



March 2024

## **European Social Charter (REVISED)**

European Committee of Social Rights

Conclusions 2023

**ANDORRA**

*This text may be subject to editorial revision.*

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns Andorra, which ratified the Revised European Social Charter on 12 November 2004. The deadline for submitting the 16th report was 31 December 2022 and Andorra submitted it on 24 February 2023.

The Committee recalls that Andorra was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2019).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity, there was no examination in 2023.

Andorra has not accepted the following provisions from the above-mentioned group: 16, 19§2, 19§4, 19§6, 19§8, 19§10, 27§§1-3, 31§3.

The conclusions relating to Andorra concern 26 situations and are as follows:

- 23 conclusions of conformity: Articles 7§§1-10, 8§1, 8§§3-5, 17§2, 19§1, 19§3, 19§5, 19§7, 19§9, 19§§11-12, 31§1.
- 3 conclusions of non-conformity: Articles 8§2, 17§1, 31§2.

Conclusions and reports are available at [www.coe.int/socialcharter](http://www.coe.int/socialcharter).

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 1 - Prohibition of employment under the age of 15*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee notes that it has previously considered that the situation in Andorra was in conformity with Article 7§1 of the Charter.

The Committee has observed that many states’ legislation is in conformity with the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggests that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

As regards the Committee's targeted questions, the report indicates that the measures were adopted and the mechanisms set in place by the Labour Inspection Service to detect child labor, including minors working in the informal economy. During the reference period, the Labour Inspection Service received no complaints concerning minors working in the informal economy.

The Labour Inspection Service can initiate actions ex officio and carry out inspections of the work establishments that it deems appropriate. Thus, during the reference period, the Labor Inspection Service carried out two official checks and did not detect any minor working in the informal economy. In addition, the Labour Inspection Service carries out preventive actions, either through the legal obligation of the prior authorisation of contracts for minors, or through telephone consultations and face-to-face consultations with labour inspectors.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 7§1 of the Charter.

**Article 7 - Right of children and young persons to protection**

*Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion the Committee found that the situation in Andorra was in conformity with the Charter. The Committee reiterates its previous finding of conformity.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 7§2 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 3 - Prohibition of employment of children subject to compulsory education*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion the Committee found that the situation in Andorra was in conformity with the Charter. The Committee reiterates its previous finding of conformity.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 7§3 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 4 - Working time*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

As the previous conclusion found the situation in Andorra to be in conformity with the Charter, there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 7§4 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 5 - Fair pay*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 7§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee considered that the situation in Andorra was not in conformity with Article 7§5 of the Charter on the grounds that the minimum wage of young workers was not fair and that apprentices did not receive adequate allowances, since the reference adult wage was itself too low to ensure a decent standard of living (Conclusions 2019).

### ***Fair remuneration for young workers and apprentices***

In reply to the previous finding of non-conformity, the report states that a new Law 31/2018 on labour relations entered into force in 2019, pursuant to which the wages of minor workers are assimilated to those of adults, so that there is no longer a reduction in the wages of young workers. The Government fixes periodically, at least once a year, the minimum wage. During the reference period, the Government decreed yearly increases in the minimum wage by 2.6 to 3.5 percentage points, so as to reach in relation to the average salary, which is €2,271.81, the level of 52.87% (compared to 50.11% as it stood when the Committee assessed it under Article 4§1). The report states that a further increase was approved by the Government for 2023 (by 7.1%) and that the minimum wage shall continue to increase gradually until it reaches the parameters recommended by the Charter.

The Committee notes the positive development with the adoption of the Law 32/2018 which aligns the wages of minor workers with those of adults, going even beyond the requirements of the Charter under Article 7§5. It also notes the government’s efforts to increase in the minimum wage and the commitment of the authorities that the minimum wage ultimately reaches the threshold which the Committee deems to be a fair level of remuneration for adult workers (see Conclusions 2018, Article 4§1). The Committee notes that in its recent assessment of the fairness of the minimum wage under Article 4§1, the Committee deferred its conclusion, since it could not conclude on the conformity of the situation with the Charter, without comprehensive information on any additional benefits and subsidies and an analysis that this wage was sufficient to ensure a decent standard of living (Conclusions 2022, Article 4§1). In the light of the fact that the young workers are paid the same minimum wage as adult workers, without any reduction, even if it is permeable under the Charter, the minimum wage of young workers is sufficient to qualify as fair. The Committee accordingly considers that the situation is in conformity with the Charter in this respect.

With regard to apprenticeships, the report states that under the new Law 31/2018 the minimum wage is the remuneration that the company must pay to the employee in all cases, including to apprentices, so as to recognize the right of apprentices to fair remuneration.

The Committee recalls that apprentices may be paid lower wages, since the value of the on-the-job training they receive is taken into account. However, the apprenticeship system must not be used to circumvent the payment of fair wages to young workers. Accordingly, the term should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period, starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship to at least two-thirds at the end.

The Committee notes that apprentices are remunerated at the level of the adult reference wage. It further notes that, even if for the purposes of Article 4§1 it will yet require additional information to assess whether it is in conformity under the Charter, under Article 7§5 it is not required that the young workers are paid 100% of the adult wage. Accordingly, the young workers' wage being equal to the adult wage, pursuant to the new rules, goes beyond the minimum required under the Charter, the adult minimum wage exceeding 50% of the average salary. In the light of the above, the Committee considers that the situation is in conformity with Article 7§5 of the Charter in this regard.

### ***Fair remuneration in atypical jobs***

For the present monitoring cycle, the Committee requested updated information on net minimum wages and allowances payable to persons under 18 years of age. In particular, it asked for information on measures taken to ensure that fair remuneration is guaranteed to young workers:

- i) in atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)
- ii) in the gig or platform economy and
- iii) having zero hours contracts.

With regard to the work of minors in the economy of small jobs (gigs) or platforms, the report states that the employer must always guarantee by contract a working day, which cannot exceed 40 hours of work per week, and in addition, it must guarantee at least the minimum wage per hour of effective work.

With regard to "zero hours" employment contracts, the report states that neither the legal framework of the former Labor Relations Code, nor that of Law 31/2018 on professional relations allow the parties to agree a "zero hours" employment contract.

### ***Enforcement***

In the context of the present monitoring cycle the Committee also requested information on measures taken to ensure that this right of young persons to fair pay is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions).

The report states that in the reference period there were 48 apprentices. Labour Inspectorate declared one contract invalid. The apprentices or their representatives can always complain about issues related to the contract, however, no such complaint was raised.

### ***Conclusion***

The Committee concludes that the situation in Andorra is in conformity with Article 7§5 of the Charter.



## **Article 7 - Right of children and young persons to protection**

### *Paragraph 6 - Inclusion of time spent on vocational training in the normal working time*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

As the previous conclusion found the situation in Andorra to be in conformity with the Charter, there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 7§6 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 7 - Paid annual holidays*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Andorra was in conformity with Article 7§7 of the Charter (Conclusions 2019). Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 7§7 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 8 - Prohibition of night work*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Andorra was in conformity with Article 7§8 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for information on the labour inspectorate’s activities to monitor night work of young workers under 18 years of age, and on any penalties imposed. The report notes that, during the reference period, the Labour Inspectorate identified one breach of the regulations on the prohibition of night work for young workers under 18 years of age, sanctioned with a €2,000 fine.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 7§8 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 9 - Regular medical examination*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Andorra was in conformity with Article 7§9 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for information on the Labour Inspectorate’s activities regarding, and available procedures for dealing with, non-compliance with the regulations on compulsory medical examinations for young workers under 18 years of age. The report provides consolidated data on the number of sanctions applied during the reference period for violations of the legal provisions in question, as regards minor, as well as adult, workers.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 7§9 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 10 - Special protection against physical and moral dangers*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in Andorra was in conformity with Article 7§10 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information and to the targeted questions.

### ***Protection against sexual exploitation***

The Committee previously asked for information on the provisions of legislation protecting children against sexual exploitation, in particular those aged over 14 (Conclusions 2019).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that Law 14/2019 On the Rights of Children and Young Persons protects the rights of children against sexual exploitation by allowing interventions in risk situations and by preventing sexual exploitation. Sexual abuse of a child is a criminal offence. As regards child victims of trafficking in human beings, a strategic guidance document was drawn up, which focuses on prevention measures, raising awareness of human trafficking and training the professionals concerned. The Strategy developed by Andorra (2021-2023) aims to be the first comprehensive planning instrument in the fight against trafficking in human beings.

In reply to the targeted question, the report states that in 2020, the Government adopted Regulations on the Procedure for Immediate Action for Abuse, Sexual Assault, Obvious or Alleged Physical Abuse against Children and Adolescents, as well as a Protocol to improve the assessment, intervention and protection of children victims of these situations. Also in 2020, an agreement with Andorra Telecom was signed to activate a telephone number, 175, which is a helpline for children at risk of abuse.

The report further states that since 2018, a strategy to prevent the sexual abuse of children in sport has been implemented.

### ***Protection against the misuse of information technologies***

The Committee had previously asked for information on the provisions of the law on the rights of children and young persons relating to their protection against the misuse of information technologies (Conclusions 2019).

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse, and solicitation for sexual purposes (grooming).

The report states that several provisions of Law 14/2019 refer to the protection against the misuse of information technologies, including awareness-raising activities.

In reply to the targeted question, the report states that the Technology Crimes Unit of the Andorra Police organises special courses in schools to introduce new technologies to pupils and they focus on the benefits and dangers of social networks, grooming, sexting, cyberbullying, phishing and other issues.

### ***Protection from other forms of exploitation***

The Committee previously asked whether measures had been taken to ensure children were not subject to labour exploitation (Conclusions 2019).

The report states that Law 31/2018 on Employment Relations provides that minors under the age of 15 may not engage in an employment relationship. Article 249 of the Criminal Code criminalises dangerous or degrading working conditions.

### ***Covid-19***

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen the monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that during the pandemic, an application was created to be able to notify situations of school harassment. Children could access the helpline by dialling 175. Mechanisms for monitoring the psycho-emotional state of persons from the age of six were created.

### ***Conclusion***

The Committee concludes that the situation in Andorra is in conformity with Article 7§10 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 1 - Maternity leave*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

As the previous conclusion found the situation in Andorra to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

The report states that there was no impact on the right of women to take paid maternity leave.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 8§1 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 2 - Illegality of dismissal during maternity leave*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

The Committee deferred its previous conclusion (Conclusions (2019)), pending information on the disciplinary grounds on which it is possible to dismiss an employee during pregnancy or maternity leave, it also asked for clarification as to whether the rules on reinstatement and/or compensation in the event of unfair dismissal of a pregnant woman working in the public sector were the same as those set out in Law No. 35/2008.

### ***Prohibition of dismissal***

In its previous conclusion (Conclusions 2019), the Committee requested information on dismissals for "just and sufficient cause" and the circumstances in which employees may have their contracts terminated during pregnancy or maternity leave.

The report refers to two Supreme Court of Justice cases. In one of the cases, the dismissal was considered justified because it had nothing to do with the employee's pregnancy. In the second, the Court found in favour of the employee who had been wrongfully dismissed.

### ***Compensation in case of unlawful dismissal***

In its previous conclusion, the Committee asked whether the rules on reinstatement and compensation in the event of unfair dismissal of a pregnant woman working in the public sector were the same as those provided for by Law No 35/2008.

The report states that Law 31/2018 of 6 December 2018 on industrial relations came into force on 1 February 2019, replacing Law 35/2008. The provisions protecting pregnant women from dismissal were not altered. If a pregnant employee receives notice of dismissal without cause, she must notify the company of her condition within a maximum of ten working days and attach a medical certificate attesting to her pregnancy. Once this notification has been made, and the employee has not accepted the dismissal, the notice of dismissal is considered null and void. However, no mention is made of the protection applicable to female employees in the public sector.

Due to the failure to provide the requested information, the Committee concludes that the situation in Andorra is not in conformity with Article 8§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Andorra of their reporting obligations under Article C of the Charter.

### ***Covid-19***

The Committee asked whether the Covid-19 crisis had had an impact on the possibility of dismissing pregnant employees and those on maternity leave; it also asked whether there had been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The report states that the Covid-19 crisis had no impact on the possibility of dismissing pregnant employees and those on maternity leave, or on the exceptions to the ban on dismissal during pregnancy and maternity leave.



### *Conclusion*

Due to the failure to provide the information listed below the Committee concludes that the situation in Andorra is not in conformity with Article 8§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Andorra of their reporting obligations under Article C of the Charter.

Information missing :

- Whether the rules on reinstatement and/or compensation in the event of unfair dismissal of a pregnant woman working in the public sector were the same as those laid down by law for workers in the private sector.

**Article 8 - Right of employed women to protection of maternity**

*Paragraph 3 - Time off for nursing mothers*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children migrants and families").

As the previous conclusion found the situation in Andorra to be in conformity with the Charter, there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 8§3 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 4 - Regulation of night work*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Andorra was in conformity with Article 8§4 of the Charter pending receipt of the information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the previous question and the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

In response to the previous conclusion and targeted question the report states that Article 31 of Law 34/2008 provides that if the working conditions of a pregnant or breastfeeding woman pose a risk to her health and safety the employer must take the necessary measures to avoid any such risk, and this could include relieving the woman from night work. The report further states that legislation does not regulate in detail the modalities of the change in conditions of work or the transfer to another post, but that any change in conditions of work should be agreed between the parties.

However the report states that pregnant and nursing women who are assigned to another post or are required to take leave continue to receive their salary.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 8§4 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work*

The Committee takes note of the information contained in the report submitted by Andorra.

.The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Andorra was in conformity with Article 8§5 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

The report refers to the information provided in the report under Article 8§4; Article 31 of Law 34/2008 provides that if the working conditions of a pregnant or breastfeeding woman pose a risk to her health and safety the employer must take the necessary measures to avoid any such risk. If this is not possible, the woman concerned should be offered alternative employment or placed on leave. She continues to receive her original salary.

The report confirms that a woman has the right to return to her original post at the end of the protected period.

### *Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 8§5 of the Charter.

## **Article 17 - Right of children and young persons to social, legal and economic protection**

### *Paragraph 1 - Assistance, education and training*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion, the Committee concluded that the situation in Andorra was in conformity with Article 17§1 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions and the general questions.

### ***The legal status of the child***

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The report states that all births in Andorra must be registered and in cases of stateless parents, Andorran nationality will be granted. The report states that persons in an irregular migration situation are very rare in Andorra.

### ***Child poverty***

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care. It also asked for information on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

The report states that public administrations must establish the necessary measures to facilitate the full inclusion of children, in particular those who may receive discriminatory treatment. In making any decisions related to minors, public administrations have to take into account the children’s views.

The report further states that the first phase of the National Plan on Childhood and Adolescence included a participatory process collecting proposals from children related to their rights.

Due to the failure to provide requested information on measures taken to reduce child poverty, the Committee concludes that the situation in Andorra is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Andorra of their reporting obligations under Article C of the Charter.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

### ***Right to assistance***

The Committee previously asked what measures had been taken to ensure that children in an irregular migration situation whether accompanied or not, were accommodated in appropriate facilities. It also requested further information on the assistance given to unaccompanied children, especially to protect them from exploitation and abuse. It also required information as to whether children in an irregular migration situation, accompanied by their parents or not, could be detained and, if so, under what circumstances. The Committee also asked whether Andorra used bone testing to assess age and, if so, in what situations and what potential consequences such testing could have (Conclusions 2019).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

The report states that, if a minor lives in a dwelling that does not meet the conditions of appropriate accommodation, care services intervene to resolve the situation. The Specialised Child and Adolescent Assistance Service assesses the situation of the child and applies the most appropriate protective measures to help the child recover from possible exploitation or abuse. Public administrations must also take all the necessary measures to ensure the physical and psychological recovery and social reintegration of children at risk.

The report further states that children in an irregular migration situation would have the same rights as any child residing in Andorra.

The report states that bone testing is possible in Andorra but it has never been used. The Committee notes that it has already stated that the use of bone testing to determine the age of unaccompanied foreign minors is inappropriate and unreliable (European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, decision on the merits of 24 January 2018, §113). In these circumstances, the Committee considers that the situation in Andorra is not in conformity with Article 17§1 of the Charter on the ground that bone testing is possible to assess the age of children in irregular migration situation.

Due to the failure to provide requested information on whether children in an irregular migration situation, accompanied by their parents or not, could be detained and, if so, under what circumstances, the Committee concludes that the situation in Andorra is not in conformity with Article 17§1 with the Charter. The Committee considers that this failure to provide information amounts to a breach by Andorra of their reporting obligations under Article C of the Charter.

In reply to the targeted question, the report states that Andorra has adopted measures to address an emergency situation during the reference period: a protocol on accommodation for children from refugee families and measures to combat the Covid-19 crisis. Moreover, citizens are obliged to notify situations of risk and abuse affecting children. Children themselves are also allowed to report such situations without the consent of their parents or legal guardians.

### ***Rights of children in public care***

In its previous conclusion, the Committee asked for information on the number of children removed from their families, the total number in care, the number placed in foster care and in institutional care (Conclusions 2019).

The report states that in 2018, 22 children were separated from their families, five of them received family care and 17 were accommodated by the reception centres. In 2019, eight children received family care and 14 were accommodated by the reception centres. In 2020, two children received family care and four were accommodated by the reception centres. In 2021, nine children received family care and 18 were accommodated by the reception centres.

### ***Children in conflict with the law***

The Committee previously asked for updated information on the range of measures that could be imposed on children who had committed criminal offences. It also sought information on the maximum period that children could be detained in a closed facility, whether children could be subject to pre-trial detention and if so, for how long. It also asked whether children could be subject to solitary confinement, and, if so, for how long and under what circumstances (Conclusions 2019).

The report states that the measures imposed on children can be: closed internment, semi-open internment, open internment; obligation to stay at home at weekends or during the day or at night; community services; prohibition to enter or stay in certain public premises; educational measures, additional measures. Closed internment can only be applied for minors aged 14 and older who have committed a serious offence or have previously been subject to other disciplinary, educational or security measures for two or more minor offences committed over the last two years.

The report further states that pre-trial detention of minors may not exceed 24 hours as a general rule. For serious crimes pre-trial detention can go up to 48 hours. The report then describes temporary placement and states that it normally lasts for three months and can be extended for another three months. However, in case of suspicion of serious crimes, this period can be extended for another three months, therefore nine months in total. The Committee recalls that it has previously found that eight-month and seven-month periods of pre-trial detention were not in conformity with the Charter (Conclusions XX-4, 2015, Denmark; Conclusions 2019, Slovak Republic). The Committee considers that in order to be in conformity with the Charter, the pre-trial detention of children should not exceed six months. The Committee therefore concludes that the situation in Andorra is not in conformity with Article 17§1 of the Charter on the ground that the length of pre-trial detention of children is excessive.

The report states that if a very serious offence has been committed, a minor may be separated from the rest of the interned minors for a period of three to seven days or between three and

five weekends. If a serious offence has been committed, a minor may be separated from the rest of the interned minors for a period of one to two days or one to two weekends. This means that a minor has to remain in their room, except to attend compulsory education, receive visits and have one hour a day in the open air.

### *Conclusion*

The Committee concludes that the situation in Andorra is not in conformity with Article 17§1 of the Charter on the grounds that:

- bone testing is used to assess the age of children in irregular migration situation;
- the length of pre-trial detention of children is excessive.

Due to the failure to provide the information listed below, the Committee concludes that the situation in Andorra is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Andorra of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- on measures taken to reduce child poverty;
- on whether children in an irregular migration situation, accompanied by their parents or not, could be detained and, if so, under what circumstances.



## **Article 17 - Right of children and young persons to social, legal and economic protection**

### *Paragraph 2 - Free primary and secondary education - regular attendance at school*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

In its previous conclusion, the Committee concluded that the situation in Andorra was in conformity with Article 17§2 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions and the general questions.

### ***Enrolment rates, absenteeism and drop out rates***

The Committee previously asked for up-to-date information on the enrolment rates, absenteeism and drop out rates as well as information on measures taken to address issues related to these rates (Conclusions 2019).

The report states that the Decree of 20 March 2019 was adopted on the prevention and treatment of school absenteeism. It identified specific situations, such as early school leaving, follow-up and pedagogical and medical support for students; it gave a more precise definition of absenteeism and set schools’ obligations. A number of measures have been taken to prevent and reduce absenteeism: a communication and awareness plan for institutions and families; advice to educational centres; the improvement of coordination processes between the various departments of the Andorran Government; a plan to prevent school harassment and others.

The report provides information on enrolment rates and absenteeism. The enrolment rates were as follows: in 2018 – 93.1%, in 2019 – 93.4%, in 2020 – 93.1% and in 2021 – 93.1%. Absenteeism rates were as follows: in 2018 – 0.52%, in 2019 – 0.57%, in 2020 – 0.89% and in 2021 – 0.94%. The report explains that some pupils registered in Andorra go abroad, which represents about 6.5% of the pupils.

### ***Costs associated with education***

The Committee previously asked for information on any measures taken to mitigate the costs of education, such as transport, uniforms, books and stationery (Conclusions 2019). In the targeted questions, the Committee asked for information on measures taken to ensure that state allocation of resources to private education did not negatively impact on the right of all children to access free, quality public education.

The report states that to mitigate the costs related to education, the Government awards scholarships for transportation, books and supplies. There are no uniforms in schools.

In reply to the targeted question, the report states that the State does not allocate any resources to private education.

### ***Vulnerable groups***

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

The Committee previously asked to provide details on education assistance to compensate for economic and social inequalities (Conclusions 2019).

The report states that specialised staff is available to schools to support inclusion for pupils with disabilities. For such pupils, school materials, devices and accessories as well as transportation are fully covered. The public authorities also propose a system of scholarships to compensate for economic and social inequalities.

### ***The voice of children in education***

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments).

The report states that, in the Andorran education system, there are various bodies, such as the Council of Schools, the Council of Delegates, where pupils' representatives can participate in decision-making. In the French secondary education system, student delegates attend class councils and can give their opinions on matters concerning the life of the school. In the Spanish education system, the Participation Committee also consists of pupils, who have their own body – the Council of Delegates. Other forms of child participation are the Youth Parliament, Child Friendly Cities, The Children's Council.

### ***Anti-bullying measures***

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that the Prevention Plan against School Harassment prepares and assists the educational community in preventing, detecting, renewing and eliminating abuse. Visibility campaigns, informative meetings, prevention workshops and training sessions were carried out during the reference period.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that in order to ensure educational continuity, Andorra implemented certain measures, such as virtual teaching and loans of computer equipment. A system of "bubble classes" was also established, where pupils were taught in small groups and interacted only with each other. Particular attention was paid to the most vulnerable pupils. School psychologists were mobilised. During the summer of 2020, tutoring courses for pupils aged six to 12 ensured continuity in teaching and learning. Teachers were able to identify students in a difficult psychological situation and refer them to educational psychology or psychology services.

The report further states that the College of Psychologists offered free telephone assistance during the months of confinement. The Comprehensive Plan for Mental Health and Addictions was developed, taking into account the effects of Covid-19, in particular on the mental health of children.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 17§2 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 1 - Assistance and information on migration*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee points out that no targeted questions were asked in relation to Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity with Article 19§1 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

***Migration trends***

In its previous conclusion, the Committee asked that the next report include an up-to-date description of the developments in migration trends (Conclusions 2019).

The report provides detailed information and statistical data on migration trends during the reference period. It states that the growth in immigration to Andorra suffered a real slowdown in 2020 because of mobility restrictions due to covid-19. The report adds that nationals of three countries (Spain, France, Portugal) account for half of the immigration to Andorra. With regard to seasonal workers, the report points out that the majority of people who come to work in Andorra as seasonal workers are nationals of countries that are not members of the European Union, and this trend continues to grow.

***Change in policy and the legal framework***

In its previous conclusion, the Committee asked for further details on provisions of the Law on Immigration related to the assistance and information for migrant workers (Conclusions 2019).

The report states that the Law on Immigration 9/2012 underwent several changes during the reference period, some of which have no bearing on the subject matter of this provision of the Charter. The report states that through a legislative amendment introduced by Law 4/2018 of 22 March, on temporary and transitional protection for humanitarian reasons, between 2018 and 2020 Andorra effectively received 12 Syrian refugees to whom it gave all the necessary assistance as provided for in the approved legislation (a residence permit for an initial period of two years, which was extended by 6 months, support from the Ministry of Social Affairs, etc.). The immigration permit issued to them allows them to work in Andorra.

The report also states that in 2022 (outside the reference period), Andorra created the necessary mechanisms to be able to receive Ukrainian refugees. Based on Law 4/2018 of 22 March, on temporary and transitional protection for humanitarian reasons, and the amendments it introduced to the Immigration Law, Andorra was able to receive Ukrainian refugees, 285 of whom were granted a residence permit with access to the labour market. The report adds that the Immigration Department together with the Ministry of Social Affairs have created specific mechanisms and the individuals in question receive personalised follow-up and support. In addition, a psychological assistance scheme has been put in place specifically for Ukrainian refugees.

***Conclusion***

The Committee concludes that the situation in Andorra is in conformity with Article 19§1 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 3 - Co-operation between social services of emigration and immigration states*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee points out that no targeted questions were asked in relation to Article 19§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in Andorra to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023 on this point. Accordingly, the Committee reiterates its previous conclusion.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 19§3 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 5 - Equality regarding taxes and contributions*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee points out that no targeted questions were asked in relation to Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity with Article 19§5 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

The Committee points out that this provision recognises the right of migrant workers to equal treatment in law and in practice in respect of the payment of employment taxes, dues or contributions (Conclusions XIX-4 (2011), Greece).

In its previous conclusion (Conclusions 2019), the Committee noted that personal income tax applied in the same way to all workers, since it related to the actual residence of the worker and not to the nationality. It also took note of the rates of social contributions for employees. The Committee understood that these rates applied equally to migrant workers and nationals (Conclusions 2019). It asked the next report to confirm that this was the case (Conclusions 2019).

The report states that there has been no change in the tax legislation as regards the tax threshold for earned income. It adds that all nationals and residents who hold a renewable residence and work permit must pay tax on any part of their aggregate income which exceeds EUR 24 000 gross per year or other higher thresholds depending on their personal and/or family circumstances, in accordance with Article 35 of Law 5/2014 of 24 April on personal income tax.

The report does not contain information on the rates of social contributions for employees. The Committee notes from other sources that social contributions in Andorra (CASS) are levied at 22% of gross salary, with employees paying contributions equivalent to 6.5% of their gross salary and the employer paying the remaining 15.5%. There is no mention of any difference in rates/conditions between migrant workers and Andorran nationals where social contributions are concerned.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 19§5 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 7 - Equality regarding legal proceedings*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Andorra to be in conformity with Article 19§7 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§7, and the previous conclusion found the situation in Andorra to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 19§7 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 9 - Transfer of earnings and savings*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Andorra to be in conformity with Article 19§9 of the Charter.

Since no targeted questions were asked under Article 19§9, and the previous conclusion found the situation in Andorra to be in conformity with the Charter, there was no examination of the situation in 2023.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 19§9 of the Charter.



**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 11 - Teaching language of host state*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Andorra to be in conformity with Article 19§11 of the Charter.

Since no targeted questions were asked under Article 19§11, and the previous conclusion found the situation in Andorra to be in conformity with the Charter, there was no examination of the situation in 2023.

The Committee concludes that the situation in Andorra is in conformity with Article 19§11 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 12 - Teaching mother tongue of migrant*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee points out that no targeted questions were asked in relation to Article 19§12 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee recalled that it had previously (Conclusions 2015) assessed the teaching of the mother tongue to migrant workers and their families, both in the form of a free multilingual mainstream education and extra-curricular lessons and found it to be in conformity with the requirements of the Charter. The Committee also took note of the information provided in the previous report that given a large number of Portuguese migrants, particular bilateral agreements were signed with Portugal with the aim of providing education for Portuguese children in their mother tongue. It also took note that in addition to the languages of the most represented migrant groups, extra-curricular language classes are also offered in Arabic and Chinese.

In the previous conclusion (Conclusions 2019), the Committee concluded that the situation in Andorra was in conformity with the Charter, without raising any specific question in this respect.

Since no targeted questions were asked under Article 19§12, and the previous conclusion found the situation in Andorra to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 19§12 of the Charter.

**Article 31 - Right to housing**  
*Paragraph 1 - Adequate housing*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Andorra was in conformity with Article 31§1 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

***Criteria for adequate housing***

In a targeted question, the Committee asked for updated information on the adequacy of housing (e.g. number of substandard dwellings, overcrowding, water, heating, sanitary facilities, electricity), on the percentage of the population living in inadequate housing, including overcrowded housing, and on the practical measures taken to improve the situation.

The report notes that the Buildings Regulation (2020) lays down minimal habitability standards for new and existing buildings. The report asserts that all residents have access to housing with drinking water and electricity, overcrowding is an isolated phenomenon and the average household size is of less than two persons. Once a case of overcrowding is identified, the Individual and Family Assistance Service is entitled to offer support ranging from financial aid to mediation aimed at identifying more suitable housing. The report further notes that the Government does not gather systematic data on the adequacy of housing. However, work is underway on a new database that would compile the information on housing standards from the certificates of habitability that must be issued with respect to all housing in the country.

***Responsibility for adequate housing***

The Committee previously found the situation to be in conformity in this respect (Conclusions 2019).

***Legal protection***

In its previous conclusion, the Committee asked for information on the types of housing complaints that come before the Ombudsman and their outcome (Conclusions 2019). The report notes that, in 2021, the Ombudsman (*Raonador del Ciutadà*) received 77 complaints concerning the right to housing. Most complaints were related to the termination of a rental agreement (33) and to utility charges (16). The report also summarises the result of a survey conducted by the Ombudsman on the personal and housing profile of the petitioners in these complaints.

***Measures in favour of vulnerable groups***

In a targeted question, the Committee asked for information on the measures taken to ensure adequate housing for vulnerable groups, including refugees, asylum seekers, Roma and Travellers, in particular during the Covid-19 crisis. The report notes that the Government has provided low-income and unemployed individuals with financial assistance totalling €70,000 during the Covid-19 crisis. Seasonal workers who were prevented from leaving the country, due to the restrictions of the freedom of movement, were provided with financial assistance

covering accommodation and food, as well as the costs of their repatriation, when that became practicable.

*Conclusion*

The Committee concludes that the situation in Andorra is in conformity with Article 31§1 of the Charter.

## **Article 31 - Right to housing**

### *Paragraph 2 - Reduction of homelessness*

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Andorra was not in conformity with Article 31§2 of the Charter on the grounds that:

- the law did not prohibit carrying out evictions during winter and
- it had not been established that, under domestic law, compensation was provided in the event of an illegal eviction (Conclusions 2019).

The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity and the targeted questions.

### ***Preventing homelessness***

In a targeted question, the Committee asked for information on the measures taken to prevent categories of vulnerable people from becoming homeless and to reduce the number of persons in a situation of homelessness, in particular during the Covid-19 crisis. The Committee also asked for information on the overall number/rate of homeless persons.

The report asserts that, due to Andorra’s small size and strong social cohesion, extreme poverty or homelessness are virtually unknown. If, exceptionally, social services become aware of any homeless persons, they immediately receive help with identifying suitable shelter options. The report notes that approximately 60 persons are accommodated in temporary shelter facilities at any given time for a period of one month or until a more permanent solution is identified.

The report provides information about several legislative measures designed to help persons from vulnerable groups during the pandemic. A new housing benefit was introduced targeting low income and unemployed individuals. The benefits disbursed under this scheme amounted to almost €70,000. Workers affected by temporary workplace shutdowns, wage reductions or dismissals were offered a benefit equal to 20% of their rent and/or additional unemployment benefits. Seasonal workers who were unable to leave the country due to the freedom of movement restrictions in place during the pandemic were provided with financial assistance covering accommodation and food, as well as the costs of their repatriation when that became practicable. In 2020 and 2021, the Government adopted legislation which extended all expiring tenancy contracts by default for an additional year.

The report notes that legislation adopted in 2021 established a new governmental agency, the National Housing Institute (NHI), and created a new category of social housing, the so-called “public protection homes”. These homes, built on public or private land, are designed as a solution to a range of social needs, including homelessness. The NHI is the administrative agency charged with managing and allocating the stock of public protection homes. A decree adopted in 2022 laid down the procedure for allocating public protection homes and created a register of eligible applicants. Under this scheme, beneficiaries are expected to receive, in addition to housing, intensive socio-educational support for improving their living conditions and autonomy.

In 2020, the Government adopted the Regulation on economic measures for the emancipation of young people, which provided young people with low income a one-off grant to cover the initial deposit and the first month of rent when renting an apartment.

### ***Forced eviction***

In a targeted question, the Committee asked if the State Party declared a moratorium/prohibition on evictions during the pandemic, about its legal basis, its scope, or, alternatively, if any other measures were taken to limit the risk of evictions, including by supporting households who were unable to pay their bills. The Committee also asked for information on the number of evictions carried out (tenant evictions, evictions from illegal camps or shanty towns, including those affecting camps where Roma or Travellers were installed).

The report notes that, pursuant to a law adopted on 23 March 2020, all procedural deadlines in proceedings involving fundamental rights were suspended for the duration of the health crisis. The Individual and Family Assistance Service (AAPF) manages a system of payments aimed at supporting families who experience difficulties with paying their utility bills. Furthermore, a subsidised utility tariff for low-income families is in place, while the disconnection from basic utilities is in principle forbidden. The report also notes that vulnerable households received 300 grants in 2020 and 522 grants in 2021 for covering rent or mortgage instalments.

In its previous conclusion, the Committee concluded that the situation in Andorra was not in conformity with Article 31§2 of the Charter on the grounds that the law did not prohibit carrying out evictions during winter and that it had not been established that under domestic law, compensation was provided in the event of an illegal eviction (Conclusions 2019). In response, the report notes that work is underway on legislative amendments that would address, among others, the issues highlighted by the Committee. Meanwhile, the Committee reiterates its previous conclusion of non-conformity.

### ***Right to shelter***

In a targeted question, the Committee asked for information on the availability and adequacy of emergency accommodation offered during the Covid-19 crisis. The Committee also asked for information on the right to shelter of unaccompanied foreign minors, including those irregularly present, in law and practice. The report reiterates that emergency accommodation satisfies security requirements and health and hygiene standards, including in terms of access to water and heating. With respect to the situation of unaccompanied foreign minors, whether having a regular or irregular status, the report notes that the AAPF is charged with referring them to a court for the purposes of having a suitable protection measure applied. This would include accommodation in a Residential Centre for Educational Action and coverage of subsistence costs.

### ***Conclusion***

The Committee concludes that the situation in Andorra is not in conformity with Article 31§2 of the Charter on the grounds that:

- the law does not prohibit the carrying out of evictions during winter;
- under domestic law, compensation is not provided in the event of an illegal eviction.