval of significant legislative provisions to eradicate gender based and domestic violence which had been accompanied by national awareness raising campaigns on the rights of women.

41. France welcomed the ratification by Andorra of several international conventions, in particular the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the Council of Europe Convention preventing and combating violence against women and domestic violence as well as the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuses. France also welcomed the recent legislative amendments of the Criminal Code aiming to prohibit corporal punishment.

42. Angola commended Andorra for enhancing new developments in the sector of justice which enabled social inclusion of the people regardless of race, social condition and affiliation. It also commended the ratification of the Convention on the Rights of Persons with Disabilities and the Convention for Transnational Organized Crime. It appreciated the

implementation of the National Youth Forum which enabled youth people to participate in political and social life.

43. Argentina commended Andorra for ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It voiced and echoed a concern raised by the Committee on the Rights of the Child on the rights of children with disabilities, in particular their access to social and appropriate health care services. Argentina referred to the international campaign for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

44. La délégation d'Andorre a remercié les délégations pour la reconnaissance des efforts fournis par l'Andorre en matière des droits de l'homme. Au sujet des abus par les forces de l'ordre et notamment la police, la délégation a réitéré que le Code Pénal prévoit des procédures judiciaires à cet égard. Sur la demande d'adhérer à la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées, le Ministre a répondu que le Gouvernement fera une étude approfondie des engagements prévus par la Convention.

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

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

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

48. Chile considered carefully the information related to the standards setting and institutional reforms undertaken. In this respect, it pointed out the approval of the law on civil unions between persons of the same sex and the amendment of the civil matrimonial. Chile welcomed the recent approval of the Bill which seeks to eradicate gender violence and domestic violence and called upon Andorra to promptly implement this law through the various national mechanisms. Chile requested information on corporal punishment.

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

50. Costa Rica took note of the progress made by Andorra between the intercessional period. It recognized the increase in the accession to human rights international instruments and the progress made in harmonizing legislation in line with international treaties. Costa Rica urged Andorra to strengthen initiatives and laws to protect children and

laws against gender violence. It underscored the efforts made ensuring that 50% of the Parliament was represented by women. While welcoming the approval by the Parliament of the agreement to promote gender equity, Costa Rica noted that there was no legislation on gender equality and discrimination.

51. Denmark congratulated Andorra for its constructive cooperation with the Committee against torture as well as the European Committee for the prevention of torture, including through the implementation of recommendations into national legislation. However, it was surprised that Andorra rejected during the first UPR recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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

53. En matière de lutte contre l'intolérance et discours haineux, la délégation d'Andorre a confirmé son engagement contre ce genre de pratique. Sur la torture et les mauvais traitements, la délégation a confirmé que toutes les procédures dans le centre pénitencier avaient été révisées de façon à respecter les recommandations du CAT. Sur la traite des enfants, la délégation a informé que le Code Pénal inclut désormais une disposition spécifique à ce sujet et que l'Andorre a ratifié la Convention Européenne sur la lutte contre la traite des êtres humains et la Convention de Lanzarote.

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

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

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

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

58. Ireland commended Andorra for its extension of a standing invitation to all Special Procedures of the Human Rights Council. Ireland noted that, despite having ratified both the International Covenant on Civil and Political Rights and the International Convention on the Elimination of all forms of Racial Discrimination in 2006, Andorra has yet to submit an initial report to either of these Treaty Bodies. In this regard, Ireland encouraged Andorra to take all possible steps to submit its outstanding reports to the UN Treaty Bodies as expeditiously as possible. Ireland welcomed the ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

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

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

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

62. Dans le cadre du dialogue interactif la délégation d'Andorre a confirmé son intention de ratifier les Conventions sur la Cybercriminalité et le Traité sur le Commerce des Armes. L'Andorre s'est aussi engagée à soumettre son rapport initial au Comité pour l'Élimination de la Discrimination Raciale dans un bref délai. La délégation a mentionné la nouvelle initiative du Ministère de la Justice d'établir une unité spéciale d'éducation dans le centre pénitencier en vue d'une réinsertion sociale des détenus grâce à l'éducation et l'emploi.

63. Monaco applauded various achievements of Andorra, inter alia, the Convention of the Council of Europe on preventing and combating violence against women and domestic violence, the so called Istanbul Convention.

64. Montenegro commended Andorra for, inter alia, fully cooperating with the UN Treaty Bodies system and for fulfilling its reporting obligations despite limited resources. Montenegro congratulated Andorra for its inclusion in the United Nations 16 Champion Countries for the Global Education First Initiative. Moreover, Montenegro noted CEDAW's concerns related to gender-equality, particularly the absence of a comprehensive gender-equality and anti-discrimination law and corresponding national plan that covers all areas of the Convention, and asked Andorra to elaborate further on steps and measures taken in this regard.

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

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

67. The Netherlands noted with appreciation the recent ratification of the Council of Europe Convention on Action against trafficking in human beings and the Convention on preventing and combating violence against women and domestic violence. Netherlands remained concerned about the effects of the criminalization of abortion on the health and safety of women.

68. Nicaragua praised the progress made since the first UPR cycle in the field of the rights of children including the measures taken in its legislation to combat children prostitution, domestic violence and sale of children. It encouraged improving the situation of women further

69. The Niger noted the progress made since its first UPR cycle and commended the adoption of a wide range of laws in the field of migration, protection of vulnerable cases and promotion of civil and political rights. It praised the National Forum on Youth and National Commission to prevent gender based violence. Niger also welcomed the ratifications of new international human rights instruments. It encouraged the ratification of ICESCR, ICPED and ICMRW.

70. The Philippines referred to the recommendation of the first UPR cycle to establish a NHRI. It noted the standards and mechanisms to improve equality between men and women but raised concern with the wage gap in the private sector and the unequal access to managerial post for women at the disadvantaged position.

71. Portugal welcomed the comprehensive national report presented by Andorra and the progress made since the first UPR cycle. It commended the adoption of the Act on Elimination of Gender based and Domestic Violence ratification of the Optional Protocol to CRC on communication procedure.

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

73. Sierra Leone praised Andorra's commitments to human rights, especially its advancement on children's rights and its prohibition of corporal punishment. It remained concerned about the discrimination against women and incidents of racial intolerance. It encouraged Andorra to sign the Palermo Protocol and establish a NHRI. It urged to enact laws on refugee status and asylum seekers. It raised the issue of children with disabilities.

74. Slovenia welcomed the ratification of the CRPD, the Istanbul Convention and the OP-CRC-IC as its previous recommendation and encouraged the government to pursue the ratification of the remaining core human rights treaties. It commended the issuing of a standing invitation to the Special Procedures. Slovenia praised the efforts undertaken in the field of human rights education aimed at teachers and pupils, public servants and judicial and police officials in line with the recommendation from the first UPR cycle.

75. Spain noted with appreciation the measures taken to combat discrimination based on gender. It commended the adoption of measures related to non-discrimination and the ratification of the Convention on the rights of people with disabilities. It also referred to the creation of "saig".

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

77. La délégation a nouvellement remercié la reconnaissance de ses efforts par l'ensemble des intervenants. Elle a remercié particulièrement la principauté de Monaco avec qui l'Andorre partage de nombreuses initiatives et points communs en matière de capacité administrative.

78. Suite à la question du Monténégro sur la protection des femmes et plus particulièrement des femmes victimes de violence, la délégation a rappelé l'arsenal de mesures prises afin de les protéger comme l'équipe intégrale de l'attention à la femme, l'accès gratuit aux services sociaux, à l'inspection du travail et à la justice.

79. En ce qui concerne les nombreuses demandes de créer un Institut National des Droits de l'Homme, la délégation a réitéré le rôle important de l'Ombudsman en Andorre, mais a avancé qu'une étude fine et approfondie serait entreprise pour analyser la possibilité et l'opportunité de créer une telle institution.

80. La formation des journalistes et des medias en matière des droits de l'homme mentionnée par la Slovénie a aussi été vue comme une suggestion à tenir en compte.

81. En réponse à la Suède sur la réglementation du droit de grève, la délégation a informé que le débat parlementaire devrait être relancé, après les élections législatives qui ont eu lieu en Mars 2015.

82. Finalement, suite au commentaire de l'Espagne en matière de sécurité juridique, la délégation d'Andorre reconnaît la nécessité de poursuivre les efforts pour une justice plus agile et rapide, en favorisant la coopération judiciaire et la mise en place de nouvelles figures, telles que celle de l'huissier de justice qui a été créé par une récente Loi. L'Andorre étudie actuellement la possibilité de signature prochaine de la Convention de Lugano.

II. Conclusions and/or recommendations**

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

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

83.2. Continue to strengthen its social plans and programmes in particular in the area of employment, health and food to ensure the best possible well-being of its people with a special emphasis on the most excluded sectors of the population (Venezuela (Bolivarian Republic of));

83.3. Establish an inter-institution mechanism to provide follow up to the recommendations by the UPR WG and other international mechanisms, to coordinate the presentation of reports to treaty bodies, and to study Andorra's accession to the treaties to which is not yet a party (Mexico);

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

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

83.6. Continue its efforts aiming at the elimination of the discrimination against women by further aligning its legislation and national policies to the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (Morocco);

83.7. Redouble its efforts in the field of violence against women and domestic violence through the different measures provided in the legislation aiming at the eradication of violence against women and domestic violence (Monaco);

**Conclusions and recommendations will not be edited

- 83.8. Continue its efforts to prevent gender-based and domestic violence and to protect and support victims (Australia);
- 82.9. Thoroughly investigate cases of hate crimes and fully prosecute those responsible for acts of incitement to violence (Sierra Leone).
84. The following recommendations will be examined by Andorra which will provide responses in due time, but no later than the 30th session of the Human Rights Council in September 2015:
- 84.1. Align fully its national legislation with the Rome Statute of the International Criminal Court (ICC), in particular by incorporating provisions to cooperate promptly and fully with the ICC (Estonia);
- 84.2. Sign and/or ratify the International Covenant on Economic Social and Cultural Rights, and also ratify its Optional Protocol, the Optional Protocol to the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);
- 84.3. Adhere to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture, the 1951 Refugee Convention and the 1967 Protocol thereto, as well as the UNESCO Convention against Discrimination in Education, as previously recommended (Brazil);
- 84.4. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria, Sierra Leone);
- 84.5. Strengthen its legal framework on the fulfilment of the rights of migrants, by considering its accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);
- 84.6. Consider ratifying those international human rights instruments which is not yet party to, such as the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nicaragua);
- 84.7. Consider ratifying ICMRW (Philippines);
- 84.8. Sign and ratify the International Covenant on Economic, Social and Cultural Rights (Ireland, Spain);
- 84.9. Ratify the International Covenant on Economic, Social and Cultural Rights (Montenegro, Morocco, Costa Rica, Timor-Leste, Sierra Leone);
- 84.10. Ratify the International Covenant on Economic, Social and Cultural Rights within the timeframe of the third UPR-cycle (Netherlands);
- 84.11. Consider ratifying the International Covenant on Economic, Social and Cultural Rights (Namibia, Nicaragua);
- 84.12. Sign and ratify the Optional Protocol to ICESCR, and accede to its inter-States investigative mechanism (France);
- 84.13. Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, as well as the Optional Protocol to the CAT (Portugal);

- 84.14. **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Montenegro, Denmark);**
- 84.15. **Sign and ratify the Optional Protocol to the Convention against Torture (France);**
- 84.16. **Ratify ICCPED (Sierra Leone);**
- 84.17. **Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the ICCPED Committee competence in conformity with articles 31 and 32 of this Convention (France);**
- 84.18. **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance as well as core international human rights instruments to which it is not yet a party (Argentina);**
- 84.19. **Ratify ILO Conventions, namely Convention N° 138 (Algeria);**
- 84.20. **Consider ratifying ILO Convention 189 (Philippines);**
- 84.21. **Consider ratifying ILO Convention on Equal Remuneration (Rwanda);**
- 84.22. **Start a national consultation with a view to becoming a member to the ILO and to adhering to the core ILO Conventions, as previously recommended (Brazil);**
- 84.23. **Consider ratifying UNESCO Convention against Discrimination in Education (Rwanda);**
- 84.24. **Sign and ratify as soon as possible the Framework Convention for the Protection of National Minorities (Chile);**
- 84.25. **Amend legislation in order to decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape, as previously recommended (Netherlands);**
- 84.26. **Amend legislation in order to decriminalize abortion under certain circumstances, such as pregnancies that are the result of rape (France),**
- 84.27. **Adopt a law on child protection that provides guidance or directives regarding the roles and responsibilities of government agencies (Portugal);**
- 84.28. **Decriminalize defamation, currently in the criminal code, and place it within the civil code in accordance with international standards (Estonia);**
- 84.29. **Envisage the creation of a national human rights institution in conformity with the Paris Principles (Libya);**
- 84.30. **Further its effort towards the establishment its national human rights institution that is compliant with Paris Principle (Philippines);**
- 84.31. **Take up again the recommendations of the first review related to the creation of a national human rights institution in conformity with the Paris Principles (Nicaragua);**
- 84.32. **Establish a National Human Rights Institution, in full compliance with the Paris Principles (Portugal);**
- 84.33. **Establish an independent national institution in compliance with the Paris Principles (Timor-Leste) of the United Nations (Canada);**

- 84.34. Set up a national human rights institution in line with the Paris Principles (Chile, Costa Rica);
- 84.35. Continue to engage its international partners with the view of strengthening the capacity and enlarging the resource base of the Commission (Philippines);
- 84.36. Consolidate all human rights efforts through, inter alia, developing a comprehensive national human rights action plan (Indonesia);
- 84.37. Consider developing Human Rights Indicators as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);
- 84.38. Continue incorporating the gender perspective in all policies and programmes and improve existing practices in this matter (Uruguay);
- 84.39. Continue efforts to amend the Criminal Code in order to prohibit the trafficking and sale of children for all purposes and to extend criminal liability to legal persons, and fully implement these amendments (Germany);
- 84.40. Take measures to provide redress to victims of trafficking in persons and adopt specific policies to fight against forced labour and prostitution (Mexico);
- 84.41. Continue to provide adequate human and other resources to its anti-human trafficking programs (Philippines);
- 84.42. Adopt a national plan against human trafficking and provide assistance to all victims of trafficking regardless of the form of exploitation (United Kingdom of Great Britain and Northern Ireland);
- 84.43. Extend its human rights education efforts to human rights training for media professionals and journalists (Slovenia);
- 84.44. Strengthen criminal legislation aiming to strengthen the fight against racism and intolerance and ensure their compliance (Chile);
- 84.45. Strengthen relevant legislation that tackle racism and intolerance and take concrete measures to prohibit public instigation to racial violence, hatred and discrimination (China);
- 84.46. Establish authoritative institutions at national level to combat racism, racial discrimination, xenophobia, anti-Semitism and intolerance and to raise awareness amongst the Andorran population on these manifestations (Namibia);
- 84.47. Adopt legislation providing for the right to collective bargaining and prohibiting acts of anti-union discrimination (United States of America);
- 84.48. Ensure that further steps are taken to address anti-discrimination issues and ensure the National Plan of Action for Equality addresses all areas of the Convention to Eliminate All Forms of Discrimination against Women (United Kingdom of Great Britain and Northern Ireland);
- 84.49. Consider adopting new legislation to counter all forms of discrimination against women and reserve a quote of non-executive board seats for women (Italy);
- 84.50. Adopt a comprehensive law on gender equality and against discrimination, consistent with CEDAW (Nicaragua);

- 84.51. Pursue measures in law and in practice that address the wage gap in the private sector and unequal access to managerial post, with women at the disadvantaged situation (Philippines);
- 84.52. Continue to develop legislation and policies to promote gender equality, placing particular focus on the participation of women in politics (Spain);
- 84.53. Ensure effective law enforcement and prevention and protection measures to bridge the gap between the legislation and practice in combating violence against women (Thailand);
- 84.54. Address the rights of those individuals detained while awaiting trials, in particular foreigners, whose cases often experienced prolonged delays (Germany);
- 84.55. Ensure that credible allegations of police misconduct are investigated through an independent mechanism (United States of America);
- 84.56. Continue its efforts to strengthen mechanisms that could guarantee prompt implementation of judicial resolutions to better protect human rights (Spain);
- 84.57. Bring its legislation closer to the requirements of the European Convention on the nationality which stipulates that to obtain the nationality the period of residency should not be above ten years (France);
- 84.58. Promote the rights of temporary workers to family reunification (in conformity with the recommendation on racism and intolerance of the European Commission) in all applicable legislation, including law 9/2012 (Mexico);
- 84.59. Continue to ensure strong legislative protections for children, including by increasing the minimum age of marriage to 18 (Australia);
- 84.60. Raise the minimum age of marriage from 14 to 18 (Sierra Leone);
- 84.61. Demonstrate respect for freedom of religion or belief by recognizing the legal status of other faiths, in addition to Catholicism (United States of America);
- 84.62. Adopt a law on access to information in order to fully promote the exercise of the right to the freedom of expression and the freedom of opinion (Canada);
- 84.63. Ensure swift approval of its plan to recognize the right to strike in accordance with the Andorran Constitution and international standards (Italy);
- 84.64. Review its legislation so that it provides legal support for collective bargaining and the right to strike (Sweden);
- 84.65. Pursue its efforts in eradicating unemployment, in particular through the 2015 program on youth employment (Libya);
- 84.66. Improve policy on health care to provide affordable health care services to immigrant women and girls (China);
- 84.67. Continue its effort in promoting and protecting the rights of persons with disabilities with particular attention to the specific needs of women and children with disabilities, especially by increasing awareness of their rights to

prevent social discrimination and providing equal access to adequate social and health services (Thailand);

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

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

84.70. Continue to work on awareness-raising of the rights and needs of children with disabilities and ensure that children with disabilities have equal access to social and appropriate health care services (Argentina);

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

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

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

84.74. Review its legislation to create legal ways to seek asylum in Andorra (Sweden).

85. The recommendations below did not enjoy the support of Andorra and would thus be noted:

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

Andorra notes this recommendation concerning the need to amend the criminal code in order to specifically prohibit trafficking in human beings as a criminal offence. Article 134 bis entitled “trafficking of human beings” of the Andorran Criminal Code currently into force, explicitly prohibits the trafficking of human beings and sanctions anyone who “recruits, transports, transfer, hosts one or more persons for the purpose of slavery or other types of servitude” with a sentence of prison from 2 to 6 years. Article 134 bis point 2 further extends the offence by precisating that whenever such actions are perpetrated upon children, there is no need of any of listed misconducts such as abuse, intimidation, threat, use of force, promise of economical rewards or other benefits in order to consider it human trafficking. Putting at risk the life of the persons who are victims of such conducts or acting on persons with special vulnerabilities such as mental or physical incapacities will all be aggravating causes. The articles 121 bis and 157 bis of the Andorran Criminal Code also criminalise the trafficking in human beings for the purpose of the removal of organs and sexual exploitation.

85.2. Prohibit and sanction appropriately corporal punishment (Chile);

Andorra notes this recommendation regarding the prohibition of corporal punishment of children, based on the legal framework already into force in Andorra. Article 476 of the Criminal Code Qualified Law 9/2005, as amended by article 40 of Law 40/2014 of 11th of December 2014, clearly prohibits all forms of corporal punishment of children, including teenagers, in all settings in Andorra.

86. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

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

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