



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the initial report of Andorra*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the ratification of the Covenant, especially in the last 10 years. Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and for raising awareness about the Optional Protocol, in particular among those who believe that their human rights under the Covenant may have been violated.

B. Specific information on the implementation of articles 1–27 of the Covenant

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. With reference to article 3 (3) and (4) of the Constitution, please clarify the status of the Covenant in the domestic legal system. Please explain whether the Covenant provisions can be invoked directly before domestic courts and include examples of cases in which those provisions have been applied by the courts. Please also specify the measures taken to raise awareness of the Covenant and its Optional Protocols among judges, lawyers, prosecutors, law enforcement officials and the general public.

3. Please provide updated information on the steps taken to establish an independent national human rights institution that addresses all the rights enshrined in the Covenant and complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and on consultations with civil society to that end. In addition, please indicate whether the Office of the Ombudsman (Raonador del Ciutadà) could, with appropriate modifications and extensions of its mandate, become the national human rights institution in accordance with the Paris Principles. Please provide information on the mandate of the Office of the Ombudsman, on measures to ensure the effective fulfilment of its mandate, in particular with regard to the provision of human, technical and financial resources, and on the complaints received by this institution and the follow-up given to them, specifying those related to the provisions of the Covenant.

* Adopted by the Committee at its 140th session (4–28 March 2024).



Anti-corruption measures (arts. 2 and 25)

4. Please provide information on the legal and institutional framework and the steps taken to prevent and combat corruption, including measures to strengthen government accountability and transparency and awareness-raising programmes for government institutions, parliamentarians, judges, prosecutors, other public officials and the general public. Please specify the outcome of these measures and provide statistical data on the number of investigations and prosecutions of corruption cases and the nature of the sanctions imposed since the ratification of the Covenant, including, in particular, information on cases involving high-level public officials.

States of emergency (arts. 2 and 4)

5. With reference to the Committee's general comment No. 29 (2001) on states of emergency and article 42 of the Constitution, please provide detailed information on the reasons for which states of alarm and emergency may lawfully be declared and explain how this article and the related regulations are compatible with article 4 of the Covenant, in particular: (a) how the non-derogable provisions of the Covenant are expressly protected during states of emergency; and (b) what effective remedies are available to address any violations of the Covenant during states of emergency. Please indicate the measures taken to establish a mechanism for immediately informing the other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which the State party has derogated in time of public emergency, in accordance with article 4 of the Covenant.

Non-discrimination (arts. 2, 3, 13, 24 and 26)

6. With reference to article 6 of the Constitution, please provide information on the legal and institutional framework for combating discrimination, in particular: (a) whether national legislation provides a definition of discrimination that includes all prohibited grounds of discrimination under the Covenant, such as race, colour, national origin, property or other status; (b) what mechanisms have been established to provide effective protection against direct, indirect, structural and intersectional discrimination, whether occurring in public or in private; and (c) what judicial and administrative remedies are available to victims. Please also include disaggregated information on complaints of discrimination received since the ratification of the Covenant, together with information on the grounds of discrimination, the investigations conducted and their outcome, the sanctions imposed and the redress provided to victims.

7. Please provide information on specific measures taken to prevent and combat discrimination based on sexual orientation and gender identity and discrimination against persons with disabilities, persons belonging to religious minorities and non-nationals.

8. Please specify what measures have been taken in law and in practice to prevent and combat hate speech and hate crimes, including those motivated by racism and homophobia. In particular, please: (a) describe any systems in place for collecting data on these offences; (b) provide information on complaints received, investigations carried out, sanctions imposed and protection and reparation measures granted to victims; and (c) report on the bodies responsible for receiving and examining complaints and for detecting any hate speech or speech that may promote or incite discrimination or violence, including through the media and on the Internet.

Gender equality (arts. 3 and 26)

9. Please provide information on legislative, institutional and public policy measures on gender equality, including information on the programme for effective equality between women and men, the Observatory for Equality and actions taken to strengthen coordination among the various national mechanisms for promoting and protecting women's rights. Please also describe the measures that have been taken to promote gender equality between men and women and to combat gender stereotypes on the roles of women in the family and society, including any temporary special measures adopted and awareness-raising campaigns undertaken.

10. Please report on measures taken, and progress made, in terms of ensuring the full and equal participation of women in political and public life, including in executive, judicial and legislative bodies at the national and local levels and in senior positions in the private sector. Please also provide information on measures taken to increase women's participation in the labour market, ensure equal pay for work of equal value and provide seasonal and domestic workers with the same level of protection and benefits as other workers.

Violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)

11. Please provide information on the legislative, institutional and other measures taken to prevent and combat violence against women and girls, including domestic and sexual violence. In particular, please include information on the implementation of Act No. 1/2015 on the eradication of gender-based violence and domestic violence and on the work of the National Commission for the Prevention of Gender-based Violence and Domestic Violence. Please also indicate the human, financial and technical resources allocated to the institutions responsible for addressing gender-based violence, such as the Equality Policies Unit of the Ministry of Social Affairs, Justice and the Interior and the Service for Victims of Gender-based Violence. Please describe the measures taken to encourage the filing of complaints by victims of gender-based violence and to ensure effective access to justice, including free legal assistance and effective support and protection services, such as shelters and counselling.

12. Please provide information on training and awareness-raising measures for law enforcement officers, judges, prosecutors and other officials, as well as the general public, on the subject of combating gender-based violence. Please indicate what judicial institutions specializing in gender-based violence have been established in the State party. In particular, please include information for the past 10 years on: (a) complaints filed in relation to the various forms of violence against women, including domestic and sexual violence; (b) investigations and prosecutions in respect of those complaints; (c) the sanctions handed down; and (d) the measures taken to protect, compensate and rehabilitate victims.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6 and 7)

13. Bearing in mind the Committee's general comment No. 36 (2018) on the right to life (para. 8), please provide information on steps taken by the State party to amend the legal framework regulating the termination of pregnancy to make it compatible with the Covenant, in particular measures aimed at: (a) providing safe, legal and effective access to abortion at least where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable; and (b) eliminating criminal sanctions for women and girls who undergo abortion and for medical service providers. Please also indicate any steps taken to ensure the availability and accessibility of sexual and reproductive health services and access to education and awareness-raising programmes that focus on the importance of contraception and of sexual and reproductive health rights.

Right to life (arts. 6 and 25)

14. With reference to article 31 of the Constitution and bearing in mind the Committee's general comment No. 36 (2018) on the right to life (para. 62) and the geographical features and specific location of Andorra, please provide information on measures to protect people in the State party from the negative impact that climate change and natural disasters can have on the enjoyment of their rights, in particular the right to life, including Act No. 21/2018 on the promotion of the energy transition and climate change and the Strategy on Energy and Climate Change 2020–2050. Please describe how the meaningful and informed participation of the entire population is ensured in projects for contributing to sustainable development and building resilience to climate change.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

15. Please provide information on the legislative framework for preventing and combating torture and the excessive use of force, including the definition of these offences, the penalties established under criminal law and their compatibility with the Covenant. Please indicate what mechanisms are in place to ensure that allegations of torture, ill-treatment or excessive use of force are promptly, thoroughly and impartially investigated, and specify the number of complaints filed, investigations conducted, prosecutions carried out, convictions handed down and reparations provided to victims since the ratification of the Covenant. Please also report on the measures taken to provide adequate human rights training to law enforcement and prison officials, including, inter alia, training on the prevention and prohibition of torture, ill-treatment and excessive use of force.

Treatment of persons deprived of their liberty and security of person (arts. 9 and 10)

16. Please provide information on the legal provisions and time limits that apply to pretrial detention, and also on: (a) the proportion of the total prison population accounted for by persons in pretrial detention; (b) the average length of pretrial detention; and (c) whether the State party uses non-custodial measures in lieu of pretrial detention, taking into account the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Please also indicate the measures taken to ensure that persons deprived of their liberty have adequate access to medical and health-care services, including mental health care, and have prompt and unhindered access to independent counsel of their choosing and can notify a person of their choosing of their detention from the outset of their deprivation of liberty. In addition, please report on steps taken to ensure that solitary confinement is used as a disciplinary measure only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to authorization by a competent authority, and that it is not imposed on minors under any circumstances. Please also provide information on conditions of detention in police facilities.

Elimination of slavery, servitude and trafficking in persons (arts. 7, 8 and 24)

17. Please provide information on the implementation of Act No. 9/2017 on measures to combat trafficking in persons and protect victims, the action taken to prevent and combat trafficking in persons, including trafficking for purposes of labour exploitation and forced services, the adoption of a national action plan in this regard and the reparation measures provided to victims. In particular, please indicate the number of trafficking victims, complaints, investigations and convictions, and the number of cases in which reparations have been provided to victims, since the ratification of the Covenant. Please report on the measures taken to: (a) improve anti-trafficking training for law enforcement officers, judges and prosecutors; (b) increase the human, technical and financial resources allocated to anti-trafficking efforts each year; (c) strengthen procedures to identify and protect victims and to refer them to appropriate services; (d) improve data collection and the compilation of statistics on investigations, prosecutions and the profile of identified victims; and (e) prevent migrant workers, particularly temporary and domestic workers, from becoming victims of labour exploitation.

Treatment of aliens, including migrants, refugees, asylum-seekers and stateless persons (arts. 7, 9, 12, 13 and 24)

18. Please provide information on the progress made in developing a legal framework governing asylum, refugee status determination and international protection, including information on respect for the principle of non-refoulement and on whether adequate information, interpretation services, free legal assistance, effective judicial remedies and humanitarian assistance are available to asylum-seekers. Please indicate the measures taken to develop a legal framework and related procedures for determining statelessness, including a simplified naturalization procedure, and for ensuring respect for the fundamental rights of stateless persons.

Administration of justice (art. 14)

19. Please provide information on the legal framework guaranteeing the independence and impartiality of the judiciary and the autonomy of the Public Prosecution Service. Please include information on legislation regarding the appointment, security of tenure, disciplinary procedures and dismissal of judges and prosecutors and indicate whether the legislation currently in force is consistent with the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors. Please also report on measures taken to ensure that all persons in the State party have effective access to the judicial system, including the provision of free legal assistance and of translation and interpretation services for persons who do not speak Catalan.

Freedom of conscience and religion (arts. 2, 3, 18 and 26)

20. Please provide information on the legal framework guaranteeing freedom of thought, conscience and religion and indicate how Act No. 10/2022 prohibiting the use of conspicuous religious symbols in public schools is consistent with the Covenant, in particular the provisions relating to freedom of thought, conscience and religion, non-discrimination and equality before the law.

Freedom of expression, assembly and association (arts. 2, 19, 21 and 22)

21. Taking into account the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and with reference to article 12 of the Constitution, please provide information on the legal framework governing the right to freedom of expression and on the measures envisaged to decriminalize defamation. Please also provide detailed information on the application of article 325 of the Criminal Code in the light of allegations that this article has been used to judicially harass human rights defenders, including those promoting women's rights and advocating the legalization of abortion in the State party. Please describe the measures in place to ensure that human rights defenders, including those who cooperate with international mechanisms for the promotion and protection of these rights, such as the United Nations human rights treaty bodies, are protected in law and in practice so that they can carry out their work without fear of harassment, intimidation or reprisals.

22. Bearing in mind the Committee's general comment No. 37 (2020) on the right of peaceful assembly, and with reference to articles 16, 17 and 18 of the Constitution, please provide information on the measures taken by the State party to protect and promote the rights of assembly and association. Please also provide information on the current legal framework governing the right to form and join trade unions and the right to strike and on its conformity with article 22 of the Covenant.

Rights of the child (arts. 23, 24 and 26)

23. Please provide information on measures taken to: (a) prevent and combat violence against children, including sexual violence and sexual exploitation and abuse, such as that facilitated by information and communication technologies, with details on the resources allocated to child protection services and to the Support Unit for Children and Adolescents; (b) ensure that corporal punishment of children is eradicated in practice in all settings, with details on any public information campaigns undertaken and their impact; and (c) raise the minimum age of criminal responsibility. Please also provide information on measures to protect the rights of minors who have been removed from family environments and are under the guardianship of State institutions, including the La Gavernera residential centre.

Political participation (art. 25)

24. Please provide information on the measures taken to promote and ensure the meaningful and informed participation of the different segments of the population in public affairs, political spaces and decision-making processes. Please report on the measures taken to ensure, in practice, the effective exercise of the right to vote by persons with disabilities and to increase their participation in political life and public administration at all levels of government, with a particular focus on women with disabilities. Please clarify whether the State party is considering the possibility of granting political rights to foreign nationals

residing in the State party, in particular the right to vote and to stand for office in local elections.

Dissemination of information about the Covenant (art. 25)

25. Please describe the measures taken to disseminate information about the Covenant, the list of issues prior to submission of the initial report, the State party's periodic report and the forthcoming consideration of the report by the Committee. Please provide details on mechanisms that have been or will be established for the preparation of the State party's reports and on what steps are taken to ensure the involvement of representatives of civil society and non-governmental organizations in the preparation of such reports.
