

ANDORRA

CEDAW A/56/38 (2001)

23. The Committee considered the initial report of Andorra (CEDAW/C/AND/1) at its 516th, 517th and 523rd meetings, on 10 and 13 July 2001 (see CEDAW/C/SR.516, 517 and 523).

(a) Introduction by the State party

24. In introducing the report, the representative of Andorra informed the Committee that Andorra had signed the Optional Protocol to the Convention on 9 July 2001. He reaffirmed his country's commitment to the Convention, to which it had acceded in 1997.

25. The representative pointed out that the transformation of women's status in Andorra over the past 50 years had constituted a peaceful revolution. Previously, women had held only decision-making power in the family and had been traditionally excluded from political life. Andorra had accepted a number of international treaties and was committed to the implementation of the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly on the five-year follow-up to the Fourth World Conference on Women, which constituted the framework for the empowerment of women and the integration of a gender dimension in the administration of the Principality.

26. The Secretariat of State for Family Affairs had been created to address the consequences of social, political, cultural and economic pressures on the family and, in particular, their impact on women. The 1993 Constitution prohibited discrimination against women in the enjoyment of civil and political rights and there was no discrimination against women in Andorran legislation. Widowed and divorced women were, however, required by the marriage law to wait 300 days before remarriage in order to protect the succession rights of descendants. This provision was currently being studied by the Government, with a view to its revision.

27. The representative indicated that since women had gained the right to vote in 1970, and to be elected in 1973, there had been a significant increase in the number of women in positions of leadership in the Government, Parliament and local administration. Three of the nine governmental ministers were women, while, at the most recent municipal elections held in December 1999, three women had been elected mayors and twelve commune councillors.

28. Women's role in economic life was also considerable; however, although legislation provided for equality between women and men in employment, inequalities still existed, in particular as women were concentrated in such sectors as education, health care, administration and tourism. Legislation had been introduced to preclude dismissal on the grounds of pregnancy, to provide for maternity leave and to allow women to reconcile work and family responsibilities. Women and men in Andorra had equal access to education and women outnumbered men in tertiary education. However, female students predominated in the humanities and male students in technical fields of study.

29. The Constitution granted comprehensive health and social security rights. Women were well-informed with regard to contraception, but abortion was not allowed under the Penal Code. Information and counselling programmes on HIV/AIDS had been carried out by the Government since 1993.

30. The representative indicated that the Constitution affirmed the right of every individual to physical integrity, and accordingly guaranteed protection from gender-based violence. Data gathered over the past four years indicated that incidents of abuse and aggression against women had increased annually. The Government was considering the introduction of measures, including the creation of women's shelters, to address that problem. It had signed an action protocol prepared by the Ministry of Health and Welfare, which contained guidelines to improve the response of the social, health, law-enforcement and judicial sectors to victims. A 24-hour hotline had been established and the Government was implementing the actions agreed upon in the Beijing Platform for Action to address violence against women.

(b) Concluding comments of the Committee

Introduction

31. The Committee expresses its appreciation to the Government of Andorra for submitting its initial report after its accession to the Convention in 1997. It also commends the State party for its frank and substantive oral presentation, which describes developments that have taken place since the submission of the report in July 2000, further clarifies the current situation of women in Andorra and provides additional information on the present status of implementation of the Convention.

32. The Committee commends the State party on the large, high-level delegation, headed by the Secretary of State for Family Affairs, which presented its report. The Committee appreciates the frank and open dialogue that took place between the delegation and the members of the Committee.

33. The Committee commends the State party for its political will and the efforts made to ensure the implementation of the Convention and other international human rights instruments. It also commends the Government for its efforts to comply with the recommendations of the Beijing Declaration and Platform for Action and its expressed intention to integrate the results of the twenty-third special session of the General Assembly into its national policy on women.

Positive aspects

34. The Committee welcomes the fact that human rights treaties are directly applicable in the national legal system and that the specific elements of some treaties have been reflected in legislation.

35. The Committee welcomes the fact that Andorra acceded to the Convention in 1997 without reservations and signed the Optional Protocol to the Convention in 2001.

36. The Committee notes with satisfaction the establishment of the Secretariat for Family Affairs as the machinery to deal with women's issues and to ensure the implementation of the Beijing Platform for Action. It commends the Government for its commitment to include the

recommendations of the Committee in the next four-year programme of the Secretariat for Family Affairs.

Factors and difficulties affecting the implementation of the Convention

37. The Committee notes that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Andorra.

Principal areas of concern and recommendations

38. The Committee expresses its concern at the persistence of patriarchal patterns of behaviour in Andorra, as well as at the existence of negative stereotypes relating to the roles of women and men in the home, the workplace and society. The Committee expresses its particular concern that, while women are rapidly becoming integrated into the world of paid employment, men are not becoming involved in parental and household tasks at a comparable rate.

39. The Committee recommends that high priority be given to efforts to eradicate traditional stereotypes that perpetuate direct and indirect discrimination against women. It encourages the State party to strengthen educational measures, beginning at a very early age, and to increase collaboration with civil society organizations, the media and the private sector in order to achieve a greater balance in the roles and responsibilities of women and men, in particular in the sharing of family duties.

40. While taking into consideration the fact that Andorran society is experiencing important economic, social, cultural and demographic change, the Committee encourages the Government to take a gender perspective into consideration in the design of future policies and programmes.

41. While welcoming the commitment of the State party to collect data disaggregated by sex, the Committee is concerned by the absence, in both the report and in the answers to the questions posed by the Committee, of statistical information disaggregated by sex on the areas covered by the Convention.

42. The Committee urges the Government to collect data disaggregated by sex in order to provide information on the situation of women in all areas covered by the Convention and on the progress made in its implementation. Such information will provide the basis for the design of appropriate policies and programmes to accelerate the achievement of equality.

43. The Committee expresses its concern about the situation of women migrant workers, in particular those who work in the tourist industry.

44. The Committee urges the State party to provide full details on the situation of women migrant workers in its next report and on the enjoyment by women working in the tourist industry of the rights established by the Convention.

45. The Committee expresses concern about the situation of women in employment. It also expresses concern about the highly segregated labour market, the large percentage of women in low-paid jobs

and in unpaid family labour. It further expresses concern at the wide gap in pay between women and men, that women may not receive equal pay for work of equal value, and the fact that there is no specific legislation which prohibits discrimination in employment in general, and which guarantees equal pay for work of equal value, in particular.

46. The Committee urges the State party to monitor consistently the situation of women with respect to paid employment and unpaid family labour. It recommends that the State party consider the introduction of legislation on equal employment opportunities and for positive action as provided in article 4.1 of the Convention. It also recommends that the State party avail itself of existing research and practice with regard to equal pay for work of equal and comparable value in order to overcome pay inequity.

47. The Committee expresses concern at the existence of several discriminatory laws, including the provision of the Marriage Law that requires widowed or divorced women to wait 300 days before remarriage. The Committee urges the State party to review existing legislation, including the Marriage Law, to comply with the Convention.

48. The Committee expresses concern about the punitive abortion laws that could cause women to seek unsafe and clandestine abortion. The Committee suggests that the State party consider the revision of such punitive laws according to general recommendation 24 of the Committee.²

49. The Committee expresses concern that the State party's efforts to eliminate de jure inequality between women and men have not been matched by efforts to eliminate inequality de facto.

50. The Committee encourages the State party to monitor carefully the impact of legislation, policies and programmes to eliminate inequality between women and men and to take steps to ensure that equal rights are enjoyed de facto. It requests the State party to include in its next report detailed information on the impact on women's lives of legislation, policies and programmes aimed at the implementation of the Convention.

51. The Committee urges the State party to ratify the Optional Protocol to the Convention as soon as possible, and to submit its instrument of acceptance to article 20, paragraph 1, concerning the meeting time of the Committee.

52. The Committee requests the State party to respond in its next report to the outstanding issues raised by the Committee in constructive dialogue, as well as to the specific issues raised in the present concluding comments. It further requests the State party to provide in its next report an assessment of the impact of measures taken to implement the Convention.

53. The Committee requests the wide dissemination in Andorra of the present concluding comments

² *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38 (A/54/38/Rev.1), chap. I, sect. A.*

in order to make the people of Andorra and, in particular, governmental administrators and

politicians aware of the steps that have been taken de jure and de facto to achieve equality for women and of the further steps that are required in this regard. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action³ and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".⁴

³ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

⁴ General Assembly resolution S-23/3, annex.