



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE
OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

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 was not edited before being submitted for translation.

I. 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 sale of children, child prostitution and child pornography.
2. Pursuant to article 12, 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.”
3. 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 of the United Nations 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.
4. 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.
5. The Optional Protocol has been in force in Andorra since 18 January 2002.
6. The Principality of Andorra ratified the Convention on the Rights of the Child on 2 January 1996 and the Convention entered into force in the Principality on 1 February 1996.
7. The Convention and its two Optional Protocols are in force in the Principality and are extensively implemented in a range of judicial and administrative decisions, there being no incompatibility with domestic law.
8. In this connection, the Constitution states:

“Article 3.3. Andorra shall incorporate into its legal order universally recognized principles of international public law”, and

“Article 3.4. International treaties and agreements shall be incorporated into the Andorran legal order as soon as they are published in the Official Gazette of the Principality of Andorra, and cannot be modified or abrogated by law.”
9. Under article 8 of the Optional Protocol, States Parties must adopt appropriate measures to protect child victims at all stages of the criminal justice process. Thus, cases involving minor assailants are essentially regulated by the *llei qualificada* of 22 April 1999 on juvenile justice, which amended the Criminal Code and the *llei qualificada* on the justice system (a *llei qualificada* is a law for whose adoption a qualified majority is required).

10. The authorities currently have no record of any case involving the sale of children, child prostitution or child pornography in the Principality of Andorra. However, the Ministry of Health and Welfare, through the Secretariat of State for the Family and the Secretariat for Welfare, currently administers various programmes and services for children at risk and their families, and is ready to deal with the case of any child victim of such crimes.
11. The protection of minor victims is guaranteed by:
- The Convention on the Rights of the Child, in force since 1 February 1996;
 - The Criminal Code of 11 July 1990;
 - The *llei qualificada* of 10 December 1998 amending the Code of Criminal Procedure;
 - The *llei qualificada* of 21 March 1996 on adoption and other forms of protection of minors at risk;
 - The Protocol of 10 June 2004 on action to protect children at risk.
12. The General Council’s Commission for Justice and the Interior is in the process of reforming the Criminal Code. The Ministry of Health and Welfare has requested the Commission to take account of the crimes referred to in the Optional Protocol (especially those mentioned in article 3 thereof) to ensure that they are specifically incorporated into the new Criminal Code.
13. The Ministry of Health and Welfare, through the Secretariat of State for the Family, ensures that the rights of the child are properly put into effect and disseminated on an ongoing basis, thus complying with the recommendations of the Committee on the Rights of the Child.
14. The Secretariat of State for the Family, together with other departments, promotes and coordinates child-centred programmes and projects focusing on guarantees rather than assistance, mindful of the principles of:
- Non-discrimination;
 - Best interests of the child;
 - The right to life and development;
 - Respect for the views of the minor.

Principle of non-discrimination: article 2 of the Convention on the Rights of the Child

15. A number of Andorran statutes proclaim the principle of equality, enshrined in general terms by the Constitution as follows:

“Article 6, paragraph 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.”

16. This constitutionally enshrined principle is applicable to all laws passed subsequent to the entry into force of the Constitution, and all laws that antedate the Constitution have been suitably amended.

17. Likewise, the Administrative Code guarantees equality in dealings with the public authorities and prohibits all forms of discrimination on grounds of birth, race, sex, origin, religion, opinions or any other personal or social condition.

18. On 15 January 1997 the Principality of Andorra acceded to the Convention on the Elimination of All Forms of Discrimination against Women, and on 14 October 2002 ratified the Optional Protocol thereto.

Best interests of the child: article 3 of the Convention on the Rights of the Child

19. Recent statutes take account of the principle of the best interests of the child, which is specified in the *llei qualificada* on marriage, the *llei qualificada* on adoption and other forms of protection of minors at risk, and the Public Prosecutor's Office Act, which prescribes the intervention of the Public Prosecutor's Office in all civil proceedings involving minors with a view to ensuring that their best interests are served.

The right to life, survival and development: article 6 of the Convention on the Rights of the Child

20. The Constitution guarantees the right to life and the right to protection of health, in addition to "the full development of the human personality and dignity".

Respect for the views of the child: article 12 of the Convention on the Rights of the Child

21. Various laws in the civil sphere state that, if possible, the views of minors should be sought.

22. The *llei qualificada* on adoption and other forms of protection for minors at risk states that, in respect of adoption:

"Article 9. Consent must be sought from a minor aged over 12. However, the views of a child aged over 10 and, where advisable, those of a minor aged under 10 should also be sought."

23. Article 3, paragraph 4, of the Regulations of La Governera children's home specifies that:

"The home shall promote the minor's participation in all matters regarding the minor's residence in the home, in particular by taking account of the minor's views regarding all decisions that affect him or her, having regard to the minor's age and maturity."

24. Likewise, outside the legal framework, the child's views are increasingly being sought and taken into account in all areas of life.

25. Every school in the Andorran education system has a school board, a collegiate body enabling the different sectors of the educational community to participate in the management of the institution. Boards have two student representatives from each level of education, excluding nursery and primary schools.

26. The involvement of young people in civil society is covered by the *llei qualificada* on associations of 29 December 2000, article 33 of which regulates young people's associations formed by persons aged up to 25.

27. Children and young people are also afforded the opportunity to participate through involvement in the General Council and other international forums.

28. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography obliges States parties to criminalize grave violations of rights of the child such as the sale of children, the sale of body organs, illegal adoption, child prostitution and child pornography. The Optional Protocol strengthens the Convention on the Rights of the Child, the various articles of which refer to these crimes and prescribe measures to guarantee the protection of minors (illicit transfer and non-return (art. 11); adoption (art. 21); child labour (art. 32); children and drugs (art. 33); sexual exploitation of the child (art. 34); abduction, sale of or traffic in children (art. 35); protection against other forms of exploitation (art. 36)).

29. The Optional Protocol has been widely disseminated among the population, including children, by means of fold-out leaflets distributed in schools by organizations and institutions that work with and for children. The Ministry of Health and Welfare has also created a website offering information and advice. Entitled "Rights of the child", it contains various statutes relating to minors and links to other sites devoted to children and youth. The address is www.govern.ad/dretsdelsinfants.

30. The Ministry of Health and Welfare has organized a number of partly or wholly subsidized training courses for professionals who work with children:

- A course for day nursery staff covering all aspects of the Convention on the Rights of the Child;
- Courses on sexual abuse of minors;
- Courses on writing a social worker's report;
- A basic course on assessing the credibility of witnesses, organized by the Andorran Society of Psychologists in conjunction with the Ministry of Justice and the Interior and the Ministry of Health and Welfare.

32. Other Andorran legal texts related to the Convention on the Rights of the Child and its Optional Protocols are:

- The Constitution of the Principality of Andorra dated 14 March 1993;

- The *llei qualificada* of 21 March 1996 on adoption and other forms of protection for minors at risk;
- The Adoption Rules of 10 June 1998;
- The Public Prosecutor's Office Act of 12 December 1996;
- The *llei qualificada* on marriage of 30 June 1995.

33. Since the signature of the Optional Protocol, Andorra has also signed a number of international conventions and treaties that accord with its general principles.

International treaties of the Council of Europe

34. In force in the Principality of Andorra:

- Convention for the Protection of Human Rights and Fundamental Freedoms, done in Rome, Italy, on 4 November 1950, signed on 10 November 1994 and ratified on 22 January 1996. In force since 22 January 1996;
- 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;
- 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;
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, signed on 10 September 1996 and ratified on 6 January 1997, in force since 1 May 1997;
- Protocol No. 1 to the European 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 2004;
- Protocol No. 2 to the European 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;
- European Convention on Extradition, signed on 11 May 2000 and ratified on 13 October 2000, in force since 11 January 2001;
- European Commission for Democracy through Law, date of accession 1 February 2000.

International treaties of the United Nations

38. In force in the Principality of Andorra:
- Convention on the Rights of the Child, signed on 2 October 1995 and ratified on 2 January 1996, in force since 1 February 1996;
 - 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;
 - 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;
 - Rome Statute of the International Criminal Court, signed on 18 July 1998 and ratified on 30 April 2001, in force since 1 July 2002.
39. Signed, awaiting ratification:
- International Covenant on Civil and Political Rights, signed on 5 August 2002;
 - Optional Protocol to the International Covenant on Civil and Political Rights, signed on 5 August 2002;
 - 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;
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed on 5 August 2002;
 - International Convention on the Elimination of All Forms of Racial Discrimination, signed on 5 August 2002.

The Hague conventions

40. 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

- Organization for Security and Cooperation in Europe (OSCE), date of accession 25 April 1996;

- International Criminal Police Organization (Interpol), date of accession 27 November 1987;
- World Tourism Organization, date of accession 17 October 1997.

II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Criminal Code of 11 July 1990

42. The Criminal Code criminalizes the offences referred to in article 3, paragraph 1, of the Optional Protocol and specifies appropriate penalties.
43. The Criminal Code has been partially amended on a number of occasions, principally as a result of the approval of the Andorran Constitution by referendum on 14 March 1993, and also because of the need to classify new forms of conduct as unlawful, especially those connected with new technologies and the financial system.
44. As stated above, Andorra is in the process of drafting a new Criminal Code to replace the existing one. The draft new Criminal Code is currently being finalized by the relevant parliamentary commission. The new draft will incorporate all the international commitments of Andorra, including those relating to children.
45. Needless to say, the acts referred to in article 3, paragraph 1, of the Optional Protocol have been incorporated into the current Criminal Code. Many are defined specifically, others generically in the context of broader patterns of criminal behaviour. One can therefore conclude that all such patterns of behaviour have now been completely incorporated into Andorran criminal law.

Violation of international legal instruments on adoption

46. Such violations are not expressly prohibited in criminal law.
47. Andorra is a party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption of 29 May 1993, by virtue of which the Convention is applicable in Andorra.
48. As regards domestic law, adoption is subject to the *llei qualificada* of 21 March 1996 on adoption and other forms of protection of minors at risk and the Adoption Rules of 10 June 1998. As a means of protecting the rights of minors, these legal texts stipulate that adoptions organized abroad by Andorran nationals or foreigners legally residing in Andorra that do not conform to Andorran law shall not be recognized by the Andorran authorities.
49. In addition to the judicial authorities, the Public Prosecutor's Office and the police, the Government also monitors compliance with the law in this domain.
50. This function is performed by the Secretariat of State for the Family (the designated Central Authority under the Hague Convention of 29 May 1993) and the Adoptions Service.

Trafficking in body organs

51. Although not specifically regulated by Andorran criminal law, this crime is broadly covered by the provisions of the Criminal Code on intentional wounding, which provide for a maximum of 15 years' imprisonment.

Prostitution and sexual exploitation

52. The offences of offering, handing over or accepting a child for the purposes of sexual exploitation are essentially covered by the articles of the Criminal Code referred to below.

53. In general, irrespective of whether the victim is a minor:

- Article 228. Anyone who deprives another person of his or her liberty shall be liable to imprisonment for up to five years. The penalty provided for in the article below shall be applied if the period of deprivation of liberty exceeds five days;
- Article 229. Holding a person against his or her will for the purpose of procuring a ransom shall be punishable by imprisonment for up to 15 years;
- Article 231. The offences specified by the preceding articles shall be punishable by imprisonment for 20 years if the person deprived of his or her liberty dies or sustains serious injury;
- Article 233. Accomplices or *encobridors*¹ of the offences specified in the preceding articles shall be liable to the same punishment as the perpetrators;
- Article 234. Any person who seriously circumscribes another's freedom of action by physical or psychological coercion shall be liable to imprisonment for up to three years.

54. The Andorran Criminal Code makes specific reference to child prostitution in the same articles as those dealing with prostitution in general:

- Article 214. Any person who encourages, facilitates or promotes the prostitution of persons of either sex, or who profits in any way from prostitution, shall be liable to imprisonment for up to six years;
- The court may order the definitive or provisional closure of the establishment where the offence has occurred;

¹ Article 17 of the Andorran Criminal Code defines an *encobridor* as a person who, having knowledge of a crime without participating in it, helps the offender to profit from the crime or wilfully obstructs the investigation or the prosecution of the offender. Spouses and direct ascendants, descendants and collateral relatives of the offenders or their accomplices cannot be punished as *encobridors*.

- Article 215. The offences specified in the preceding article shall be punishable by imprisonment for up to 10 years if committed with the use of violence, deception, against a minor, or by abusing a relationship of authority or salaried or hierarchical dependence.

55. Likewise, in connection with sexual offences, and obviously in relation to the offence of prostitution, provision is made for cases in which the victim is a minor. In such cases, stiffer penalties shall apply. It must be stressed that the Andorran Criminal Code differentiates types of offences and penalties according to the victim's age. A distinction is made according to whether, at the time of the offence, the minor is aged under 14, over 14 but under 16, or over 16 but under 18. The remarks below specifically concern the prostitution of minors.

56. If the victim is aged under 14:

- Article 204. Rape is defined as sexual relations with a woman accomplished against her will or without her consent. A girl aged under 14 or a person deprived of reason or understanding cannot legitimately consent to such an act;
- Article 205. A rapist shall be liable to imprisonment for up to 12 years. The penalty shall be 15 years if rape involves violence or intimidation against a victim aged under 14.

57. If the victim is aged over 14 and under 16:

- Article 206. Any person who, without violence or intimidation, has sexual relations with a girl aged over 14 but under 16 shall be liable to imprisonment for up to six years.

58. If the victim is aged over 16 and under 18:

- Article 207. The same penalty shall be applicable to any person who has sexual relations with a person aged between 16 and 18, where there is deception or abuse of authority or status.

59. It should be emphasized that even if references to rape are only in the feminine, they are applicable to both sexes.

- Article 210. Persons other than those referred to in articles 204 to 209 who have indecently assaulted a person of either sex shall be liable to imprisonment for up to four years. This term may be increased to six years if the victim was aged under 12 or if recourse was had to violence, intimidation or abuse of authority or status.

Pornography

60. The production, distribution, dissemination, import, export, offer, sale or possession of child pornography is dealt with under article 213 of the Criminal Code.

- Article 213. The manufacture, publication, dissemination, exhibition or sale of pornographic material shall be punishable by imprisonment for up to two and a half years. If the offence involves minors, the term of imprisonment shall be four years.

Persons liable

61. In addition to the perpetrators of offences, accomplices and *encobridors* may also be criminally liable. A perpetrator is considered to be not only the person who actually commits an offence, but anyone who compels, incites, aids or abets another to commit the offence.
62. In respect of offences of this nature, the Andorran Criminal Code stipulates two instances of specific criminal liability that should be mentioned here.
63. Parents or guardians of a minor:
- Article 216. Persons in charge of a minor who, knowing that the minor has been corrupted or depraved, take no action to end the situation, shall be liable to imprisonment for up to three years.
64. Persons in charge of establishments where such acts are committed:
- Article 217. The proprietors or managers of public establishments who permit acts of gross indecency to be performed therein shall be liable to imprisonment for up to three years.

Exploitation of minors (child labour)

65. Work performed by minors is regulated by the recent Employment Contracts Act (No. 8/2003 of 12 June 2003). It is expressly prohibited for employers to engage children aged under 14 or for children under 14 to provide any kind of labour, paid or unpaid.
66. Youngsters aged between 14 and 15 may not engage in any kind of work during school term time. They are permitted to work only during school holidays, for a period not exceeding two months a year, provided they perform light work that is not harmful to their physical or moral development. In any event, however, they must take at least 15 clear days of summer holiday consecutively, and half the school holidays at other times of the year. They may not work for more than six hours a day, with a break of at least one hour a day and a weekly rest period of two consecutive days.
67. Minors aged 16 or 17 may perform light work appropriate to their age that does not harm their physical or moral development.
68. Minors aged under 18 are prohibited from performing hazardous work, overtime or night work.
69. Apprenticeship contracts for minors shall be subject to special regulation.

70. Administrative penalties shall apply to entrepreneurs who breach the Employment Contracts Act, and the Criminal Code makes it an offence to exploit children as cheap labour.

- Article 320. The use of minors for begging or other tasks or work degrading or dangerous to their physical or moral well-being shall be punishable by imprisonment for up to one year. The penalty shall be two years if the offence is accompanied by violence or intimidation or if the minor is plied with substances injurious to health;
- Article 321. The penalties provided for in the preceding article shall be applied to any person who incites, promotes or facilitates any of the above-mentioned offences or profits thereby.

Aggravating and mitigating circumstances

71. Generally speaking, for all criminal offences and misdemeanours stipulated in the Andorran Criminal Code, the following circumstances are deemed to aggravate the offence: premeditation; treachery; cruelty or needlessly inflicted injury; profiting from an accident, disaster or calamity; abuse of authority, status or confidence; commission of an offence under cover of darkness; commission of an offence in return for payment or reward; commission of an offence by a group or by two or more persons; and repeat offences.

72. The following circumstances are deemed to mitigate the offence: the fact that the culprit is aged under 21; that he or she acted for moral reasons; that he or she voluntarily repented prior to the institution of criminal proceedings; that he or she extended full cooperation to the authorities in order to avoid the consequences of the offence or to make reparation; or any similar circumstance at the discretion of the court.

Statute of limitations

73. Criminal responsibility is time-barred after the expiry of the following periods:

- Fifteen years in the case of offences for which the penalty is 10 years or more;
- Six years in the case of other serious intentional offences;
- Four years in the case of serious unintentional offences and minor offences.

74. After sentencing, the penalty is time-barred after the expiry of the following periods:

- Fifteen years in the case of serious offences;
- Six years in the case of minor offences.

Corporate responsibility

75. The Andorran Criminal Code makes no provision for the criminal liability of corporate bodies, although such provision is made for their agents.

76. A corporate body may be civilly liable as the result of a criminal offence. Generally speaking, this liability is manifested through payment of compensation to victims, but it may also entail, at the court's discretion, the closure of establishments or the winding-up of the corporate body.

77. However, Andorra is aware that in order to apply the Convention on the Rights of the Child and its Optional Protocols more effectively, it must specifically categorize the offences of which children are victims, more particularly those relating to the sale of children as defined in article 2 of the Optional Protocol on the sale of children, child prostitution and child pornography. The parliamentary commission currently drafting the new Criminal Code has been instructed accordingly.

III. CRIMINAL PROCEDURE

78. Andorran criminal law makes no special or differentiated provision for the offences referred to in article 3, paragraph 1, of the Optional Protocol.

79. The principle of territoriality is the determining factor, as stated in the provisions of Book I of the Criminal Code now in force:

Article 2. The provisions of this Code shall apply to all crimes and misdemeanours committed in the territory of the Principality.

80. Nevertheless, the articles of the Code cited below amplify the scope of this principle.

Article 3. The provisions of this Code also apply:

1. To crimes initiated, prepared or committed abroad when they have or are intended to have consequences in Andorran territory;

2. To crimes initiated, prepared or committed in Andorran territory when they have or are intended to have consequences abroad;

3. To crimes committed abroad by Andorrans or foreigners that are directed against the security of the Principality, its institutions or its authorities, and to offences involving the forgery of official Andorran documents, coins or seals;

4. To crimes committed by Andorrans in a foreign country, in cases where the following circumstances all apply:

(a) The accused is present in Andorran territory;

(b) The accused has not been tried in the country where he or she committed the offence;

(c) The crime of which he or she stands accused is also a crime in the country where it was committed.

Article 4. Offences committed abroad which have continuing effects in Andorra shall be punishable in accordance with this Code. Andorran courts shall also be competent to hear cases involving multiple-act offences in which one of the acts was committed in the Principality.

81. In the judicial and police sphere, the Andorran authorities normally cooperate with foreign judicial authorities, whether pursuant to international treaties or in accordance with the principle of reciprocity. This cooperation takes many and varied forms, whether between courts of justice through letters rogatory and requests for judicial assistance, or between police forces through Interpol.

Extradition

82. The Andorran extradition system deserves a special mention in the context of international cooperation.

(a) International treaties

On 13 October 2000 the Principality of Andorra deposited the instrument of ratification of the European Convention on Extradition and the Optional Protocol to the European Convention on Extradition, done in Paris on 13 December 1957 and Strasbourg on 15 October 1975 respectively. This Convention and Protocol came into force in the Principality of Andorra on 11 January 2001.

(b) Domestic law

The principal legal text regulating this area is the *lleï qualificada* on extradition of 28 November 1996, the most important articles of which, in terms of the enforcement of and compatibility with the Optional Protocol, are those cited below.

Article 2. Extradition is possible:

(a) When an offence has been committed that is punishable under the laws of the requesting State and the requested State by a custodial sentence or a security measure for which the maximum tariff equals or exceeds one year's deprivation of liberty;

(b) When sentence has been passed or a security measure has been imposed in the territory of the requesting State for a duration of at least four months.

83. All the crimes referred to in article 3, paragraph 1 of the Optional Protocol on the sale of children, child prostitution and child pornography fall under the *lleï qualificada* on extradition, and as such are extraditable, taking account of the penalties specified by the current Criminal Code.

Article 14. Extradition shall not be granted:

(1) When the person whose extradition is requested is an Andorran national;

(2) When the circumstances giving rise to the request are political in nature or when they reveal that extradition is being requested for political ends;

- (3) When the requesting State lacks territorial or personal jurisdiction to try the person whose extradition is requested;
- (4) When there are good reasons for believing that an extradition request prompted by a crime at ordinary law has been submitted with a view to prosecuting or punishing an individual on the grounds of race, religion, nationality or political opinions, or the person's situation might be aggravated for any of these reasons;
- (5) When extradition has been requested for military offences that are not crimes at ordinary law;
- (6) When, in the view of the court, the underlying facts that prompted the request are not punishable under Andorran criminal law, or when the provisions of article 2 of this Act have not been satisfied;
- (7) When the offence that prompted the request was committed in the conditions outlined in articles 2 to 4 of the Criminal Code, and if the Andorran judicial authorities decide to institute judicial proceedings;
- (8) When the person requested is already subject to prosecution or has been tried and sentenced in Andorra for the act or acts prompting the request for extradition, or if the Andorran judicial authorities have decided to drop the judicial proceedings they instituted in connection with the same act or acts, provided that the decision of the Andorran courts is not motivated by lack of territorial jurisdiction;
- (9) When, prior to the request for extradition, the act or the penalty has been time-barred under Andorran legislation or that of the requesting State;
- (10) When the act for which extradition is requested is a capital crime under the law of the requesting State, unless the State gives an assurance judged sufficient by the Andorran courts competent to grant extradition that the death penalty will not be applied;
- (11) When the legislation or domestic law of the requesting State does not expressly state that the judicial proceedings, sentencing or detention in respect of the extradited person shall be in accordance with the reservations and conditions stipulated in article 3;
- (12) When the requested person's guilt or the basis of the charges against the person are implausible;
- (13) When the conviction is obviously the result of an error;
- (14) When extradition could have exceptionally grave consequences for the person requested, especially by reason of age or state of health;
- (15) When the person requested would be tried in the requesting State by a court that is unable to guarantee due process of law or a court specially constituted for the case in question, or when extradition is requested for the enforcement of a penalty or security measure imposed by such a court.

84. Article 3, referred to in article 14, paragraph 7, basically stipulates that the extradited person cannot be tried for any act that antedates the extradition request other than the offence that prompted the request.

85. Article 4 lays down the procedure for extradition requests lodged by Andorra, specifying the role of the judicial authorities, the Public Prosecutor's Office and the possibilities for appeal open to the person concerned.

Article 20. For the purposes of article 14, paragraph 2, the following offences are not considered political acts:

(a) Crimes against humanity under the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 by the General Assembly of the United Nations;

(b) The crimes specified in article 50 of the 1949 Geneva Convention for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field, article 51 of the 1949 Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, article 130 of the 1949 Geneva Convention relative to the Treatment of Prisoners of War, and article 147 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War;

(c) Any similar violations of the laws of war that are contrary to humanitarian law and are not already provided for by the Geneva Conventions.

86. Given the smallness of Andorra and its population, no request for extradition has hitherto been submitted or received that is relevant to the crimes stipulated in the Optional Protocol.

Seizure and confiscation of goods and proceeds, and closure of premises

87. As stated above, the Andorran Criminal Code, specifically article 214 thereof, states that for the offences of encouraging, facilitating or promoting prostitution, the courts may order the definitive or provisional closure of the establishment where such activities take place.

88. Likewise, as ancillary penalties for all offences generally, the Code provides *inter alia* for the confiscation of the means by which the offence was committed (art. 37, para. 6) and the temporary or definitive closure of the establishment or premises where the criminal acts took place (art. 37, para. 10).

89. In the domain of criminal procedure, the *llei qualificada* of 10 December 1998 amending criminal procedure in cases of intentional wounding or negligent infliction of physical injury authorizes the courts, at any time during proceedings, to order the accused or the civilly liable party to set aside funds to meet the needs of the victim or the victim's economic dependants.

90. The same statute (art. 112 ff.) empowers the courts to order seizures, attachments, deposits of funds and other interim measures designed to uphold the rights of victims.

**IV. and V. PROTECTION OF THE RIGHTS OF CHILD VICTIMS
AND PREVENTION OF THE SALE OF CHILDREN,
CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

91. This section deals with protection and prevention together, given that every form of protection contains elements of prevention.

(a) Legal sphere

92. The Principality of Andorra has enacted legislation to uphold and protect the rights of the child that provides for the enforcement of the Convention on the Rights of the Child and its Optional Protocols.

93. The following statutes have specific relevance to the protection of the rights of the child stipulated in the Optional Protocols.

1. The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;
2. The *llei qualificada* on adoption and other forms of protection of minors at risk;
3. The Adoption Rules;
4. The Foster Care Service Regulations;
5. The *llei qualificada* on juvenile justice amending the Criminal Code and the *llei qualificada* on the justice system;
6. The Criminal Code;
7. The Day Nurseries Act;
8. The Child-Minding Regulations;
9. The *llei qualificada* on education;
10. The Employment Contracts Act;
11. The Civil Registry Act.

(1) As regards international treaties, the General Council adopted the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption at its meeting of 16 October 1996, with the following aims, as specified in the Convention itself:

(a) To establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law;

(b) To establish a system of cooperation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction or sale of, or traffic in, children;

(c) To secure the recognition in Contracting States of adoptions made in accordance with the Convention.

(2) The *llei qualificada* on adoption and other forms of protection for minors at risk approved by the General Council at its meeting of 21 March 1996 was published in the Official Gazette of the Principality of Andorra on 24 April 1996.

This law is based on two fundamental principles:

- (a) Enabling the most deprived to integrate into families and society;
- (b) Putting the interests of the child before all other considerations, however valid these may be.

The statute consists of three parts:

Part I: Regulation of adoption procedures;

Part II: Options for the exercise of parental authority, ranging from straightforward educational support measures to complete loss of parental authority in the most serious instances;

Part III: Exercise of guardianship by a private citizen appointed by a court for that purpose, or by the State.

(3) Adoption Rules of 17 June 1998

These are designed to amplify the provisions of the *llei qualificada* on adoption and other forms of protection for minors at risk and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption of 28 October 1996, with a view to rationalizing and spelling out the Government's procedures and actions as regards national and international adoption.

(4) Foster Care Service Regulations of 4 April 1991

These regulations establish foster family arrangements as a protection measure for minor victims.

(5) On 14 March 1993 the Andorran Constitution was approved by referendum, which entailed the subsequent ratification of major international treaties for the defence and protection of human rights. Specifically, the United Nations Convention on the Rights of the Child was ratified, leading to the establishment of a system of juvenile courts. The juvenile justice system was established by the *llei qualificada* of 22 April 1999 on juvenile justice, amending the Criminal Code and the *llei qualificada* on the justice system.

This statute concerns minors aged over 12 and under 16 who have broken the criminal law, and specifies that minors aged under 12 may not be charged with a criminal offence. This statute may also apply to children aged over 16 and under 18, who are considered to be criminally liable.

It also establishes juvenile courts and stipulates that a judge may apply sanctions to juvenile lawbreakers while taking account of the minor's interests and the legal and social weight of the facts of the case.

The principal features of the statute are as follows:

The juvenile judge or the investigating judge may order proceedings to be halted, or not be brought at all, so as to avoid unnecessarily upsetting a minor, but only in cases involving lesser crimes or misdemeanours and if the minor is not a repeat offender. The juvenile judge has wide-ranging powers to confirm, stay or substitute a judgement and to review any measures that have been taken, mindful at all times of the minor's development and circumstances.

Accused minors are guaranteed the right to their honour, personal and family privacy and their image.

A minor's physical and moral well-being is guaranteed throughout proceedings. The maximum duration of police detention shall be reduced by half for minors. From the outset, the minor shall be afforded the assistance of a lawyer and his or her legal representatives.

During questioning simple language that the minor understands must be used.

Police officers must ensure that their actions take due account of the minor's age and status. The Public Prosecutor's Office must be immediately notified of all proceedings involving minors. No minor may be held incommunicado or in solitary confinement. If the minor does not appoint a lawyer, a lawyer shall be officially assigned on his behalf.

All procedural steps must be taken as promptly as possible. Statutory time limits are simplified and shorter.

Any measures taken should be educational in nature and family-orientated, and preferred wherever possible to judicial proceedings.

Where a crime has been jointly committed by an adult and a minor, the investigation and indictment of the former and the latter shall follow completely different procedures.

It is not permitted to publish the names of minors; oral hearings shall not be held in public, but they must be attended by a lawyer, the minor's legal representatives and representatives of the Public Prosecutor's Office.

When a minor is placed on remand, the maximum duration of detention shall be reduced to three months and the minor must be housed in facilities appropriate to his or her age and circumstances, which must also reflect the gravity of the offence. In all cases, minors must be segregated from adults.

Integration into society is the principal aim of measures imposed on the minor, which must be directed towards the minor's education.

The statute also provides for the imposition of disciplinary measures such as confinement in a closed institution (in the most serious cases) or in a semi-open or open institution, the requirement to stay at home on weekends, an order prohibiting the minor from leaving his or her family home at night, and community work. Supplementary disciplinary measures include court orders prohibiting the minor from operating a motor vehicle, using a weapon, or going to specified premises or public places. Educational measures include the requirement to follow specified medical treatment or release under supervision combined with pastoral assistance (a programme of social and pastoral activities, fostering by another individual or a family, or attendance at an educational support centre).

It is the responsibility of the Ministry of Justice and the Interior to ensure that measures imposed on minors are respected and applied in the most effective way, by making available the necessary resources. The judicial authorities must therefore be kept informed and periodically monitor the situation.

(6) Criminal Code of 11 June 1990

The Code's provisions regarding the sale of children, child pornography and child prostitution are described in Part II of this report.

(7) Day Nurseries Act of 11 May 1995

The aim of this Act is to regulate the operation of day nurseries to ensure that children who attend them receive proper care and attention.

(8) Child-Minding Regulations of 7 March 2001

These regulations aim to cover all aspects of child-minding at home. To this end, the regulations are intended:

- (1) To make it easy for parents who leave their children in the care of a home-based child minder to exercise their rights and obligations, and to guarantee quality care for the children involved;
- (2) To promote childcare while ensuring that children's rights are upheld;
- (3) To facilitate training for child minders.

(9) The *llei qualificada* on education of 3 September 1993

This Act lays down the basic principles of education and describes education systems and types of schools.

With reference to education and children, the following provisions should be highlighted:

Article 1. Everyone has the right to a basic education contributing to the development of the personality, to be moulded as a citizen and to participate in national development;

Article 2. Education is based on the rights, liberties and principles established in the Constitution, this Act and the international treaties and agreements concluded by Andorra;

Article 7, paragraph 1. Primary and secondary education shall be compulsory. Children must attend school from the age of 6 to 16.

(10) The Employment Contracts Act (No. 8/2003 of 12 June 2003)

The Act's provisions regarding the sale of children, child pornography and child prostitution are described in Part II of this report.

A protocol exists specifying that, when the police detect a case of unlawful child labour, the matter shall immediately be referred to the inspectorate of the Ministry of Justice and the Interior for appropriate action.

If it is established that a breach of the regulations on minors has occurred, the inspectorate shall recommend an investigation and corresponding sanction; if a child is at risk, the case must be reported to the Secretariat of State for the Family attached to the Ministry of Health and Welfare.

(11) The Civil Registry Act of 11 July 1996 and the Civil Registry Regulations of 27 December 1996

By law, one of the duties of registrars is to verify the accuracy and legality of information about a child, whether biological or adopted. If the registrar entertains suspicions or has evidence of irregularities regarding the information in the medical certificate recording the child's birth, the adoption papers, or the parental declarations, he or she must immediately notify the Public Prosecutor's Office and the police so that they may investigate the anomaly and take appropriate action.

(b) Administrative sphere

94. The Secretariat of State for the Family was established within the structure of the Ministry of Health and Welfare in 2001. The aim of the Secretariat is to integrate all activities relating to the promotion and protection of the family, and of children in particular.

95. Through its various programmes, the Secretariat is active in a number of fields (social, health, employment, education, sports and culture, etc.).

96. The Secretariat's terms of reference with regard to children are:
- To promote coordinated national action on children in order to ensure respect for the rights of the child;
 - To establish effective coordination between the various ministries, institutions and other structures dealing with children;
 - To promote prevention programmes in coordination with the relevant sectors;
 - To disseminate the rights of the child and ensure they are implemented.

National social services plan of 26 April 1995

97. In the sphere of social services, the Principality of Andorra has a statutory national social services plan that was approved on 16 April 1995. The content of article 1 of the plan is outlined below.

98. The plan aims to establish principles for action and an organized framework of activities to promote the balanced development of Andorran society and the general well-being and quality of life of Andorran citizens, on the assumption that individuals, families and institutions will shoulder their responsibilities and demonstrate solidarity to ensure that all persons can live in dignity and autonomy, contributing to and benefiting from social progress.

99. The principles identified are:

1. Co-responsibility;
2. Solidarity;
3. Subsidiarity;
4. Participation;
5. Prevention;
6. Autonomy;
7. Optimization of resources;
8. Broad-based funding;
9. Contractual nature of public assistance and benefits;
10. Follow-up, monitoring and assessment.

100. The national social services plan specifies that the role of social services shall be to cater for primary welfare needs through specialized services and centres, social programmes and welfare benefits.

101. The Welfare Benefits Regulations were finalized on 20 November 1996 with a view to consolidating the system of social benefits.

102. The Regulations state that welfare benefits are intended to supplement social protection schemes. Their aim is to ensure that basic minimum needs are met and to facilitate the social reintegration of individuals and families living in economic hardship.

103. The following types of benefits are available under the Regulations:

1. Integration assistance
2. Family allowances
 - 2.1 Maintenance allowance
 - 2.2 Housing subsidy
 - 2.3 Assistance in returning to country of origin
3. Allowances for children and young people
 - 3.1 Nursery allowance
 - 3.2 Allowance to consolidate socialization and integration
 - 3.3 Allowance to cover the cost of a stay abroad when necessary for welfare reasons
4. Allowances for persons with disabilities
 - 4.1 Technical aids allowance
 - 4.2 Individual emergency assistance
 - 4.3 Residential care subsidy
 - 4.4 Allowance to enable a disabled person to continue living at home
5. Allowances available in other difficult circumstances
 - 5.1 One-time assistance for persons experiencing social exclusion
 - 5.2 Exceptional assistance

104. The Secretariat of State for the Family and the Secretariat of State for Welfare, both of which are part of the Ministry of Health and Welfare, are delegated to provide welfare services to the general public by the Department for Primary Social Welfare and the Department for Specialized Social Welfare.

Department for Primary Social Welfare

105. The Department for Primary Social Welfare is the primary social welfare body catering to the public at large. It is a public body.

106. The Department operates on the territorial principle, i.e. it employs staff in all the parishes of the Principality of Andorra, which makes for easier public access and enables staff to develop a good knowledge of the profile and resources of their local area.

107. Primary social welfare focuses on the family, children, young people, the elderly, disabled persons, sexual equality, prisoners, drug addicts, the social treatment of persons with health problems, immigrants and other persons, and families and groups at risk of social exclusion.

Department for Specialized Social Welfare

108. The Department for Specialized Social Welfare intervenes at the secondary level in the sphere of social welfare overseen by the Ministry of Health and Welfare.

109. The principal functions of the Department are:

- To identify and plan specialized benefits targeted at various sectors of the population;
- To coordinate action and programmes with the Department for Primary Social Welfare and other institutions or welfare providers, targeting various population groups including families and children.

110. This Department develops projects relating to the elderly, women, families, children and persons with disabilities.

Social programmes

111. As stated above, to date the authorities have no record of any cases of the sale of children, child prostitution or child pornography in the Principality of Andorra. Nevertheless, the Ministry of Health and Welfare, through the Secretariat of State for the Family and the Secretariat for Welfare, currently administers a variety of programmes and services for children at risk and their families, and is well placed to handle any situation involving child victims of this category of offences.

112. In the area of child welfare, the most important programmes currently under way are described below.

Social welfare programme for children at risk

113. The specific objectives of this programme are:

- To prevent risk situations;
- To detect in advance cases of children at risk;

- To identify children at risk in a prompt and comprehensive manner;
- To guarantee protection for children at risk;
- To outline protection measures;
- To monitor and assess individual cases and action taken;
- To facilitate convergence of criteria and action in casework involving children at risk;
- To inform and educate all professionals who work with children of the topic of children at risk.

114. A protocol of action to help children at risk has been drafted in the context of this programme.

Protocol of 10 June 2004 on children at risk

115. The principal objectives of the protocol are:

- To protect children against situations of risk;
- To ensure coordination between all the institutions that deal with children at risk;
- To lessen the impact upon children who have already experienced aggression through appropriate counselling for the child victim and his or her family.

116. The provisions of the protocol and its practical implementation necessitate the intervention of various professionals from the judicial, police, educational, social and health spheres, whose role is to identify children who may find themselves in situations of risk, take action, treat and counsel them.

117. The implementation of the protocol should make it possible to put into effect the guidelines contained in the Andorran Constitution and the Convention on the Rights of the Child that has been in force since 1 February 1996. The protocol takes account of the recommendation of the Committee on the Rights of the Child regarding the need to afford better protection to child victims.

118. The protocol on children at risk covers the following points:

- Methodology for intervention;
- Definition of patterns of abuse;
- Indicators to identify children at risk;
- General principles and guidelines;

- Functions of various services and institutions;
- Areas of intervention (judicial, police, social workers);
- Constitution of a board to monitor the implementation of the protocol;
- A series of recommendations and proposals on which there is a commitment to work in order to improve the situation of children at risk.

119. The following recommendations and proposals will be implemented:

- Launching of outreach and promotional campaigns to raise awareness of and prevent child abuse, aimed at the general public;
- Raising public awareness of the obligation to report (and the importance of reporting) situations of risk in which children might suffer;
- Promoting training for all professionals who work with children on issues relating to children at risk;
- Ensuring that the language used in judicial proceedings is easy and simple to understand and that procedures are rapid, flexible and efficient; guaranteeing children physical and psychological protection, ensuring they have professional support throughout judicial proceedings, and ensuring that the number of statements they must make is reduced to a minimum; at trial, avoiding face-to-face encounters between aggressor and victim, preserving the child's privacy by ensuring that proceedings are held in camera and reviewing all aspects of minor victims' role in proceedings.

120. In addition to improving intervention services for children living in disadvantaged circumstances, special emphasis has also been laid on the prevention of situations that could disadvantage minors.

Technical Commission for Children and Young People

121. The Technical Commission for Children and Young People was established with the agreement of the Andorran Government on 29 July 1992. It is a national technical body in the Department for Primary Social Welfare under the authority of the Secretariat of State for the Family, which is itself part of the Ministry of Health and Welfare, specializing in issues relating to minors in at-risk situations.

122. The Commission comprises professionals belonging to a range of disciplines (for example psychologists, social workers and lawyers) who are thus in a position to assess the situation of minors at risk and, if need be, invite the judicial authorities to take whatever protection measure is deemed most appropriate.

Promotion and dissemination of the rights of the child

(a) Events to mark Universal Children's Day

123. On Universal Children's Day, 20 November 2003, the Secretariat of State for the Family organized a series of events aimed at disseminating and provoking discussion of the rights of the child. The following events took place:

1. On 20 November 2003 a web page (www.govern.ad/dretsdelsinfants) was inaugurated with the following contents:

- The Convention on the Rights of the Child;
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- A compilation of the initial report of Andorra, submitted in 1999, and the addendum thereto, submitted in 2001;
- The recommendations addressed to the Government of Andorra by the Committee on the Rights of the Child.

The web page also has direct links to other child- and youth-related sites.

2. A campaign to disseminate the recommendations that the Committee on the Rights of the Child made to the Andorran Government.

This campaign consisted of the widespread distribution of 350 posters and 3,000 fold-out leaflets containing the Committee's recommendations. The information was disseminated through all national institutions and associations.

3. Programmes broadcast on Andorran national television.

124. "Modus vivendi", a discussion and debate programme, was broadcast on 18 November 2003. It focused on early childhood and featured professionals working in different areas of childcare (a social worker, a child psychologist and a nurse).

125. "L'aigua clara" was broadcast on 19 November 2003. It featured Universal Children's Day, with guest appearances by the Secretary of State for the Family and the President of the Andorran Committee for the United Nations Children's Fund (UNICEF).

126. "Cròniques" was broadcast on 20 November 2003. This was a commentary on the theme of adolescence. It featured teenagers who voiced their views and concerns on topics of their choosing.

(b) Dissemination of the Convention on the Rights of the Child

127. Subsidy to the Andorran National Committee for UNICEF

Seminars on the Convention on the Rights of the Child for professionals in education and the social services.

128. A lecture on the Convention on the Rights of the Child entitled “Minors and society”, delivered by the Spanish juvenile judge Mr. Emilio Calatayud.

129. It is planned to subsidize other events of this nature in 2004.

Extended family programme

130. The aim of this programme is to encourage minors who must live apart from their biological parents to stay with their extended family.

131. When a minor lives with his or her extended family, the Department for Primary Social Welfare monitors and supports the minor in the new family environment. The aim is to ensure the minor’s full integration, offer requisite professional support and manage the financial assistance deemed necessary and any services and resources that the extended family might need.

132. The Department for Primary Social Welfare also continues to work with the minor’s biological parents to try to resolve the problems that originally led to the separation, restore their parental functions and ensure that the minor’s welfare is looked after.

Foreign foster family programme

133. The aim is to offer minors who must be temporarily separated from their biological family the chance to live in a family that will provide them with care and protection. This type of fostering arrangement is proposed when there is no extended family to take responsibility for the minor’s upbringing. Fostering is considered an interim protection measure during which the minor maintains contacts with his or her biological family, if such contact is deemed desirable.

134. Fostering is thought of as a tool to assist parents while they work out their problems with the ultimate goal of reintegrating the minor into the family environment.

La Gavernera children’s home

135. La Gavernera children’s home is a public institution administered by the Secretariat of State for the Family under the authority of the Ministry of Health and Welfare; it is designed to accommodate minors who have been abandoned or are in situations of social risk.

136. The institution aims to protect and uphold children’s rights by providing care and protection, monitoring their progress, and identifying and preparing comprehensive individual programmes based on the best interest of each minor who has been abandoned or is at risk.

Integration and socialization programme

137. This programme is run jointly by the Ministry of Health and Welfare and the *comuns* (town halls) of the parishes.

138. The programme aims to integrate minors more effectively through extra-curricular and leisure activities during the school holidays.

139. It also subsidizes leisure activities for minors aged under 16 whose families are experiencing social and financial problems.

Protected health coverage programme

140. The aim of this programme is to provide health coverage to minors placed under government protection and children from families with social and health problems.

Social welfare programme for minors in trouble with the law

141. The Department for Primary Social Welfare under the Ministry of Health and Welfare is working with the Department for Minors under the Ministry of Justice and the Interior to enforce the *llei qualificada* on juvenile justice, and especially to ensure respect for articles 20.1 and 25.3 thereof. These articles state:

“Article 20.1. An investigating judge may refrain from instituting proceedings in cases involving minors aged 16 when the Public Prosecutor’s Office has delivered its opinion, and where the offences committed are susceptible of correction by educational or family-based measures. The juvenile judge must be notified with a view to making appropriate dispositions, as must the technical services of the Ministry of the Interior to ensure proper follow-up.”

“Article 25.3. Investigative measures shall include the questioning of the minor, which must be conducted in the presence of a lawyer and, if possible, the minor’s legal representative, and the filing of an expert report to be compiled by the technical services of the Ministry of the Interior regarding the minor’s psychological, educational and family situation, his or her social environment and other circumstances that might have a bearing on the criminal act imputed to him or her.”

142. This cooperation means that the staff of the Department for Primary Social Welfare must carry out the following tasks:

- Social and family assessment of the minor;
- Compilation of a social worker’s report;
- Social diagnosis of the minor and his or her family;
- Monitoring of measures imposed by the courts, e.g. community work.

Socio-educational programme

143. This programme has been developed by the Ministry of Health and Welfare and the Ministry of Education, Culture, Youth and Sport.

144. The programme is aimed at young people aged between 14 and 16 who are underperforming or lack motivation at school. Alternatives to regular school are therefore proposed which offer participants theoretical and practical instruction designed to point the youngster in the direction of the workplace.

Socio-educational adaptation programme

145. This programme has been developed by the Ministry of Health and Welfare and the Ministry of Education, Culture, Youth and Sport.

146. The programme is aimed at young people aged between 14 and 16 who have obviously rejected school and exhibit behaviour problems, show a marked lack of interest in school work and have difficulty integrating into the school environment.

Social and work-related training programme

147. The aim of this programme is to promote the integration of people with social problems into the workplace via access to the Andorran labour market. This is done by offering guidance, training and follow-up, thus avoiding the emergence of at-risk groups who might experience social exclusion.

148. The programme is aimed inter alia at young people aged between 16 and 29 who have social and family problems.

VI. INTERNATIONAL ASSISTANCE AND COOPERATION

149. The Andorran Government allocated 0.5 per cent of its overall budget to international cooperation in 2004, a sum of €1,248,702.89.

150. As part of this cooperation, the Ministry of Health and Welfare has decided to subsidize the project submitted by the Andorran National Committee for UNICEF entitled "Encouraging democracy", the aim of which is to establish primary schools in Bosnia and Herzegovina where children can be educated in accordance with democratic values and acquire the necessary knowledge, capacities and attitudes to think critically, to choose and take decisions responsibly, to express themselves freely and to prevent conflicts.

151. The project also focuses on the serious marginalization of the rights of the child in post-war reconstruction programmes and the adverse social and family environment that is particularly ill-suited to the growth and development of children.

152. It also takes account of the fact that, since the war, access to basic services such as education and health care has been considerably curtailed. This social context creates a situation in which children and young people are particularly vulnerable to unsafe sexual behaviour, violence, abuse and exploitation, especially the commercial sex trade and trafficking in human beings.

153. The hoped-for outcomes are:

Improvement in the ability of more than 35,000 primary school children to think critically, to choose and take decisions responsibly, to express themselves freely and to prevent conflicts, which are skills that will accompany them throughout their lives;

Involvement of parents and community members in the implementation of the project and their active participation in their children's education, thereby enabling them to become involved in the democratic process as responsible citizens;

A total of 14 implementation teams will be directly involved in the project, which will be put into effect in 210 schools. The professionals directly involved will be head teachers, educationalists, trainers, teachers, primary school teachers and practical instructors. The aim is to involve 35,000 pupils and 4,200 parents and community representatives.

The project is scheduled to roll out over three years, from 2004 to 2006.

The Ministry of Health and Welfare and the Ministry of Foreign Affairs make assistance available to civic bodies that implement programmes and action to help children, adolescents, persons with disabilities and the elderly, and organizations involved in projects to promote sexual equality and address other social needs, both nationally and internationally.

(a) Ministry of Health and Welfare

The subsidies that the Ministry makes available are intended to strengthen social cohesion in the country by encouraging community organizations and promoting cooperation between the various social sectors in accordance with the Andorran national social services plan.

Paragraph 12.6 of the plan states the following:

“12.6. Promotion of solidarity

“To encourage solidarity, the Government shall take the following action:

“Voluntary aid. Encourage, in collaboration with civic entities, the development of a programme to organize and promote voluntary action in the welfare sphere.

“International cooperation. Establish collaboration in social development programmes aimed at underdeveloped or developing countries, in accordance with the policies of the United Nations. Such programmes will give Andorrans who wish to

participate the opportunity to do so, and it is hoped that the Andorran civic organizations involved in such activities will cooperate with this effort. A special credit will be set aside in annual budgets for this purpose.”

Below is a summary of Government-approved projects relating to children that have been submitted by various non-governmental organizations (NGOs), in addition to the amounts allocated to these projects in 2002 and 2003. The projects submitted for 2004 are also cited, although these are currently being evaluated.

National action

UNICEF Andorra

2003-2004. Project: Seminars on the Convention on the Rights of the Child. 100 per cent of actual cost approved.

2004. Project: Conference on the Convention on the Rights of the Child. Project cost: €4,000. Amount requested and allocated: €1,800.

International action

Càritas andorrana

2002-2003. Biannual project: Training for community leaders and provision of resources for social and cultural communication, Puno department, Peru. Project cost: €86,015. Amount allocated: €49,196.95.

2004. Project: Water mains for sleeping sickness hospital, Negage, Angola. Project under evaluation.

Mans Unides

2002. Project: Construction of a residential centre for young students, Kigali, Rwanda. Project cost: €120,200. Amount allocated: €30,651.06.

2002. Project: Detection and treatment of Chagas disease, Hurlingham, Argentina. Project cost: €11,364.92. Amount allocated: €9,091.93.

2004. Project: Extension of Paula Montal pre-school centre, Santo Domingo, Dominican Republic. Project under evaluation.

Red Cross

2002. Project: Construction of a national college for community-based vocational training, Esmeraldas province, Ecuador. Project cost: €182,598.41. Amount allocated: €37,389.03.

2003. Project: Construction of a vocational school, Timbre, Ecuador. Project cost: €66,310.50. Amount allocated: €46,417.10.

UNICEF

2002. Project: Life skills education and child participation programme, Djibouti, Djibouti. Project cost: €114,941. Amount allocated: €45,976.40.

2003. Project: Life skills education and child participation programme, Djibouti, Djibouti. Project cost: €125,000. Amount allocated: €52,000.

Children of the World

2002. Project: Construction of a home for poor children above the Danang nursery school, Viet Nam. Project cost: €31,506.70. Amount allocated: €9,001.91.

2002. Project: Partial refurbishment of the Casa do Beija Flor children's home, Nova Iguaçu, Brazil. Project cost: €38,483.18. Amount allocated: €9,452.01

2002. Project: Sponsorship and community development programme, Passi City, Philippines. Project cost: €53,400. Amount allocated: €13,968.88.

2003. Project: Construction of an orphanage, Preah Neeth, Cambodia. Project cost: €82,075. Amount allocated: €42,075.

2004. Project: Construction of an orphanage, Preah Neeth, Cambodia. Project under evaluation.

Fundació Muntanyencs per l'Himàlaia (Montagnard Foundation for the Himalayas)

2004. Project: Refurbishment of the Jatson Chumig residential school, Lhasa, Tibet. Project under evaluation.

(b) Ministry of Foreign Affairs

The Ministry of Foreign Affairs works to protect the rights of the child through the Office of Multilateral Affairs and Development Cooperation. It has been active in the following three areas:

1. Contributions to UNICEF by way of voluntary contributions to United Nations funds and programmes. Without a break over the last three years, the Ministry of Foreign Affairs, through its 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 that for 2003.

2. 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, allowing either for direct management by the country concerned or the establishment of new projects specifically tailored to a country's needs. 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.

3. Finally, 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.

154. 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.

155. 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.

156. 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.

157. Andorra's involvement, which took the form of an initial contribution in 2002 and another in 2003, has to date 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.

Andorra la Vella, 5 July 2004
