



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

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## Committee on the Elimination of Discrimination against Women

### Fifty-sixth session

30 September – 18 October 2013

Item 4 of the provisional agenda

### Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

## List of issues in relation to the combined second and third periodic reports of Andorra

### Note by the Committee

The pre-session working group considered the combined second and third periodic reports of Andorra (CEDAW/C/AND/2-3).

#### General

1. Please explain the reasons for the failure to submit the reports on time in line with article 18 of the Convention. Please provide information on the process of preparing the report. In particular, please indicate which government departments and State party's institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations, particularly women's organizations, and whether the report was adopted by the government and submitted to Parliament.

2. The report and its annexes contain very limited and significantly outdated statistical sex-disaggregated data on the situation of women, including women from disadvantaged groups, in areas and situations covered by the Convention. Please provide updated statistical data and information disaggregated by sex, age and socio-economic status, if available, pertaining to all relevant areas and situations covered by the Convention. The report acknowledges that from the study on women and men initiated by the Andorran Government in 2003 emerges that "the collection of gender disaggregated data continues to represent a challenge for Andorran society" (paras. 23 and 24)<sup>1</sup>. Please indicate what steps were taken by the State party to establish a system of regular collection and analysis of such data and how are they used to inform policy and programme development, as recommended by the Committee in its previous concluding observations (CEDAW/C/AND/1).

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined second and third periodic reports of the State party (CEDAW/C/AND/2-3).

### **Constitutional, legislative and institutional framework**

3. The State party's report indicates in paragraphs 1, 37 and 104 that article 6 of the Constitution of Andorra prohibits discrimination on the grounds of sex. Please provide information on specific legislation that further develops article 6 of the Constitution and specific sanctions in cases of discrimination against women.

4. Considering the information in paragraph 44 of the report about the "*recurs d' empara*" before the Constitutional Court, please provide information about case law in which the Convention has been directly applied or invoked in proceedings before the Constitutional Court as well as in other tribunals. Please indicate the specific legal measures to ensure women's access to justice, including by providing free legal aid and accessible information on available legal procedures. Please provide information on the number of cases alleging discrimination against women brought before courts and other competent authorities, the grounds invoked, and outcomes of these cases.

5. Please provide information on steps taken to raise awareness of women on 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 legal education and of training of the legal profession and law enforcement officials.

### **National machinery for 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 coordination and cooperation at central level and with local level authorities, financial, technical and human resources of the government central body for equality of women with men.

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 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.

### **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 implement such measures and whether the State party envisages adopting specific temporary special measures, as recommended by the Committee in its previous concluding observations (CEDAW/C/AND/1, para. 50) in particular in areas where women are underrepresented or disadvantaged.

### **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 to girls and boys, as well as on

campaigns targeting discrimination against women from disadvantaged groups, such as women with disabilities, migrant and older women.

### **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 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 issuing of restraining orders. Please provide the number of women murdered by their husbands, partners or ex-partners in the last four years.

11. Please provide updated information on 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 specialized team within the Police (para. 101) and the results of their activities.

### **Trafficking and exploitation of prostitution**

12. The report states in paragraph 131 that the Qualified Act No. 9/2005 on 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 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 adopt 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.

### **Participation in public and political life**

13. Considering the low representation of women in municipality councils, judicial bodies and in security and public order sector (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 public order sector, including at high level positions.

### **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 at leadership positions of 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.

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.

#### **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.

#### **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.

#### **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.

#### **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 which prevent women with disabilities from enjoying these rights.

#### **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.

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