



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/OPAC/AND/1
14 July 2005

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN
ARMED CONFLICT**

Initial reports of States parties due in 2004*

ANDORRA**

[24 July 2004]

* The enclosures referred to in the report are available for consultation at the Office of the High Commissioner for Human Rights.

** This report has not been edited before being submitted for translation.

Introduction

1. This report is the first to be submitted by the Principality of Andorra since it ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

2. Pursuant to article 8, paragraph 1, of the Optional Protocol:

Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

3. Article 12, paragraph 1, states:

Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

4. At its meeting of 23 August 2000, the Government of Andorra authorized the Head of the Government to proceed with the signature of the Optional Protocol approved by the General Assembly on 25 May 2000. The instrument was signed by the Head of the Government on 7 September 2000 at United Nations Headquarters in New York during events to mark the Millennium Summit.

5. The General Council (Parliament) of the Principality of Andorra, acting in accordance with the procedure outlined in article 64.1 of the Constitution, approved the ratification of the Optional Protocol on 15 December 2000.

6. In this connection, the Andorran Government made a binding declaration deploring the fact that the Convention on the Rights of the Child does not prohibit the use of children in armed conflict and expressing its disagreement with the provisions concerning the participation and recruitment of children from the age of 15. The Optional Protocol on the involvement of children in armed conflict echoes Andorra's concerns and encourages States Parties to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities; those States Parties that do permit recruitment into their armed forces under the age of 18 should maintain certain minimum safeguards.

7. Article 3, paragraph 2, of the Optional Protocol states that:

Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

8. Andorra accordingly made the following declaration:

With regard to article 3, paragraph 2, of the Protocol, the Principality of Andorra declares that it currently has no armed forces. The only specialized forces in the Principality are those of the Police and Customs, for which the minimum recruitment age is that specified in article 2 of the Optional Protocol. Moreover, the Principality wishes to reiterate in this declaration its disagreement with the contents of article 2, in that that article permits the voluntary recruitment of children under the age of 18 years.

9. The Optional Protocol has been in force in Andorra since 12 February 2002.

I. INFORMATION RELATING TO ARTICLES 1-7 OF THE OPTIONAL PROTOCOL

Article 1

There are no legislative measures that provide for the direct involvement of children in hostilities, given that the Principality of Andorra has no armed forces. It should be stressed that article 2 of the Decree of 3 July 1989 regulating the possession, use and circulation of firearms stipulates that the manufacture, import, circulation, possession, use, purchase, sale, or advertising of the following weapons is prohibited: 1 (a) military weapons

Article 2

No text provides for voluntary or compulsory recruitment given the non-existence of armed forces in Andorra.

Article 3

As reflected by the declaration made by the Andorran Government upon ratification of the Optional Protocol, Andorra has no armed forces. The only specialized forces normally authorized to bear arms are the Police and Customs Service.

10. The minimum required age for recruitment into these special forces is 18 in the case of the Customs Service and 19 in the case of the Police.

11. Article 16, paragraph 2, of the Civil Service Act of 15 December 2000 states that: "The special forces shall perform functions which, because of their specific nature, may not be exercised by other forces [...]."

12. Customs officers are armed, but they do not constitute a State security force. The recently approved Customs Code Act No. 5/2004 of 14 April 2004 specifies that the minimum age for recruitment into the Customs Service is 18 years. Regulations designed to give effect to this Act are currently being drawn up.

13. Police recruits must be over 19 years of age, as stated above. A technical selection board handles the various tests that constitute the admissions process, including a psychotechnical examination intended to evaluate a candidate's suitability to carry weapons. Unsuitable candidates are screened out.

14. Mention should be made of a special unit, the *Banders* (forest wardens), in the employ of the Ministry of Agriculture and the Environment, whose principal functions are to protect the natural environment, forests, surface water and wastewater, to ensure sound management of wastes in general, to regulate hunting and fishing, and to act as auxiliaries to the police and fire brigade in matters of civil protection (by carrying out a secondary mission to support and assist other forces), and, in a general sense, to preserve and protect the environment.

15. Forest wardens carry weapons in two circumstances specified in the implementing regulations on the Hunting Act of 23 July 2003:

(a) If an animal represents a potential danger, the Department of the Environment, at the written request of the landowner or landholder, may authorize forest wardens to conduct a special operation, with the authority to discharge firearms at night;

(b) During shooting expeditions aimed at obtaining hunting trophies, hunters are authorized to fire their weapons three times. In the event that a hunter has discharged three shots and merely wounded the animal, a forest warden must finish off the wounded animal with the hunter's assistance.

16. That said, although forest wardens may use weapons in these two situations, recruits to this force must be aged between 18 and 35, as specified by the forest wardens regulations.

17. There are no schools in Andorra operated by or under the control of the military, nor are there any schools with a military orientation.

Article 4

No armed groups operate in Andorran territory, nor does any such group use Andorran territory as a base or refuge, and this eventuality is proscribed or punished under national law.

Article 5

The Principality of Andorra is party to the international conventions and treaties directly or indirectly connected with the Optional Protocol indicated below:

International treaties of the Council of Europe

18. In force in the Principality of Andorra:

(a) Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome, Italy, on 4 November 1950, signed on 10 November 1994 and ratified on 22 January 1996. In force since 22 January 1996;

(b) Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed on 10 November 1994 and ratified on 22 January 1996. In force since 1 November 1998;

(c) European agreement relating to persons participating in proceedings of the European Court of Human Rights, signed and ratified on 24 November 1998, in force since 1 January 1999;

(d) European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, signed on 10 September 1966 and ratified on 6 January 1997, in force since 1 May 1997;

(e) Protocol No. 1 to the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, signed on 4 November 1999 and ratified on 13 July 2000, in force since 1 March 2002;

(f) Protocol No. 2 to the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, signed on 4 November 1999 and ratified on 13 July 2000, in force since 1 March 2002;

(g) European Commission for Democracy through Law, date of accession 1 February 2000.

International treaties of the United Nations

19. In force in the Principality of Andorra:

(a) The Convention on the Rights of the Child, signed on 2 October 1989 and ratified on 2 January 1996, in force since 1 February 1996;

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, signed on 7 September 2000 and ratified on 30 April 2001, in force since 12 February 2002;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, signed on 7 September 2000 and ratified on 30 April 2001, in force since 18 January 2002;

(d) Rome Statute of the International Criminal Court, signed on 18 July 1998 and ratified on 30 April 2001, in force since 1 July 2002.

20. Signed, awaiting ratification:

- (a) International Covenant on Civil and Political Rights, signed on 5 August 2002;
- (b) Optional Protocol to the International Covenant on Civil and Political Rights, signed on 5 August 2002;
- (c) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, signed on 5 August 2002;
- (d) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed on 5 August 2002;
- (e) International Convention on the Elimination of All Forms of Racial Discrimination, signed on 5 August 2002.

The Hague conventions

21. In force in the Principality of Andorra:

Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, date of accession 3 January 1997, in force since 1 May 1997.

International organizations

- (a) Organization for Security and Cooperation in Europe (OSCE), date of accession 25 April 1996.
- (b) International Criminal Police Organization (Interpol), date of accession 27 November 1987.

Article 6

- (i) The Optional Protocol is fully adapted to the Andorran legal system, as reflected in the binding declaration made by Andorra upon ratification.
- (ii) This Optional Protocol, like the Convention on the Rights of the Child, the Optional Protocol on the sale of children, child prostitution and child pornography, Andorra's initial report on the implementation of the Convention on the Rights of the Child submitted in 1999, the addendum to this report submitted in 2001, and the resulting recommendations made by the Committee on the Rights of the Child have been widely disseminated on the Internet, through an edition of 3,000 fold-out leaflets, and via conferences and seminars.
- (iii) The address of the website is www.govern.ad/dretsdelsinfants.
- (iv) This dissemination effort is aimed at the entire population, not omitting children themselves, and, more specifically, professionals who work with or for children.

Article 7

The Andorran Government allocated 0.5 per cent of its overall budget to international cooperation in 2004, a sum of 1,248,702.89 euros, and it plans to increase this proportion to 0.7 per cent of the budget in coming years.

22. The Government, through various ministries and especially the Ministry of Health and Welfare (specifically the Secretariat for Health and Welfare), allocates a significant budget line to various projects administered by non-governmental organizations (NGOs) that work directly or indirectly to prevent the involvement of children in armed conflicts. Overall policy on the allocation of subsidies follows the guidelines laid down by the international community for world development to the year 2015.

23. Albeit indirectly, a number of Andorran NGOs run international assistance programmes, mainly in the field of education, that are subsidized by the Andorran Government. These programmes enable children to attend school and receive a primary education in line with Millennium Goal 2, which is to achieve universal primary education by 2015, and ensure the proper development of minors as proclaimed by the 1990 World Declaration on Education for All, article 1 of which states that: “[...] *These needs comprise both essential learning tools [...] and the basic learning content [...] required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning [...].*”

24. It should be stressed that giving children access to education eases the return to normality and facilitates the transmission of norms and values such as tolerance, respect, and health promotion while simultaneously satisfying children’s basic needs through human rights information campaigns aimed at child victims and emphasis on recuperation for those children directly or indirectly affected by armed conflict.

25. At the request of the Andorran National Committee for the United Nations Children’s Fund (UNICEF), the Government of the Principality of Andorra funds 61.55 per cent of the “Basics of democracy” project in Bosnia and Herzegovina. This project, which is scheduled to run for three years (2004-2006), is intended to establish primary schools in Bosnia and Herzegovina in order to teach children democratic values and develop the necessary awareness, capacities and attitudes to think critically, to choose and take decisions responsibly, to express themselves freely and to prevent conflicts.

26. In parallel with these initiatives successfully pursued by the Ministry of Health and Welfare, the Ministry of Foreign Affairs has also helped to implement a number of projects designed to protect children’s rights. The Office of Multilateral Affairs and Development Cooperation has been active in the following three areas:

Firstly, contributions to UNICEF as part of voluntary contributions to United Nations funds and programmes. Without a break over the last three years, the Ministry of Foreign Affairs, and specifically the Office of Multilateral Affairs and Development Cooperation, has made annual contributions to UNICEF that have increased by between 10 and 20 per cent each year. This year’s contribution represents an increase of more than 17 per cent over 2003;

Secondly, still in the context of voluntary contributions to United Nations funds and programmes, Andorra has contributed in recent years to the programme run by Mr. Olara Otunnu, Under-Secretary-General and Special Representative of the Secretary-General for Children and Armed Conflict. The programme incorporates a wide variety of projects specifically tailored to the needs of particular countries. The principal objective is to prevent minors from being recruited as soldiers and forced to participate in hostilities, and to ensure that they are not made to work the fields or become sex slaves or messengers in armed conflicts around the world. The intention is not simply to ensure that children are disarmed, but also to break the cycle of violence by educating and training them and offering them psychosocial treatment;

The Andorran Government's contributions to this programme, which are channelled through the Ministry of Foreign Affairs, have also increased year on year by between 5 and 10 per cent. Last year's contribution represented an increase of more than 16 per cent on the amount contributed in 2003;

Thirdly, Andorra has contributed to the "Together" Foundation established in 2002 on the initiative of the Government of Slovenia. This year the Ministry of Foreign Affairs initiated a partnership with this Foundation by funding two of its programmes.

27. The "Together" Foundation, a regional centre for the psychosocial well-being of children, is a Slovenian NGO whose principal objective is to protect and improve the psychosocial well-being of children, especially those who have been victims of armed conflicts in south-eastern Europe such as those in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Kosovo.

28. To achieve these objectives and ensure that the habit of cohabitation takes root in societies ripped apart by war and ethnic conflicts, "Together" finances, monitors and contributes to a variety of programmes to train teachers and other education workers in health matters and the basic components of democratic societies, among other things.

29. To date, Andorra's involvement has focused on financing two programmes almost in their entirety, one in Kosovo and the other in the former Yugoslav Republic of Macedonia. Both programmes aim to provide training and psychological assistance, first of all to the trainers themselves and then to teachers, thereby enabling them to identify children who might be suffering psychological trauma and help them get treatment. In essence, the programmes are intended for a mainly rural population which, generally speaking, has never benefited from such assistance.

30. Andorra's involvement, which took the form of an initial contribution in 2002 and another in 2003, has enabled 113 teachers to be trained and approximately 7,000 children to benefit from the programme. A third contribution to the Foundation is scheduled in 2004.
