



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Principality of Andorra and welcome the constructive engagement of your Government during the 36th session of the UPR Working Group in November 2020.

As the final outcome report on the review of Andorra has been recently adopted by the Human Rights Council at its 46th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Andorra – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 46 delegations and the presentation made and responses provided by the delegation of Andorra. I have also considered the actions taken by the Government of Andorra to implement the 41 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome Andorra's ratification of additional United Nations and Council of Europe human rights instruments such as the Convention against Discrimination in Education, in 2018, and the Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms, in 2019. Having taken note of Andorra's response to the various recommendations it received on this issue, I call upon Andorra to step up efforts to ratify all remaining core human rights treaties.

I appreciate the establishment of various bodies concerned with the promotion and protection of human rights, including the National Commission for the Prevention of Gender-based and Domestic Violence in 2016. I also took note of Andorra's efforts to adopt laws and policies to implement its international human rights obligations such as Act No. 9/2017 of 25 May 2017 on measures to combat trafficking in persons and to protect victims, Qualified Act No. 14/2019 of 15 February on the rights of children and adolescents, and Act No. 13/2019 of 15 February 2019 on equal treatment and non-discrimination, as well as the Strategic plan for the implementation of the Sustainable Development Goals, in 2019.

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H.E. Ms. Maria UBACH
Minister for Foreign Affairs
Principality of Andorra



I encourage Andorra to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

I also encourage Andorra to pursue efforts to strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Andorra to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

In this connection, I wish to highlight the importance of contributions by civil society actors to the protection and promotion of human rights, including through their active and safe communication and engagement with the UN. Societies are indeed stronger and more resilient when women and men can play a meaningful role in political, economic and social life, contributing to policy-making that affects their lives, including by accessing information, engaging in dialogue, expressing dissent and joining together to express their views.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Andorra in relation to the areas identified in this letter and its annex.

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

Michelle Bachelet
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the main human rights international treaties, including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Acceding to the Convention relating to the Status of Refugees and its Protocol as well as the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.
- Considering becoming a member of the International Labour Organization and party to its core labour conventions, including the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Domestic Workers Convention, 2011 (No. 189).

National human rights framework

- Taking further steps to expand the mandate of the Office of the Ombudsperson, as recommended by the Committee on the Elimination of Racial Discrimination and by the Committee on the Elimination of All Forms of Discrimination against Women.
- Amending legislation to ensure that the Office of the Ombudsperson comply fully with the Principles relating to the Status of National Institutions (Paris Principles) or establishing a new national human rights institution in line with the above-mentioned principles.
- Amending legislation so that it complies with the provisions of the European Convention on Nationality, in particular with regard to the period of residence required for the acquisition of Andorran nationality, and that it allows for the acquisition of dual nationality.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Amending the Act on equal treatment and non-discrimination to bring it fully in line with art. 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.
- Producing reliable statistics on the make-up of its population and ensuring that the Department of Equality Policies has the expertise to identifying and combatting racial discrimination.
- Adopting specific and comprehensive legislation on gender equality that includes a definition of discrimination against women in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.



- Accelerating the approval and application of a global strategy for the elimination of discriminatory stereotypes based on gender and strengthening the coordination of the public institutions involved in its implementation.
- Adopting marriage equality legislation, extending full marriage rights to same-sex couples.
- Creating an independent body in charge of receiving and examining complaints filed against all types of media in relation to racist and discriminatory hate speech, and organizing campaigns to inform the population of the means available to report these cases and to access judicial remedies.

B. Civil and political rights

Right to life, liberty and security of person

- Continuing its efforts to prevent sexual, gender-based and domestic violence as well as protecting and supporting victims through the National Commission for the Prevention of Gender-based and Domestic Violence.

Administration of justice, including impunity, and the rule of law

- Strengthening the justice system, thereby enhancing women's access to justice through a specialization on combating violence against women and by establishing specialized gender units within the law enforcement, penal and prosecution systems.
- Ensuring that the Labour Relations Code also applies to women migrant workers, including domestic workers, and that they have access to means of lodging complaints with the courts.

Fundamental freedoms and the right to participate in public and political life

- Decriminalizing defamation, in line with international standards.
- Continuing studying measures to increase the mechanisms of public participation, especially in relation to the right to vote, so that a greater number of residents in Andorra may participate more actively in political life in the future.

Prohibition of all forms of slavery

- Adopting a national strategy and action plan to combat trafficking in human beings.
- Considering adopting a national support plan for victims of trafficking in persons, particularly women and children, in order to extend the progress made in the legislation on this matter.
- Implementing targeted programmes that include early identification and referral of victims of trafficking as well as expeditious, effective and impartial investigations into all cases of trafficking in persons and provide redress for victims.

C. Economic, social and cultural rights

- Allowing the full exercise of all economic, social and cultural rights, in particular for women, in order to improve access to the labour market, to health and to housing.

Right to work and to just and favourable conditions of work

- Effectively enforcing the principle of equal pay for work of equal value in order to narrow and ultimately close the gender pay gap.
- Ensuring that women seasonal workers are guaranteed the same level of protection and benefits as other workers, in particular with regard to holidays, maximum weekly working hours and regular days of rest.

Right to an adequate standard of living

- Continuing taking measures to improve access to housing.
- Intensifying efforts to collect and manage disaggregated data in relation to the economic and social well-being of children, with a view to specific social policies aimed at combating child poverty and exclusion.

Right to health

- Legalizing the termination of pregnancy, at least in cases of risk to the life of the pregnant women, rape, incest and severe impairment of the foetus, and decriminalizing abortion in all other cases.
- Guaranteeing rights in the area of sexual and reproductive health, by providing access without obstacles to information, education and services on sexual and reproductive health, and ensuring that persons in this sector can work without fear of reprisals.

Right to education

- Addressing discriminatory stereotypes and structural barriers that might deter girls from enrolling in traditionally male-dominated fields of study and pursuing male-dominated career paths, and encouraging the increased participation of girls in apprenticeships, crafts, science and technology.
- Strengthening efforts to ensure the right of persons with disabilities to education.
- Continuing developing prevention workshops in the educational system on gender stereotypes and violence, as well as on the situation of migrants and refugees, among other issues that have a social impact.

D. Rights of specific persons or groups

Women

- Adopting a comprehensive multi-year strategy against violence against women with plans that cover all the necessary measures, including the collection of data and statistics, reinforced prevention and awareness-raising measures, and strengthening of protection and assistance to women victims of violence, by increasing financial aid to civil society organizations that provide specialized services to victims.
- Developing targeted strategies aiming to increase the participation of women in political life and in the private sector.



- Adopting the necessary measures, including temporary special measures, to support entrepreneurship and promote the economic empowerment of women, in particular young women who intend to manage their own business.
- Strengthening collaboration with women's organizations and ensuring their systematic participation in the development and implementation of legislation and policies about issues related to women, including through the provision of sufficient financial support.

Children

- Developing and implementing a national strategy for the protection of the rights of the child in close cooperation with all stakeholders, including civil society.
- Implementing a national plan for children and adolescents within the framework of Qualified Act No. 14/2019, which includes prevention and community participation to ensure a safe and healthy life for children and adolescents, and, in that sense, taking into account the impacts of the COVID-19 pandemic on families, communities and the education and health systems.
- Strengthening legal protection for children, by increasing the minimum age of marriage to 18.

Persons with disabilities

- Continuing to take efforts to promote and protect the rights of persons with disabilities, in particular paying attention to the specific needs of women and children with disabilities.
- Taking concrete measures to guarantee the accessibility of mental health and psychosocial support to children and adolescents, regardless of the family economic situation, and developing alternative methods of support for persons with mental health conditions and psychosocial disabilities which respect their rights, in line with the Convention on the Rights of Persons with Disabilities, including by combating institutionalization, stigma, violence, coercion and over-medicalization, and by providing mental health services which promote inclusion in the community and respect people's free and informed consent.

Minorities

- Providing to the Committee on the Elimination of Racial Discrimination information on the situation of women belonging to minorities and the instances of multiple discrimination to which they may be subjected.

Migrants, refugees and asylum seekers

- Taking measures to protect women migrants from gender-based violence and ensure that victims are provided with adequate legal, medical and psychosocial assistance, regardless of their immigration status.
- Adopting national asylum legislation and developing a legal process to ensure the protection of refugees and asylum seekers, with appropriate safeguards for unaccompanied children.
- Providing refugees and asylum seekers with equitable access to accurate information, interpretation services, legal aid, humanitarian assistance and judicial remedies.