

APPENDIX

ECRI wishes to point out that the analysis contained in its second report on Andorra, is dated 28 June 2002, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Andorra to engage in a process of confidential dialogue with ECRI on its draft text on Andorra and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Andorran governmental authorities expressly requested that the following observations on their part be reproduced as an appendix to ECRI's report.

OBSERVATIONS PROVIDED BY THE AUTHORITIES OF ANDORRA CONCERNING ECRI'S REPORT ON ANDORRA

"1. ECRI is concerned that Andorra has not yet expressed its consent to be bound by the most relevant international instruments in the field of combating racism and intolerance." The Andorran Government wishes to stress that it is taking steps to adopt the most appropriate international instruments, but it must also be borne in mind that this is a long and laborious process.

2. Regarding access to public services (section H of the ECRI report), the Andorran Ministry of Health and Welfare states that there have been no complaints to the relevant authorities, from either Andorrans or non-nationals, concerning discrimination in access to housing. Requests for housing assistance to the Ministry of Health and Welfare are related with problems with accommodation costs, which constitute a barrier for a number of families and individuals, national and non-national, in difficult financial circumstances. The Ministry responds to these requests via the social benefits system. Social workers attached to the Ministry consider each case individually. The availability of these benefits and the frequency with which they are awarded therefore enables the Ministry to quantify and assess the housing situation in the Principality and to draw up appropriate preventive measures.

3. Section L of the ECRI report considers the monitoring of the situation in the country. Although the Andorran Government acknowledges that there is probably insufficient data on the subject this is a general problem that affects nationals as well as non-nationals. Turning more specifically to the systematic collection of data on racist acts, the Andorran Police Force maintains a register of complaints lodged and the absence of complaints concerning racist acts suggests that cases of discrimination and intolerance are very rare.

4. Section O of the report - integration of persons of immigrant origin - looks at the activities of the Employment Department. The Andorran Government wishes to outline the Department's role in more detail since its objectives are consistent with and help to promote the concept of immigrant integration. The Immigration Act established an Employment Department under the Ministry of Justice and the Interior to supply the Government, which lays down annual quotas of immigrants authorised to work in the country, with adequate information on the supply of and demand for labour. It also provides this information to users and offers them guidance services, encourages and organises employment mediation, recommends necessary measures to encourage information, guidance and vocational development and training, and co-ordinates public and private sector initiatives.

5. Still in the employment field, the Andorran Government has just submitted draft regulatory legislation to the Consell General (Parliament) establishing the principle of non-discrimination on grounds of religion, origin, race or sex. The aim is to place the situation of workers on a firmer footing and avoid problems of discrimination. The Andorran Government also wishes to stress that, in the absence of evidence to the contrary, the *in dubio pro operari* principle will apply (in case of doubt, find in favour of the worker).

6. The Andorran Government is well aware that the country's economy could not survive without the contribution of foreign workers and that the latter must be protected. The Ministry of Justice and the Interior has therefore made a political undertaking to introduce various pieces of legislation to protect employees, such as the law regulating employment contracts referred to above. The Ministry also intends to promote legislation to offer more safeguards for trade union activities and new occupational health and safety legislation is currently being drafted.

7. Finally, regarding the question of applications for naturalisation considered in paragraph 40 of the ECRI report, the Andorran Government wishes to state that it receives nearly 1400 such applications each year and that, in comparison with the country's population, this can be considered to be very high."