

## Universal Periodic Review

(22<sup>nd</sup> session)

### Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

#### Andorra

#### I. BACKGROUND AND FRAMEWORK

##### A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	03/01/1997, Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	08/11/2013, Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	06/02/2007, Accession			Right to take part in cultural life

## II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

### Right to education

#### Constitutional Framework:

2. The Constitution of the Principality of Andorra of 1993<sup>1</sup> enshrines the right to education. **Article 20** provides that “1. All persons have the right to education, which shall be oriented towards the dignity and full development of the human personality, thus strengthening the respect for freedom and the fundamental rights. 2. Freedom of education and of establishing teaching centers shall be recognized. 3. Parents have the right to decide the type of education for their children. They also have the right to moral or religious instruction for their children in accordance with their own convictions.”

3. According to **Article 6.1**, “*All persons are equal before the law. No one may be discriminated against on grounds of birth, race, sex, origin, religion, opinions or any other personal or social condition. 2. Public authorities shall create the conditions such that the equality and the liberty of the individuals may be real and effective.*”

#### Legislative Framework:

4. “The **Law on Education [of 28 September 1993]**<sup>2</sup> enshrines the fundamental rights of the Constitution. [...] The main goals of the Law are developed in **Article 3**. In the other articles of the Law, the general principles governing the educational system are compiled:

- a) Everyone has the right to basic education and to access higher levels of education.
- b) Basic education is compulsory from age 6 to 16 years old, it is free and it is extended to adults. Children can be enrolled starting at age 3.
- c) The Law recognizes the diversity of educational systems; which shall be regulated by convention.
- d) Educational centers shall be public or private. The establishment of private centers shall be regulated.
- e) Integration and attention paid on students with special needs is ensured.
- f) Freedom of chair is recognized.
- g) Parents or tutors have the right of association and the right to participate to educational activities.
- h) Catalan is the official language of the educational system; learning foreign languages shall be promoted.

5. The **Framework Law on the Educational system [of 9 June 1994]** regulates the centers that follow the Andorran educational system. [...] This Law establishes the different curriculums, [...] the control and assessment of education, the teaching staff

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<http://www.unesco.org/education/edurights/media/docs/30e4cb72ac6f7005cfa61c3c824ed507d9dd307d.pdf>

<http://www.unesco.org/education/edurights/media/docs/bf96cd1fac7d90a9965a9862722d3c8588ec7e07.pdf> Accessed on 12/02/2014

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<http://www.unesco.org/education/edurights/media/docs/f75209d7ef7c0f0468a184d0048b3e821588b380.pdf>

management, etc. The *first Title* defines conditions to establish curriculums; it establishes the levels of the Andorran educational system and provides for affirmative actions in the education area. The *second Title* is divided into 8 chapters that define goals, contents, teacher's profile, promotion criteria, students' ratio per class and general features of education: preprimary education, basic education, higher education, vocational education, lifelong learning education, Andorran education and special education. The *third Title* describes services that are necessary to improve education. [...]"<sup>3</sup>

6. "The **Law of Universities of 20 August 1997** established the University of Andorra, which is the only public University."
7. "The **Law regarding vocational education from 11 July 1996** establishes internships in enterprises."<sup>4</sup>
8. Some decrees also regulate the educational system:<sup>5</sup>
  - i) "The **Decree regarding the Andorran education system assessment** of 12 June 1996"
  - j) **Regulation on basic adult education** of 26 July 96.<sup>6</sup>
  - k) "The **Decree regarding curriculum programme for preprimary Andorran education** of 7 February 1996"
  - l) "The **Decree establishing the organic structure of the education department within the Ministry of education, youth and sports** from 22 January 1997"<sup>7</sup>
  - m) The **Decree of 11 February 2004** approving the internal regulations of the technical teaching staff.<sup>8</sup>
  - n) **The Decree of 30 May 2007** amending the Decree for the creation of vocational diploma.<sup>9</sup>
  - o) **The Decree of 20 June 2007** of Approval of the Regulation on issuance of compulsory education, post-compulsory state diploma.<sup>10</sup>
  - p) The **Decree of 24 September 2008** amending the Decree on prevention and treatment of absenteeism in schools of Andorra.<sup>11</sup>

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<sup>3</sup> IBE, Données mondiales sur l'éducation, 6<sup>e</sup> ed., 2006-2007, Andorra, pp. 4-5, [http://www.ibe.unesco.org/fileadmin/user\\_upload/archive/Countries/WDE/2006/WESTERN\\_EUROPE/Andorra/Andorra.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/WESTERN_EUROPE/Andorra/Andorra.pdf), unofficial translation

<sup>4</sup> Ibid, p. 5, unofficial translation

<sup>5</sup> Ibid, p. 5, unofficial translation

<sup>6</sup> Unofficial translation of "Reglament d'educació bàsica d'adults, de 26-7-96 (BOPA 57, any 8, 14/08/1996)"

<http://www.educacio.ad/legislacio>

<sup>7</sup> Unofficial translation

<sup>8</sup> Unofficial translation of "Decret de l'11-2-2004 pel qual s'aprova el reglament intern del personal tècnic d'ensenyament del Govern d'Andorra (BOPA 10, any 16, 18/02/2004)"

<http://www.educacio.ad/legislacio>

<sup>9</sup> Unofficial translation of "Decret del 30-5-2007 de modificació del Decret de creació del diploma d'ensenyament professional (BOPA 47, any 19, 06/06/2007)"

<http://www.educacio.ad/legislacio>

<sup>10</sup> Unofficial Translation of "Decret del 20-6-2007 d'aprovació del Reglament sobre l'expedició de títols d'ensenyament obligatori, postobligatori de caràcter estatal (BOPA 52, any 19, 27/06/2007)"

<http://www.educacio.ad/legislacio>

- q) **The Decree of 3 December 2008**, governing the education of students with disabilities in regular public schools.<sup>12</sup>
- r) **The Decree of 16-9-2009** which made public the establishment of the National Centre for Educational Quality.<sup>13</sup>
- s) **The Decree of 12 May 2010** establishing the vocational baccalaureate diploma.<sup>14</sup>
- t) **The Decree of 28 July 2010** approving the Regulation to amend the Rules of Procedure of the educational staff associate.<sup>15</sup>
- u) **The Decree of 12 October 2011** for structuring and defining responsibilities of the Ministry of Education and Youth in education<sup>16</sup>
- v) **The Decree of 30 November 2011**, regulating linguistic test of access to secondary level education for students from different educational systems of Andorra.<sup>17</sup>

### **Policy Framework:**

#### **i) General information**

9. A **strategic plan** to review and improve Andorra's system of education is an initiative of The Ministry of Education and Youth in order to coordinate work in priority issues of all educational stakeholders.<sup>18</sup>

#### **ii) Quality education**

10. In 2009, Andorra created the National Centre for Educational Quality.<sup>19</sup>

#### **iii) Gender equality**

11. In 2010, Andorra established the National Commission for Equality (NCIP).<sup>20</sup>

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<sup>11</sup> Unofficial translation of “Decret del 24-9-2008 de modificació del decret de prevenció i tractament de l'absentisme escolar als centres educatius del Principat d'Andorra. (BOPA 72, octubre 2008)”

<http://www.educacio.ad/legislacio>

<sup>12</sup> Unofficial translation of “Decret del 3-12-2008, de regulació de l'escolarització de l'alumnat amb discapacitat en centres públics d'educació ordinària (BOPA 88, desembre 2008)”

<sup>13</sup> Unofficial Translation of “Decret del 16-9-2009 pel que es fa públic la creació de l'Observatori Nacional per a la Qualitat de l'Educació (BOPA 68, any 21, 23/09/2009)”

<http://www.educacio.ad/legislacio>

<sup>14</sup> Unofficial translation of “Decret del 12-05-2010 pel qual es crea el diploma de batxillerat professional (BOPA 29, any 22, 19/05/2010)”

<sup>15</sup> Unofficial translation of “Decret del 28-07-2010 pel qual s'aprova el Reglament de modificació del Reglament intern del personal col·laborador educatiu del Govern d'Andorra (BOPA 43, any 22, 04/08/2010)”

<sup>16</sup> Unofficial translation of “Decret del 12-10-2011 d'estructuració i de delimitació de competències del Ministeri d'Educació i Joventut en l'àmbit de l'educació”

<http://www.educacio.ad/legislacio>

<sup>17</sup> Unofficial translation of “Decret del 30-11-2011, regulador de les proves lingüístiques d'accés al nivell educatiu de batxillerat per a alumnes provinents dels sistemes educatius diferents de l'andorrà (BOPA 76, any 23, 07/12/2011)”

<sup>18</sup> [http://www.educacio.ad/images/stories/sistemes/PlaEstrategic/AmbitsFormacio\\_oct13.pdf](http://www.educacio.ad/images/stories/sistemes/PlaEstrategic/AmbitsFormacio_oct13.pdf) ,

unofficial translation

<sup>19</sup> Concluding observations CRC,

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAND%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAND%2fCO%2f2&Lang=en)

## **Cooperation:**

12. Andorra is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

13. Andorra **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999),
- b) **Seventh Consultation** of Member States (covering the period 2000-2005),
- c) **Eighth Consultation** of Member States (covering the period 2006-2011).

14. Andorra **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **Fourth Consultation** of Member States (covering the period 2005-2008). However, Andorra **reported** to UNESCO within the framework of the **Fifth Consultation** of Member States (covering the period 2009-2012).

15. Andorra **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:

- a) the **First Consultation** of Member States (1993)
- b) the **Second Consultation** of Member States (2011).

16. Andorra is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

## **Freedom of opinion and expression**

### **Constitutional and Legislative Framework:**

17. Freedoms of expression, communication and information are guaranteed under Title II Article 12 of the Andorra Constitution (1993)<sup>21</sup>.

18. Defamation and libel are considered criminal offences in Andorra under the Penal Code, punishable by up to 2 years of imprisonment<sup>22</sup>.

19. There is yet to be a freedom of information law in the country. However, freedom of information is guaranteed under Title II Article 12 of the Andorra Constitution (1993)<sup>23</sup>.

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<sup>20</sup> Concluding observations CRC, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAND%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAND%2fCO%2f2&Lang=en)

<sup>21</sup> [http://www.andorramania.com/constit\\_gb.htm](http://www.andorramania.com/constit_gb.htm)

<sup>22</sup> Andorran Penal Code at [https://www.unodc.org/tldb/pdf/Andorra/AND\\_Penal\\_Code\\_FR.pdf](https://www.unodc.org/tldb/pdf/Andorra/AND_Penal_Code_FR.pdf)

<sup>23</sup> [http://www.andorramania.com/constit\\_gb.htm](http://www.andorramania.com/constit_gb.htm)

### Media Self-Regulation:

20. Self-regulatory mechanism is yet to be developed in Andorra.

### Safety of Journalists:

21. UNESCO recorded no killing of journalists in Andorra between 2008 and 2013. Journalists generally work in a safe environment.

## **III. RECOMMENDATIONS**

### **Right to education**

**22. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on 4 January 2011 (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/100/48/PDF/G1110048.pdf?OpenElement>).**

**23. The recommendations formulated during the interactive dialogue/listed below have been examined by Andorra and enjoy its support:**

- i) A - 83.8 Step up efforts to implement the resolutions on the World Programme for **Human Rights Education**, including through the preparation of a national plan and reports (Slovenia);
- ii) A - 83.9 Intensify **cooperation** between the Inter-Religious Dialogue Group and the National Andorra Commission for the United Nations Educational, Scientific and Cultural Organization (Algeria);
- iii) A - 83.10 Continue to develop measures against **domestic violence, maltreatment and abuse**, including sexual abuse, and, as recommended by the Committee on the Rights of the Child, explicitly prohibit **corporal punishment**, not only in schools, but also in the family (Spain);
- iv) A - 83.11 Consider conducting studies on domestic violence, maltreatment and abuse within the family as well as **intimidation at schools**, in accordance with the recommendations made by the Committee on the Rights of the Child (Chile);
- v) A - 83.17 Take measures to eradicate traditional **stereotypes of women**, especially through educational programmes, and apply a gender perspective in the design of future policies and programmes (Netherlands);
- vi) A - 83.19 Strengthen educational measures and intensify **cooperation with civil society** organizations and the media, with a view to eradicating traditional stereotypes that perpetuate discrimination and violence against women (Argentina);

The recommendations below did not enjoy the support of Andorra:

- vii) R - 85.2 Consider taking necessary steps to guarantee access to fundamental social human rights, such as health care and education, for foreign residents, including their children, regardless of their migratory status (Brazil).

#### **24. Analysis**

Andorra, creating a national center for gender equality and quality of education, did take measures to address stereotypes and quality issues. However, Andorra did not take sufficient measures to further cooperate with international or civil society. In addition, Andorra did not take measures to address harmful practices at school, such as corporal punishment or intimidation.

#### **25. Specific recommendations for the second UPR cycle on the right to education**

- 25.1. Andorra is strongly encouraged to ratify the UNESCO Convention against discrimination in education
- 25.2. Andorra is encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- 25.3. Andorra is encouraged to take further measures to prohibit harmful practices in education.
- 25.4. Andorra is encouraged to take further measures to promote Human Rights Education.
- 25.5. Andorra is encouraged to further cooperate with international and national civil society.

#### **Freedom of opinion and expression**

26. Andorra is encouraged to decriminalize defamation, currently in its Criminal Code, and place it within a civil code that is in accordance with international standards<sup>24</sup>.
27. Andorra is encouraged to start the process to introduce a freedom of information law that is in accordance with international standards<sup>25</sup>.
28. Andorra is recommended to encourage self-regulatory mechanisms in the media.

#### **Cultural rights**

29. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of

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<sup>24</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87<sup>th</sup> Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

<sup>25</sup> See for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the recommendations of the 2000 Report of the UN Special Rapporteur on Freedom of Opinion and Expression, the 1981; 2002 Recommendation of the Committee of Ministers of the Council of Europe, the 2002 African Commission on Human and Peoples' Rights Declaration of Principles of Freedom of Expression in Africa and the 2000 Inter-American Commission on Human Rights' Declaration of Principles of Freedom of Expression.

Cultural Expressions (2005)<sup>26</sup>, Andorra is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Andorra is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and  
the right to benefit from scientific progress and its applications**

30. With regard to contribution of science and technology to development, Andorra is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.

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<sup>26</sup> See UNESCO. 2013. Andorra Periodic Report on the 2005 Convention on the Promotion and Protection of the Diversity of Cultural Expressions.

[http://www.unesco.org/culture/cultural-diversity/2005convention/data.php?1405510742&dir=reports&link=Andorra\\_Report\\_Eform\\_FR\\_2013.pdf](http://www.unesco.org/culture/cultural-diversity/2005convention/data.php?1405510742&dir=reports&link=Andorra_Report_Eform_FR_2013.pdf)