



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

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 516th meeting

Held at Headquarters, New York, on Tuesday, 10 July 2001, at 10.30 a.m.

Chairperson: Ms. Acar (Vice-Chairperson)

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Ms. Acar (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.45 a.m.

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

Initial report of Andorra (CEDAW/C/AND/1)

1. *At the invitation of the Chairperson, the members of the delegation of Andorra took places at the Committee table.*

2. **Mr. Vidal** (Andorra), speaking on behalf of the Minister for Foreign Affairs of Andorra, introduced the State party's initial report. He provided information on the history and Government of Andorra and said that, since the report had been issued, his Government had ratified the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child and the Optional Protocols to that Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; Protocols Nos. 1 and 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; the European Social Charter and the Rome Statute of the International Criminal Court. Owing to Andorra's newness on the international scene, its participation in the Fourth World Conference on Women had been symbolic, but it had nonetheless followed up the event by adopting the Convention in October 1996 and sending a delegation to participate in its five-year review in 2000. It fully supported the outcome document of the twenty-third special session of the General Assembly entitled "Further actions and initiatives to implement the Beijing Declaration and Platform for Action", particularly its two underlying concepts: the empowerment of women and gender mainstreaming.

3. Until May 2000, there had been no specific government entity responsible for women's affairs, whose various aspects had been dealt with by the relevant government departments and coordinated by the Ministry of Health and Welfare. The newly established Secretary of State for Family Affairs was responsible for drawing up project guidelines on the basis of an analysis of the impact of environmental,

political, cultural and economic pressures on the family system and its members, and particularly on changes in the situation of women. The Secretary of State for Family Affairs also worked to ensure that men and women played equal roles in the development process.

4. The status of women in Andorra was directly related to the country's evolution from an insular and predominantly rural society to a service-based society, which had attracted a huge influx of migrants of diverse origins. Its main economic sectors — business, tourism and finance — had triggered a profound transformation in the Andorran mentality.

5. The various civil and criminal laws of Andorra contained no provisions which discriminated as between men and women. Recently, women's rights associations had protested against article 13 of the Qualified Law of Marriage, which required widows and women whose marriages had been annulled or dissolved to wait 300 days before remarrying. Although the intent of the article was to protect the rights of descent and succession of any offspring, the new Government would propose an amendment to the Qualified Law before the Consul General.

6. Women's participation in political life was neither prohibited nor restricted by any legislative enactments or regulations. Their right to vote, obtained in 1970, was guaranteed by both the Constitution and the Electoral Act, and since 1973 they had had the right to be elected to office. Women's representation in Parliament had soared from one member to four. All political parties were aware of the need to increase women's presence in political life. Following the elections in March, three out of nine ministers were women: the Minister of Finance, the Minister of Agriculture and Environment and the Minister of Health and Welfare. The Secretary-General of the Government was a woman and three of the six Secretaries of State — in charge of the departments of health, welfare and the family, respectively — were women. In the local elections of December 1999, three women had been elected as mayors (the country had a total of seven mayors) and 12 were *Comú* councillors.

7. Although women had long played a significant role in economic life, inequalities between men and women had not completely disappeared. Unfortunately, there were no statistics available in that connection, which had been a general problem in drafting the initial report. Legally, every person was entitled to work,

without distinction as to sex, under article 29 of the Constitution, and had been even before its adoption. No specific constitutional protection was afforded to women, since the basic premise had always been equality between the sexes. Their membership in the Andorran Social Security Fund was compulsory, as it was for all wage-earners. Discrimination was expressly prohibited by the Employment Regulations, which provided that women should receive the same salary as men for equal work, and under the Decree on Employment Contract Regulations. Under the Employment Regulations, women were also guaranteed the minimum wage and overtime pay established for all wage-earners. Unfortunately, the monthly data on remuneration published by the Andorran Social Security Fund were not reliable indicators of wage discrimination because the basis for comparison was obscured by details of overtime, expense allowances and bonuses that were highly variable, and also because the statistics had been compiled by sector. Referring to the table on the number of wage-earners and wages by sector of activity, contained in the report, he noted that the range of occupations was more restrictive for women than for men and that industries which were more physically demanding, such as the primary sector, construction and garages, were predominantly male, while the management sector was virtually all female. One feature common to all sectors was that the average wage of women was clearly lower than that of men.

8. An estimated 62 per cent of Andorran women were employed, compared to 67.5 per cent of men. Although, legally, they could occupy any post, they were still predominantly employed in traditionally female sectors, such as health, education and government. Working conditions were often determined by sector: for example, employees in the business and hotel sectors worked longer hours for lower pay. According to a study sponsored by the Andorra Women's Association, the Andorran National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO), Crèdit Andorrà and Grafinter (a publishing house), there were inequalities between men and women in employment; women were poorly represented in certain sectors and generally did less skilled tasks; important decision-making was virtually the exclusive province of men; and women's average pay was 32 per cent lower than that of men. Overcoming those differences would not be easy, since women were

single-handedly responsible for running the household and bringing up the children. According to the study, the number of women and men who had had a university education was equivalent, but fewer women held managerial or decision-making posts. Another study by the Ministry of Health and Welfare reconfirmed those findings. Although it was still too early to put forward specific proposals, the Secretary of State for Family Affairs was committed to reducing inequalities in employment.

9. Under the non-discriminatory regulations of the Andorran Social Security Fund, all contributing workers regardless of sex had a right to a range of allowances and assistance, including maternity benefits. A step forward had been taken with the adoption in December 1995 of a legislation, consistent with the Convention, making it unlawful to terminate a pregnant worker by means of dismissal with a period of notice. The Employment Regulations prohibited overtime for pregnant and nursing women. They also provided for 16 weeks of maternity leave and two hours off daily for breastfeeding over a six-month period with no loss of salary. Updating the initial report (CEDAW/C/AND/1), he said that a new law adopted in July 2000 gave couples the right to share their maternity leave, though for reasons of tradition no couple had yet taken up that option. It also provided for 12 weeks of paid leave for wage-earners of either sex who had adopted a child.

10. According to a survey carried out by the Andorra Women's Association, sexist attitudes especially concerning women's work outside the home were still prevalent in society, particularly among men and women aged 45 to 65 years. A key factor in changing those attitudes was access to schooling, which was free of charge and non-discriminatory for all between the ages of 3 and 16 years. While young women made up 56 per cent of university students, they still tended to opt for subjects such as social science, education and health, though their representation in technical and scientific branches was rising steadily. Measures were being taken to encourage respect for diversity by means of continuing education for teachers, to promote non-sexist language, and to discourage discriminatory behaviour among children at play. All parishes had day-care centres for children aged three months to three years, activities were organized for children after school and during holidays, and women benefited from cultural and sports activities adapted to their work and

family schedules. To improve the quality of life for older women, municipalities likewise organized appropriate activities for them and in some cases offered home assistance for the elderly; 80 per cent of the users were women.

11. The Ministry of Health and Welfare carried out a national survey every five or six years to facilitate the planning of public health measures. According to the most recent survey (1997), 80 per cent of women perceived their health as good or very good; women made more use than men of the health services and, counting stays in maternity wards, women were more often hospitalized. The Ministry was endeavouring to rationalize screening for breast, cervical and ovarian cancer; the number of tests was still excessive but had diminished slightly since 1991.

12. Three fifths of sexually active people had used contraceptive methods during the previous year, with the proportion ranging from a high of 87 per cent for the 15 to 29 age group to around 36 per cent for the 45 to 59 age group. By far the two most popular methods were the pill and the condom. Voluntary sterilization had been decriminalized, but abortion was punishable by a maximum of 30 months' imprisonment for the woman and six years' for the practitioner.

13. HIV/AIDS, an important aspect of women's health, was not subject to compulsory case reporting, although it had to be notified to the Ministry as a sexually transmitted disease. The few data available, from a 1996 study, showed that women and children were among those with HIV infection or AIDS who had consulted physicians in the Principality. Since 1993, the Government had established various information and prevention programmes, in particular for young people, as well as an HIV/AIDS counselling service.

14. Protection of women from violence was guaranteed by the Constitution, and crimes against the integrity of the person were punishable by a prison term of up to 15 years under the Penal Code. Women's complaints of ill-treatment and assault were rising every year, as shown by the figures for 1997-2000, though fortunately there had been no murders or attempted murders in 2000. Faced with a request to establish a shelter for women in need, the Government had decided that it was first necessary to establish prevention and communication policies. In Andorra, where practically everyone knew everyone else, it was

a challenge to ensure safety for abused women without marginalizing them. In June 2001 the Government had thus endorsed an action protocol that had been drawn up by various government ministries and departments, along with professional associations of doctors, psychologists and lawyers, women's associations and the non-governmental organization Caritas. The aim was to clarify and coordinate the roles of the various actors in the fight against violence, and to create a multidisciplinary network of health, psychosocial, police and judicial assistance for the victims of violence. A telephone hotline had also been made available. With those measures, Andorra had come into line with the recommendations of the Fourth World Conference on Women. In addition, prison terms of up to 12 years — or longer, when the victims were under 15 — were meted out for sexual offences, pornography and prostitution.

15. In conclusion, he said that both the Government and civil society were contributing to the promotion of sex equality in Andorra, where prescriptive and operational improvements had been recorded. Aware that important gaps still remained, the Government intended to keep pursuing action towards equality and equity between men and women.

16. **Ms. Livingstone Raday** observed that while the Constitution of Andorra did not include the right to gender equality, article 6 prohibited discrimination on grounds of sex. She asked for clarification on the constitutional integration of international human rights documents. What legal recourse did women have under article 6? Would their recourse be different if sex equality had been included directly and specifically in the Constitution? She would be grateful to learn whether cases alleging sex discrimination — for example, in taxation or political representation — had been brought before any court and what the outcomes had been.

17. **Ms. Shin** commended the reporting State for having incorporated international human rights instruments into its domestic law. However, it was not sufficient to have a constitutional guarantee of non-discrimination, and she wondered whether the reporting State would consider enacting more positive legislation in order to pursue more active measures. For example, the report stated that household tasks were considered the sole responsibility of women; measures should be taken to counteract that burden on women, especially those who worked outside the home.

18. **Ms. Gabr**, noting that the reporting State had no specialized organ dealing with women's rights, requested information as to future programmes in terms of the enhancement of women's rights. The report reflected a sincere desire to identify the problems faced by women and a realistic attitude towards dealing with those problems. The integration of international human rights instruments into internal legislation was also a very positive development, as was the increased number of women ministers in the Government.

19. **Ms. Kwaku** congratulated the Government for its efforts to promote women's rights and for having signed the Optional Protocol to the Convention. She asked what specific policies had been formulated for the purpose of bridging the gender gap and to what extent they had been or were being implemented.

20. **Ms. Schöpp-Schilling** asked which of the areas identified in the Beijing Platform for Action would be treated as priority issues by the Government. It was gratifying that there was now a focal point to deal with issues of women's equality, but she wondered whether the necessary additional staff and funding would be provided.

21. The reporting State had mentioned that it had difficulty collecting statistics on women, and that even when statistics were available, it had problems interpreting them. She wondered whether Andorra had a national statistical office; if so, whether that office had a mandate to collect gender-disaggregated statistics; and, if not, how the Government planned to collect data in order to monitor progress in gender equity.

Article 2

22. **Ms. Manalo** asked whether the Government had any plans to enact an omnibus law against discrimination, or whether it planned to promote gender equality by enacting specific laws or through improvements in existing legislation. She would also welcome information as to the applicability to non-nationals of the 1993 Constitution, especially since in Andorra nationals were in the minority. She congratulated the Government on its efforts to have a department which would take care of women's human rights, but more specific information should be provided indicating how that machinery would operate and the role to be played by non-governmental organizations.

23. **Ms. González** commended the reporting State for its recent ratification of several major human rights instruments. She trusted that it would also ratify the amendment to article 20 of the Convention, which would provide the necessary legal basis for the Committee to have longer sessions and deal with the backlog of reports. She asked whether the principle of non-discrimination on the ground of gender was applied in the area of economic, social and cultural rights as well as in the field of civil and political rights.

24. Noting that the report stated that it had "not yet been necessary for the Government of the Principality of Andorra to adopt any temporary legislative measures prohibiting discrimination against women" (p. 18), she emphasized that measures to prohibit such discrimination should be permanent, constant and definitive, not temporary.

25. **Ms. Schöpp-Schilling** said that the report and the oral presentation had both referred to the binding nature of the Convention in respect of public authorities. However, article 2 (e) of the Convention made it clear that the Convention also applied to actions carried out by individuals, organizations and enterprises, and she wondered whether that specific characteristic of the Convention had been understood and discussed by the Government and people of Andorra, particularly by employers and trade unions, and whether any cases had come before the courts. The Government should enact specific anti-discrimination legislation in such areas as education and employment, since currently the Convention appeared to be the only law that could be invoked in those areas. She also urged the reporting State to ratify the amendment to the Convention which would enable the Committee to have sufficient time to properly address the consideration of the reports of States parties under article 18.

26. **Ms. Goonesekere** commended the Government for making the Universal Declaration of Human Rights a binding and enforceable document in Andorra and for having provided for treaties to be incorporated directly into national legislation. However, she shared the concerns already expressed by other Committee members regarding the fact that no information had been given as to the practical means of implementation. Also, it was a matter of concern that neither the right to non-discrimination nor the right to health had been included in the long list of rights on page 12 of the report. She would appreciate clarification of that question and of the specific manner in which those

rights could be enforced, particularly in the private sector.

27. The reporting State had referred to some unusual legal remedies, such as the concept of application for constitutional protection where the rights of a person had been infringed during court proceedings. She asked for more details as to how that system operated. She also wished to know whether the Government had instituted any programmes of legal literacy or legal awareness of human rights, whether for the general public or for officials and judges, in order to make the enforcement process more effective.

Article 3

28. **Ms. Gabr** said that the profound transformation of Andorran society which was currently under way, made it all the more urgent to implement measures to protect human rights. Given the persistence of discriminatory attitudes, she stressed the need for detailed statistics on the situation of women, for example with regard to the labour market, patterns of social behaviour and the prevalence of stereotypes. That could be a focus for the new Secretary of State for Family Affairs. New laws must also be developed to transform all aspects of Andorran society and ensure full protection of human rights. She suggested that the current compulsory waiting period of 300 days before remarriage be reduced to 90 days, as stipulated under Islamic law. Noting the presence of large numbers of immigrants, she asked what legislation existed to protect the rights of immigrants, in particular domestic servants.

Article 4

29. **Ms. González** said that the measures described in the report under article 4 appeared more closely related to other articles of the Convention and could not really be considered temporary special measures. She urged the Government to adopt true temporary special measures aimed at improving the situation of women, for example in the area of employment.

Article 5

30. **Ms. Manalo**, noting that sexist attitudes seemed most prevalent in the 45 to 60 age group, which was arguably the most productive and influential of all, wondered if any education, training or information programmes had been implemented to correct those

sexist attitudes. She asked whether the concept of gender mainstreaming had been incorporated into Andorran society, which would contribute to promoting gender equality and eradicating sexual stereotypes.

31. She was concerned about the level of violence against women and enquired whether any programmes had been implemented to modify men's attitudes towards women and reduce the level of such violence. Although guarantees under articles 8.2 and 39 of the Constitution also protected women against violence and the Penal Code punished offences of bodily harm, those instruments were very general in nature, and she therefore wondered whether any specific laws dealing with violence against women were envisaged. Since women victims were often hesitant to come forward, out of fear or shame, she wondered whether any programmes existed to encourage reporting of violence, protect the victims and promote greater awareness of the scourge of violence against women.

32. **Ms. Regazzoli** said the situation of women had made a qualitative leap forward, especially in recent years, in a country where women had not been granted the right to vote until 1973. Much, however, remained to be done. Comprehensive statistics on the relative situations of men and women should be provided. In the area of employment, stereotypes continued to exist about the types of jobs women should have. She asked how the Government intended to eliminate that and other stereotyping and promote true equality between men and women. She also enquired whether the Government had any plans to encourage men to share family responsibilities and household tasks. The persistence of domestic violence, which was hard to detect, was a source of concern and, while she welcomed the possible creation of a safe house mentioned in the report (p. 22), she wondered what the procedure was for making a complaint and what psychological, social and medical assistance was available to the victims and their children and to perpetrators to ensure that there would be no reoccurrence.

33. **Ms. Achmad** encouraged the State party to ratify the Optional Protocol to the Convention promptly and thereby incorporate it, like other international instruments, into its domestic legal framework. After noting that the study cited in the report (p. 20) highlighted the persistence of sexist attitudes but also showed that there was virtual unanimity with regard to women's rights, she requested further information with

regard to the latter. She asked whether steps had been made to ensure lifelong educational opportunities for women to help them maintain their job skills or re-enter the labour market and she wondered whether recognizing women's rights truly meant recognizing their right to be equal to men. The elimination of sexist attitudes required regular monitoring of the situation by the existing mechanisms and in some cases the use of temporary special measures. She stressed the need for gender-disaggregated statistics in accordance with the Committee's General Recommendation No. 9.

34. **Ms. Hazelle**, noting the large number of immigrants, enquired whether there were any programmes to modify the attitudes not only of Andorrans but also of immigrants and to increase public awareness of discrimination and violence against women. Noting that the creation of a safe house for battered women was still under study, she said that, given the small population, there were understandable concerns about anonymity. Accordingly, the Government might wish to adopt other innovative measures such as the use of temporary safe homes in cooperation with churches and legislation providing for protection orders. Given the prevailing attitude towards violence, in particular domestic violence, against women, she wondered whether that issue was a topic for public discussion or was considered to be a private, family matter and whether the Government was planning legislation in the area of domestic violence. With regard to the protocol between the Ministry of Health and Welfare, the police, the *Batllia* and the Office of the Public Prosecutor, she asked whether plans existed to create a crisis management team representing all the stakeholders and to provide counselling services and training for the police, judges and health workers so that domestic violence could be better identified and the victims referred to the appropriate services. She also enquired whether the 24-hour victims' hotline would be run by the Government or by non-governmental organizations, what training the staff would receive and whether the Government intended to make the elimination of violence against women a priority as part of its follow-up to the Beijing Platform for Action.

Article 6

35. **Ms. Shin**, noting that the report had indicated that prostitution was illegal and punishable under the law, wondered whether the prostitutes themselves were

punished and also whether the Government had any statistics on that subject and on the prevalence of prostitution. She noted the Government's efforts to reduce violence against women in general and wondered whether the safe house proposed by two women's organizations, as mentioned in the report (p. 22), had actually been set up or was still under review. Such a refuge was urgently needed and she hoped that the Government would act immediately, if it had not already done so. It might be preferable to have the refuge run by non-governmental organizations, with financial support from the Government, since non-governmental organizations would be perceived as more trustworthy and were often more effective. She recalled that the Committee's General Recommendation No. 19 on violence against women was an important part of the Convention and suggested numerous legal, preventive and protective measures in the area of violence against women. The Government should act decisively in that area.

36. **Ms. González** requested more statistics on the prevalence of prostitution and, since prostitution was illegal, asked what measures the Government had adopted to encourage prostitutes to change their lifestyle.

The meeting rose at 1 p.m.