



GREVIO

Baseline Evaluation Report Andorra

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)
ANDORRA

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

GREVIO/Inf(2020)18

Adopted by GREVIO on 15 October 2020

Published on 30 November 2020

Secretariat of the monitoring mechanism of the Council of Europe Convention
on Preventing and Combating Violence against Women and Domestic Violence
Council of Europe
F-67075 Strasbourg Cedex
France

www.coe.int/conventionviolence

Contents

| | |
|---|-----------|
| Foreword | 5 |
| Executive summary | 7 |
| Introduction | 10 |
| I. Purposes, definitions, equality and non-discrimination, general obligations | 12 |
| A. General principles of the convention | 12 |
| B. Scope of the convention (Article 2)..... | 12 |
| C. Definitions (Article 3) | 13 |
| D. Fundamental rights, equality and non-discrimination (Article 4)..... | 14 |
| 1. Gender equality..... | 14 |
| 2. Intersectional discrimination | 14 |
| E. State obligations and due diligence (Article 5)..... | 16 |
| F. Gender-sensitive policies (Article 6) | 16 |
| II. Integrated policies and data collection | 18 |
| A. Comprehensive and co-ordinated policies (Article 7)..... | 18 |
| B. Financial resources (Article 8)..... | 19 |
| C. Non-governmental organisations and civil society (Article 9)..... | 20 |
| D. Co-ordinating body (Article 10)..... | 22 |
| E. Data collection and research (Article 11)..... | 23 |
| 1. Administrative data collection..... | 23 |
| 2. Population-based surveys | 25 |
| 3. Research | 25 |
| III. Prevention | 27 |
| A. General obligations (Article 12) | 27 |
| B. Awareness-raising (Article 13)..... | 27 |
| C. Education (Article 14)..... | 28 |
| D. Training of professionals (Article 15) | 29 |
| E. Preventive intervention and treatment programmes (Article 16) | 30 |
| F. Participation of the private sector and the media (Article 17)..... | 31 |
| IV. Protection and support | 33 |
| A. General obligations (Article 18) | 33 |
| B. Information (Article 19)..... | 34 |
| C. General support services (Article 20) | 34 |
| 1. Social and financial assistance..... | 34 |
| 2. Health | 35 |
| D. Specialist support services and shelters (Articles 22 and 23) | 36 |
| E. Telephone helplines (Article 24) | 38 |
| F. Support for victims of sexual violence (Article 25) | 38 |
| G. Protection and support for child witnesses (Article 26) | 40 |
| H. Reporting by professionals (Article 28)..... | 41 |
| V. Substantive law | 43 |
| A. Civil law..... | 43 |
| 1. Civil remedies against the state – ensuring due diligence (Article 29) | 43 |
| 2. Compensation (Article 30)..... | 44 |
| 3. Custody and visitation rights (Article 31) | 45 |
| B. Criminal law | 47 |
| 1. Psychological violence and physical violence (Articles 33 and 35)..... | 47 |
| 2. Sexual violence, including rape (Article 36)..... | 48 |

| | |
|---|-----------|
| 3. Forced marriages (Article 37) | 50 |
| 4. Female genital mutilation (Article 38) | 51 |
| 5. Sexual harassment (Article 40) | 51 |
| 6. Aggravating circumstances (article 46)..... | 52 |
| 7. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48) | 52 |
| VI. Investigation, prosecution, procedural law and protective measures..... | 54 |
| A. Immediate response, prevention and protection (Article 50) | 54 |
| 1. Reporting to and investigations by law enforcement agencies | 54 |
| 2. The role of the prosecution services and conviction rates | 55 |
| B. Risk assessment and risk management (Article 51) | 56 |
| C. Emergency barring orders (Article 52) | 57 |
| D. Restraining or protection orders (Article 53) | 58 |
| E. Ex parte and ex officio proceedings (Article 55, paragraph 2)..... | 58 |
| F. Legal aid (Article 57) | 59 |
| VII. Migration and asylum..... | 60 |
| A. Residence status (Article 59)..... | 60 |
| B. Gender-based asylum claims (Article 60) | 61 |
| Concluding remarks..... | 63 |
| Appendix I List of proposals and suggestions by GREVIO..... | 64 |
| Appendix II List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations . | 74 |

Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) (“the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Andorra. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of the Andorran legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, it proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all levels are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure a comprehensive implementation of the convention. A third level of urgency is indicated by the use of “encourages”, which is used for shortcomings that require attention, though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

¹ With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of Andorra, GREVIO received a written contribution from the NGO Acció Feminista Andorra and a written contribution from the NGO Stop Violències Andorra.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Andorra. Where available, significant legislative and policy developments up until 14 October 2020 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70 paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This assessment has been carried out by the Council of Europe's Group of Experts on Action to Combat Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO's findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. Sources of information include written reports (a state report submitted by the Andorran authorities and additional information submitted by several NGOs) and a two-day evaluation visit to Andorra. A list of the bodies and entities with which GREVIO had exchanges with can be found in Appendix II.

In Andorra, considerable efforts have been made to develop a legislative framework and guidelines shared by all institutional actors, which aim to address the various forms of violence against women covered by the scope of the convention. Law No. 1/2015 on eradicating gender-based violence and domestic violence provides a broad legal framework that includes victims' rights, prevention of violence, an integrated support system and protective measures for victims. In addition, a Guide to co-operation in cases of gender-based violence and domestic violence was recently adopted by the government in order to systematise co-operation between public entities and the professionals involved through protocols on detecting and reporting cases of violence against women. Law No. 13/2019 on equal treatment and non-discrimination and Law No. 14/2019 on the rights of children and teenagers also cover aspects related to the fight against violence against women and children.

The limitations of the Andorran administrative data collection system prevent shaping a comprehensive view of gender-based and domestic violence in the country and hinder the evaluation of public policies and laws. With the exception of the data collected by the dedicated specialist public service (the specialist Support Service for Victims of Gender-Based Violence or SAVVG), the data collected by the other institutions concerned do not meet, or only partially meet, the requirements of the convention. While acknowledging the progress made in this area, the report therefore urges the authorities to improve data collection by health, law enforcement and judicial authorities. In particular, the authorities are requested to organise a system of data collection by law enforcement and judicial authorities based on harmonised categories that would allow the tracing of cases through the criminal justice chain and would specify prosecution and conviction rates by type of violence and nature of sentences handed down, which addresses all forms of violence against women within the scope of the convention and which is disaggregated by sex and age of the victim and the perpetrator, their relationship, as well as the different forms of violence and offences covered by the Istanbul Convention. The report further notes that the provision of Law No. 1/2015 requiring the promotion of research projects on all aspects of gender-based violence including its causes, consequences and the level of public awareness is poorly implemented. The report expresses the hope that the recently established Equality Observatory will help to fill the gaps observed in the field of data collection, research and population surveys.

The report commends the role played by the Equality Policies Unit of the Ministry for Social Affairs in promoting an inter-institutional and co-ordinated approach to violence in Andorra. However, it appears that, as things stand, the success of the inter-institutional and co-ordinated approach to violence depends mainly on the capacity of this unit to mobilise and raise awareness among the institutions concerned in its bilateral relations with them, drawing in particular on the tool developed for this purpose, the Guide to co-operation in cases of gender-based and domestic Violence. While it is true that the National Commission for Preventing Gender-based Violence and Domestic Violence (CONPVGD) provides a forum where these different institutions meet to exchange and co-ordinate, the evaluation observed that no single document sets out the principles of joint, cross-cutting participation aimed at achieving predetermined shared objectives. This being the case, the report welcomes the information that on 22 June 2020, the decision was taken within the CONPVGD to appoint a contact person for each ministry concerned, in charge of drawing up action plans structuring the interventions of each ministry. These plans, which will have to set the objectives to be achieved,

the timetable for their implementation, the dedicated budgets as well as the result indicators, are likely to increase the impact of policies to combat violence against women.

Since its establishment under Law No. 1/2015, the CONPVG, comprising senior representatives of the relevant ministries and public bodies, has as its mission the co-ordination, monitoring and implementation of policies and measures to prevent and combat violence against women, in accordance with Article 10 of the convention. In addition to the lack of planning of public action noted in the previous paragraph, the report notes that the CONPVG does not have any financial or human resources of its own and that NGOs and civil society are not included in the work of this commission. Furthermore, it notes that in its current setup, the national co-ordinating body in Andorra fails to meet the requirements of Article 10 of the convention in terms of evaluation of public policies to prevent and combat violence against women. GREVIO therefore puts forth proposals to the authorities with the aim of strengthening the ability of the national co-ordinating body to perform its tasks in close collaboration with NGOs and members of civil society.

In general, the report observes that the existing institutional framework in Andorra allows only limited involvement of NGOs in the development and monitoring of laws and public policies to combat violence against women. Partnerships and funding mechanisms exist for different associations involved in the promotion of women's rights and/or support to victims, however, most of the NGOs concerned only have access to short-term funding for one-off projects, which does not allow them to plan their support and awareness-raising activities. Moreover, the amounts available are too small to enable them to organise victim support services and to cover the costs of the specialist professionals that such an approach would entail. Collaboration between the authorities and NGOs is also undermined by the authorities' practice of imposing a reporting obligation with a view to facilitating the referral of women victims of violence to the specialist public support service, the SAVVG. The report considers that such an obligation may, on the one hand, undermine the self-determination of women who do not want the violence to be known by the public authorities and, on the other hand, reduce co-operation with NGOs that would refuse to comply with it. GREVIO therefore calls upon the authorities to support more effectively, including financially, NGOs defending the rights of women victims of violence as well as specialist organisations representing women at risk of multiple discrimination, by ensuring an effective institutional dialogue with these entities.

While GREVIO welcomes Andorra's ratification of the Istanbul Convention, it has identified several priority areas in which the Andorran authorities should take additional measures to fully comply with the provisions of the convention. In addition to the considerations outlined above, these relate to the need to:

- increase the financial resources allocated to preventing and combating violence against women, including in particular the budget of the entity in charge of co-ordinating policies and measures in this field;
- take measures to ensure that the provisions of the Istanbul Convention are applied without discrimination on any of the grounds listed in Article 4, paragraph 3, of the convention;
- promote research and ensure data collection on gender-based violence affecting groups of women exposed to multiple discrimination, such as women with disabilities, LGBTI women and migrant women, so as to assess the prevalence of the various forms of violence and access by such groups to support services, protective measures and justice;
- take additional measures to ensure that all victims of sexual violence have access to specialised services offering forensic expertise and short-term medical care, as well as longer-term psychological support, ensuring that the reproductive choices of women victims of rape do not constitute a barrier to their access to these services;
- take the necessary measures, including legislative measures, to bring their legal framework into line with the requirements of Article 52 of the convention on emergency barring orders and/or remove any obstacle in practice to its application, in accordance with the requirements of this article;

-
- take the necessary measures, including legislative measures, to comply with the requirements of Article 59 of the convention concerning the residence status of victims of violence against women.

Furthermore, GREVIO has identified several additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among others, to the need to: continue to develop awareness-raising initiatives on violence against women and gender stereotypes; further encourage the employment sector to establish self-regulatory standards to prevent and combat gender-based violence against women in the workplace; define a more comprehensive strategy capable of covering all forms of violence falling within the scope of the Istanbul Convention - such as sexual harassment - ; step up training for medical staff to provide support for victims of sexual violence in keeping with their needs; ensure that women victims of violence have access to effective mechanisms for compensation; promote a systematic account of violent situations and how they differ from conflict situation by professionals involved in judicial proceedings; amend the Criminal Code to guarantee the existence of an offence of sexual violence which is firmly anchored in the absence of consent; and improve the quality of the law enforcement agencies' response of to violence against women.

Introduction

Andorra signed the Istanbul Convention on 22 February 2013 and ratified it on 24 April 2014, making a reservation to Article 30, paragraph 2, of the convention. The convention entered into force for Andorra on 1 August 2014. By a declaration dated 9 January 2020, the authorities notified their decision to renew their reservation to Article 30 and provided GREVIO with the reasons for maintaining it.

The Istanbul Convention is the most ambitious international treaty to combat violence against women and domestic violence. Its provisions include comprehensive preventive and protective measures, as well as a number of obligations to ensure a criminal justice response to such serious human rights violations. It is a pioneer in calling for the root causes of violence against women (such as gender stereotypes, traditions harmful to women and general manifestations of inequality between women and men) to be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Andorra by sending a letter and its questionnaire on 18 September 2018. The order in which the reports are transmitted to GREVIO is based on a set of criteria, including membership of regional groups and the order of ratification. The Andorran authorities subsequently submitted their state report on 22 February 2019 – the deadline set by GREVIO. Following the preliminary examination of the Andorran state report, GREVIO carried out an evaluation visit to Andorra on 12 and 13 February 2020. The delegation was composed of:

- Françoise Brié, member of GREVIO
- Marie-Claude Hofner, member of GREVIO,
- Christina Olsen, Administrative officer at the Secretariat of the Istanbul Convention Monitoring Mechanism;
- Valentine Josenhans, member of the Secretariat of the Istanbul Convention Monitoring Mechanism.

During the evaluation visit, the delegation was welcomed by high-level public figures, including Víctor Filloy Franco, Minister for Social Affairs, Housing and Youth, Joan Martínez Benazet, Minister for Health, Marc Pons Martell, State Secretary for Equality and Citizen Participation, and Joan Antoni León Peso, State Secretary for Justice and Home Affairs. In addition, the delegation met a wide range of governmental and non-governmental representatives working in the field of preventing and combating violence against women, including legal, health and education professionals, social workers, psychologists and representatives of NGOs. A list of the national authorities, NGOs and other entities met is presented in Appendix II to this report. GREVIO is grateful for the valuable information provided by each of them.

The evaluation visit was prepared in close co-operation with Mireia Porras, Head of Equality Policies in the Ministry for Social Affairs, Housing and Youth (“the Ministry for Social Affairs”), in her capacity as contact person for the evaluation conducted by GREVIO. GREVIO would like to express its gratitude for the co-operation and support provided throughout the evaluation process, and for the constructive approach adopted by the Andorran authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Andorran authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all the chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each of the provisions of these chapters.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention establishes the general principles that apply to all the substantive articles grouped in Chapters II to VII. These principles state, inter alia, that it is a fundamental human right of everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. In addition, they specify that the implementation of the convention and the assessment of its impact must include a gender perspective.

B. Scope of the convention (Article 2)

2. The scope of the first GREVIO baseline evaluation is defined in the light of the scope of the Istanbul Convention, as set out in Article 2, paragraph 1. All forms of violence against women, including domestic violence, which disproportionately affects women, are therefore taken into account. In line with the definition set out in Article 3 (a), the term “violence against women”, which is used in the evaluation, covers “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, while, in accordance with Article 3 (b), the term “domestic violence” refers to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.” Chapter V of the convention then sets out those types of violence against women which must be made criminal offences (or possibly otherwise punished). These are psychological violence, stalking, physical violence, sexual violence including rape, forced marriages, female genital mutilation, forced abortion and sterilisation, and sexual harassment.

3. Following ratification of the Istanbul Convention, Andorran legislation was expanded to cover more forms of violence against women and recognise the gendered nature of violence against women. In 2013 and 2014, the Andorran Criminal Code was amended to include the offences of forced marriage, forced sterilisation, forced abortion and female genital mutilation. In 2015, Law No. 1/2015 on eradicating gender-based violence and domestic violence was passed. It provides a broad legal framework making provision for victims’ rights, the prevention of violence and an integrated support system and protective measures for victims. The government also recently adopted a guide to co-operation in cases of gender-based violence and domestic violence so as to ensure that co-operation between public bodies and the professionals concerned becomes the rule through specific protocols on detecting and reporting cases of violence against women.

4. In terms of gender equality, priority measures were determined under the Equality White Paper produced in 2017 and 2018 by the Andorran parliament and government after a process of consultation with civil society. These priorities included the passage of Law No. 13/2019 on equal treatment and non-discrimination and Law No. 14/2019 on the rights of children and teenagers. These two laws have extensive scopes covering aspects relating to violence against women and children. In particular, Law No. 13/2019 entailed recognition of sexual harassment and gender-based harassment as forms of discrimination against women that gave access to the remedies provided for by law, without prejudice to the applicability of the corresponding criminal offences.

5. GREVIO welcomes the scale of the efforts made in Andorra to develop legislation and guidelines shared by all institutional players, aimed at addressing the various forms of violence against women covered by the convention. GREVIO also welcomes the authorities on the attention paid to domestic violence, with a particular focus on women victims of gender-based violence, which ensures that their action in this area is in line with the recommendations of Article 2, paragraph 2, of the convention. Nevertheless, GREVIO notes that, in practical terms, the guidelines issued, such as the co-operation guide, do not include any information or specific measures concerning the detection or reporting of cases of sexual harassment, forced marriages or female genital mutilation.

6. GREVIO encourages the Andorran authorities to ensure that preventing and combating all forms of violence against women covered by the Istanbul Convention, in particular sexual harassment, forced marriages and female genital mutilation are included and addressed in sufficient detail in policy documents and other relevant instruments such as guidelines and guides for the relevant professionals concerning violence against women.

C. Definitions (Article 3)

7. The recent amendment of Article 2 (1) of Law No. 1/2015² introduced the term “gender-based violence against women”, which covers all acts of physical, psychological, sexual or economic violence against women. Law No. 13/2019 explicitly defines these forms of violence against women as violations of human rights and a form of discrimination against women. Article 3 (2) of Law No. 13/2019 provides that women are particularly exposed to discrimination because of structural inequalities linked to the power relations between women and men. GREVIO notes with satisfaction that the approach thus followed by the Andorran parliament is in line with the standards of the convention because it deals holistically with violence against women and clearly addresses its gender dimension, which is rooted in social representations that place women in positions of inferiority in relation to men. In this connection, the victims’ gender appears to be the main motivation for violence against women.

8. Article 2 (2) of Law No. 1/2015 defines “domestic violence” in the same terms as Article 3(b) of the Istanbul Convention. Under Law No. 1/2015, the gender dimension is the factor that differentiates violence against women from domestic violence. In the Andorran context, the term “domestic violence” is therefore often interpreted as covering domestic violence towards the elderly and persons with disabilities, sibling and intergenerational violence, domestic violence towards men and LGBTI intimate partner violence.³

9. Law No. 1/2015 also establishes a definition of “victims”, which includes all individuals, of any age, who suffer forms of gender-based violence against women or domestic violence, as well as their children. GREVIO notes with interest that this definition includes both child victims of violence and children who witness violence committed against one of their parents, who are also traumatised by their exposure to violence. Law No. 3/2019 also incorporates the concept of “secondary victimisation”, which is defined as “the consequences of deficient or inadequate action or of omissions on the part of public services which cause the victim additional suffering”.

10. GREVIO welcomes the Andorran authorities’ efforts to establish a conceptual framework covering violence against women and to promote terminology employing the concepts and definitions set out in the Istanbul Convention in legislation and other policy documents. This approach makes for systematic analysis of the various forms of violence from the angle of gender relations and fosters a common understanding of violence shared by all players concerned and among the general public.

² Article 2 (1) of Law No. 1/2015 was amended by Law No. 13/2019.

³ Government of Andorra (2019), Guide to co-operation in cases of gender-based violence and domestic violence (in Catalan only), p. 60.

D. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality

11. Formal gender equality is enshrined in Article 6, paragraph 1, of the Andorran Constitution, which provides that “all persons are equal before the law [and] no one may be discriminated against on grounds of birth, race, sex, origin, religion, opinions or any other personal or social condition”. Moreover, Article 6, paragraph 2, of the Andorran Constitution requires the authorities to create the conditions for real equality between individuals.

12. The statistical data that exist in Andorra illustrate the persistence of gender inequality, as reflected, in particular, in pay gaps and imbalance in the sharing of household responsibilities.⁴ Law No. 13/2019 on equal treatment and non-discrimination is a promising advance in terms of giving effect to the principles of formal and substantive equality enshrined in the country’s constitution. Although Law No. 13/2019 is not specifically devoted to gender equality, it does stipulate that it is aimed particularly at women because of the structural inequalities stemming from the unequal power relations between women and men. It also defines some types of discrimination that specifically affect women, including discrimination related to pregnancy and motherhood and sexual harassment, and lays down the principle of equal pay for women and men. Law No. 13/2019 requires the principles of equality and non-discrimination (direct and non-direct) to be applied across the board in the private and public sectors. GREVIO also notes with satisfaction that Articles 17 and 21 of Law No. 13/2019 promote the implementation of positive measures involving differential treatment of certain groups of individuals, including women, so as to correct or offset situations of inequality.

13. Law No 13/2019 provides for the establishment of an Equality Observatory tasked with collecting gender-disaggregated data and conducting reviews to track developments in gender equality in various fields. Given that the law was primarily designed to address specific population groups and does not cover gender-based discrimination against women properly, the authorities have informed GREVIO that specific draft legislation on effective gender equality is being drawn up, which GREVIO welcomes. There are also plans to draw up a four-year programme for effective gender equality, incorporating specific measures to foster the reconciliation of personal life, family life and work. At the time of GREVIO’s evaluation, these various measures were being examined by the Andorran government and consultations concerning them were under way with civil society stakeholders.

14. GREVIO encourages the Andorran authorities to continue their efforts to adopt and implement legislation and public policies on gender equality.

2. Intersectional discrimination

15. Article 4, paragraph 3, of the convention requires parties to ensure the implementation of the provisions of this convention without discrimination of any kind. This article provides a non-exhaustive list of grounds for discrimination based on Article 14 of the European Convention on Human Rights and on the list contained in Protocol No. 2 to that convention;⁵ Article 4 also refers to gender, sexual orientation, gender identity, age, health status, disability, marital status, migrant or refugee status or any other situation. This obligation stems from the fact that discrimination against certain groups of women, for example by law enforcement, the judiciary or service providers, is still widespread.⁶

⁴ Data for 2017 published on the website of the Social Observatory of the Andorran Research Institute show that women’s average monthly pay stood at 1 805 euros as against 2 331 euros for men; women spent an average of 16.5 hours on household tasks as against 9.7 hours for men.

⁵ These include the following grounds of discrimination: sex, race, colour, language, religion, political or other opinion, national or social origin, membership of a national minority, property, birth or other status.

⁶ Explanatory Report to the Istanbul Convention, paragraphs 52-54.

16. Law No. 13/2019 is the cornerstone of Andorran legislation combating unequal treatment and discrimination. Article 2, paragraph 3, provides that the law is aimed, in particular, at women and vulnerable groups, including children and young people, the elderly, persons with disabilities, new residents and the LGBTI community. In addition, Article 8 of Law No. 13/2019 defines “multiple discrimination” as a “situation in which an individual is discriminated against on account of the combination or interaction of different grounds of discrimination”. Acts or omissions constituting forms of multiple discrimination are deemed to be “very serious offences” punished by fines ranging from 3 001 to 24 000 euros. GREVIO welcomes the enactment of this legislation which recognises multiple forms of discrimination as a serious violation of human rights and addresses the social reality of some groups of women who suffer unequal treatment based on gender and other personal characteristics.

17. In Andorra, there are no official data for assessing the prevalence of the various forms of violence committed against certain groups of women exposed to multiple discrimination, including women with disabilities, LGBTI women, women in prostitution and migrant women. In addition, there are only a limited number of measures and programmes of action in Andorra at present which take an intersectional approach to violence against women. While the guide to co-operation identifies groups of women who are particularly exposed to violence, these situations of vulnerability are not, however, addressed on a cross-cutting basis in the intervention protocols for the relevant professionals.⁷ Increased efforts in this area nevertheless remain necessary so as to remove the obstacles which civil society stakeholders state hinder access to support, protection and justice by women suffering multiple discrimination.

18. The issue of the protection and support for women with disabilities who are victims of violence is addressed by the ninth final provision of Law No. 27/ 2017 on the implementation of emergency measures to implement the Convention on the Rights of Persons with Disabilities. This provision makes it necessary to revise the protocol for the care of victims of criminal offences to take into account the particular vulnerability of persons with disabilities, with particular regard to the situation of women and girls with disabilities. Although this revision had not yet been carried out at the time of the GREVIO evaluation, a protocol dedicated to the detection and reporting of violence against women with disabilities has nevertheless been concluded within the Ministry of Social Affairs between the Equality Policies Unit and the Department for the Promotion of Personal Autonomy. In addition, when organising awareness campaigns on violence against women, the authorities seek to ensure that persons with reduced mobility, blind or visually impaired are able to participate. GREVIO was also informed that collaboration is underway between the Andorran authorities and the Spanish association Lecture Facile, with the aim of making the standards of the Istanbul Convention accessible to this group of women.

19. Despite these efforts, specialist NGOs alerted GREVIO to the fact that women with disabilities face difficulties when it comes to reporting acts of violence and seeking assistance. The relevant obstacles mainly involve a lack of information in accessible formats on the support services available and also the fact that women with disabilities choose not to use support services because they are afraid that they will not be received and supported in a manner suited to their needs. Moreover, although Article 3*bis* (1) of Law No. 27/2017 provides that all public policies must take account of the protection and promotion of the rights of persons with disabilities, GREVIO notes with concern that organisations representing persons with disabilities are not often involved in the development of policies on violence against women and do not interact much with the relevant services. Nor has the issue of violence against women with disabilities been discussed so far in the National Commission on Disability, an advisory body with representatives of specialist NGOs.

20. Although LGBTI persons are included in the vulnerable groups identified in Law No. 13/2019, LGBTI women are not taken into account in the policy documents on violence against women such as

⁷ The guide to co-operation in cases of gender-based violence identifies several groups of women exposed to double discrimination, i.e. newly arrived migrant women, socially excluded women, pregnant women, elderly women and women with disabilities.

the guide to co-operation. During its exchanges with civil society representatives, GREVIO was told that inadequate awareness-raising and guidance for institutions regarding these issues meant that LGBTI women chose not to contact support services or law enforcement agencies in Andorra and turned to services in other countries instead. GREVIO takes note of the recent collaboration between the authorities and the specialist association on LGBTI issues DiversAnd, and considers that it offers a promising framework for the development of policy and practice in this area.

21. Approximately half the women living in Andorra are not Andorran nationals. While most are Spanish, Portuguese or French, approximately 11% of women living in Andorra have other nationalities.⁸ According to the latest detailed official data, these migrants mainly come from European countries, Latin America, North Africa and South-East Asia.⁹ The migrant women include domestic workers and seasonal workers who are often unaware of their rights and run the risk of being employed outside the legal employment framework.¹⁰ In these circumstances, they are at risk of violence and sexual harassment at work.¹¹ More generally, the 327 women receiving support from the relevant service (the Comprehensive Support Service for Victims of Gender-Based Violence or SAVVG) included 237 who were not Andorran nationals.¹² These data show the high exposure of migrant women to violence. Nevertheless, GREVIO notes with concern that the situation of migrant women has so far not been addressed to any great extent in research and public policies in Andorra on violence against women.

22. GREVIO strongly encourages the Andorran authorities to:

- a. take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3;**
- b. promote research and ensure the collection of data on gender-based violence affecting groups of women exposed to multiple discrimination, including women with disabilities, LGBTI women and migrant women, so as to assess the prevalence of the various forms of violence and access by such groups to support services, protective measures and justice;**
- c. integrate the perspectives and needs of such groups into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women, in partnership with the specialist associations concerned and by including representatives of these associations in these processes.**

E. State obligations and due diligence (Article 5)

23. Comments regarding States Parties' obligations under Article 5 of the Istanbul Convention are set out later in this report, in Chapter VI.

F. Gender-sensitive policies (Article 6)

24. The nature of the obligation imposed on States Parties by Article 6 is twofold. On the one hand, it calls for the integration of a gender perspective in the development of measures to implement the convention and in the assessment of their impact. On the other hand, this article calls on parties to promote and implement policies aimed at gender equality and women's empowerment. This obligation

⁸ Government of Andorra Statistics Department (2019), Population by gender and nationality (in Catalan).

⁹ Government of Andorra Statistics Department (2019), Population by parish and nationality (in Catalan).

¹⁰ GRETA (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Andorra, Second evaluation round, GRETA (2019) 10.

¹¹ *Stop Violences* association(2019), report for the Beijing 95 Platform for the period 2014-2018 (in Spanish only).

¹² Support Service for Victims of Gender-Based Violence (SAVVG), presentation (in Catalan), 31 December 2019.

reinforces Article 4, paragraph 2, which condemns and prohibits discrimination.

25. In recent years, the Andorran authorities have made considerable efforts to ensure the integration of a gender perspective in the measures to combat violence against women. Article 4 of Law No. 1/2015 provides that policies and measures implemented to combat violence against women must adopt a gender-based approach so as to eliminate the social discrimination and sexist behaviour that perpetuate such violence. Similarly, under Article 3.q of Law No. 6/2014 restructuring the social and health services, all protocols, programmes and measures of these services must incorporate a gender perspective. In addition, the reform of the General Rules of the Parliament (Consell General) of 7 February sought to ensure that all Andorran legislation drawn up is gender sensitive. In particular, Articles 92 and 103 provide that all bills examined in parliament must be accompanied by reports demonstrating that the planned legislation includes a gender perspective. While GREVIO welcomes the adoption of these legislative measures, it notes that it is difficult to ascertain the state and impact of their implementation, in particular because of the lack of machinery for assessing public policies relating to violence against women in Andorra.

26. GREVIO observes that all official policy documents from the administrative entity in charge of co-ordinating policies on violence, i.e. the Equality Policies Unit in the Ministry for Social Affairs,¹³ consistently adopt a gender-based approach to violence against women. In addition, GREVIO notes with satisfaction that a gender perspective is also incorporated in other policy instruments such as Law No. 4/2019 on Employment (requiring the government to promote vocational integration measures for women victims of violence) and the Strategic National Plan for implementing the 2030 Agenda for Sustainable Development (which provides for the incorporation of a cross-cutting gender perspective, in particular in education).

27. Nevertheless, the Andorran authorities themselves acknowledge that the systematic introduction of a gender perspective incorporating the issue of gender-based violence in the development of programmes, public policies and laws remains a challenge which requires sustained investment, involving, in particular, increased training for the various professionals concerned. The authorities themselves note that obstacles stand in the way of standardisation of the use of a gender-sensitive approach by all government institutions and public servants.¹⁴ For example, some departments such as law enforcement agencies continue to use terms such as “mutual violence (in the home)” in official statements when addressing violence against women.¹⁵ GREVIO underlines that such gender-neutral terms based on two-way violence play a part in making violence against women invisible, as they do not make a distinction between victims’ actions in defending themselves and the violent conduct of the perpetrators.

28. GREVIO encourages the Andorran authorities to continue their efforts to ensure that a gender-based approach to violence against women, as set out in Law No. 1/2015, is mainstreamed into policies and the relevant official documents issued by all institutional players. GREVIO also encourages the Andorran authorities systematically to assess the gender-related impact of the measures taken to prevent and combat violence against women.

¹³ See, for example, the *Rules of the Committee for the Prevention of Gender-Based Violence and Domestic Violence*, the *Guide to co-operation in cases of gender-based violence and domestic violence*, including the intervention protocols signed by the Equality Policies Unit and the Department of Social Affairs, the police, the employment service, the health service, the mental health centre and the addictive habits unit (in Catalan only).

¹⁴ Government of Andorra (2019), report for the Beijing 95 Platform for the period 2014-2018 (in Spanish only).

¹⁵ See “*Balanç de detencions efectuades durant la darrera setman*” (figures for weekly arrests) for the period from 2015 to 2019 (in Catalan only), published every week on the Andorran police website.

II. Integrated policies and data collection

29. Chapter II of the Istanbul Convention sets out the fundamental condition for a comprehensive response to violence against women: the need to implement effective, comprehensive and co-ordinated national policies, supported by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

30. A core aspect of the co-ordinated inter-institutional approach to violence in Andorra is the Guide to co-operation in cases of gender-based violence and domestic violence. The guide is a technical tool that defines the procedures which public bodies must adopt when dealing with women victims of violence. It is made up of bilateral intervention protocols that lay down the arrangements for co-operation between the signatory institutions and the Equality Policies Unit in the Ministry for Social Affairs and establish the principle that any victims who come to the knowledge of other individual institutions should be directed to the Support Service for Victims of Gender-Based Violence (SAVVG) in that unit. The latter is responsible for conducting prevention measures, drawing up benchmark policy documents on violence, managing the delivery of public victim support services and establishing co-operation with other public bodies.

31. GREVIO notes that, as things stand, the success of the co-ordinated inter-institutional approach to violence in Andorra is based primarily on the actions of the administrative entity in charge of promoting the principles of the guide to co-operation – i.e. the Equality Policies Unit – and on its ability to mobilise, and raise awareness among, the institutions concerned in its bilateral dealings with them. While there is a forum where these various institutions come together to exchange views and liaise,¹⁶ there is no single document setting out the principles of joint, cross-cutting participation aimed at achieving predetermined shared objectives. The lack of such a document is all the more problematic since varying degrees of involvement of the public stakeholders in the pursuit of the relevant policies were identified by GREVIO during its evaluation. GREVIO points out that Article 7 of the convention requires the implementation of comprehensive and co-ordinated policies based on the commitment of all relevant stakeholders. The adoption of a national action plan and/or of shared policy objectives could address this shortcoming, as they would make it possible to keep track of the direction taken by inter-departmental action in the area of violence, focusing on the responsibility borne by each institution in achieving the expected outcomes.

32. Lastly, GREVIO notes that in order to support a comprehensive and co-ordinated response to violence mainstreamed across all levels of government action, it might be useful to ensure greater clarity in terms of the legislative and policy framework on combating violence against women. The recent increase in the number of instruments in this area has made understanding the standards in force for combating such violence somewhat complex.

33. GREVIO strongly encourages the Andorran authorities to:

- a. **take steps to increase the involvement of all the institutions concerned so as to enable a co-ordinated, cross-cutting approach by all levels of authority in preventing and combating violence against women;**
- b. **plan the policies and measures adopted to combat violence against women by setting, for each institution concerned, clear objectives and performance indicators, while ensuring that all the relevant institutions develop their own capacity in the area of violence so as to contribute effectively to interinstitutional co-operation.**

¹⁶ The National Commission for Preventing Gender-Based Violence and Domestic Violence (CONPVGD), described in this report in the section on Article 10 of the convention (Co-ordinating body).

B. Financial resources (Article 8)

34. In Andorra, the financial resources for public policies and measures relating to gender-based violence and domestic violence are centralised in the Equality Policies Unit in the Ministry for Social Affairs. The unit's annual budget funds the specialist public support services and economic assistance for women victims of violence, as well as awareness-raising activities and the rehabilitation programme for perpetrators. The budget also covers the operating expenditure of the national co-ordinating body, the National Commission for Preventing Gender-Based Violence and Domestic Violence (CONPVGD). GREVIO welcomes the increase in the funding allocated to the Equality Policies Unit since it was set up in 2016.¹⁷ Nevertheless, it notes that it is difficult to distinguish the exact share of the budget allocated to measures relating to violence against women from that allocated to the other departments in the Equality Policies Unit.¹⁸

35. Moreover, it would seem that in 2017, almost half of the Equality Policies Unit's budget went on economic assistance for women victims of violence.¹⁹ While GREVIO welcomes this investment in economic assistance for women victims, it wonders about the ability of the remaining financial resources to fund all the co-ordination, prevention, support and awareness-raising activities in the area of violence against women, as well as the activities of the other departments in the Equality Policies Unit. During the evaluation procedure, GREVIO noted the extent to which the limited human and financial resources of the Equality Policies Unit were stretched as a result of the unit's involvement on many fronts, in connection with the whole range of different institutions involved directly or indirectly in addressing the issues of violence against women.

36. Apart from the funds allocated to the Equality Policies Unit, it is hard to determine the share of public funding that goes on preventing and combating violence against women at national and local level. There is no single policy document in Andorra listing all the amounts specifically allocated to this area in the various ministries and local entities ("*comuns*"). GREVIO therefore underlines the added value of adopting gender budgeting in all public bodies so as to plan, monitor and assess the execution of the specific public funding.

37. At civil society level, the Ministry for Social Affairs awards grants every year to NGOs and civil society organisations to fund awareness-raising projects. In 2019, the funding here totalled 59 408 euros. The allocation criteria for the grants were not, however, explained to GREVIO and the last call for projects for 2019 was not specifically targeted at violence against women.²⁰ GREVIO welcomes the information that the call for projects for the year 2020 will take up the objectives of the Council of Europe's Strategy for Equality between Women and Men (2018-2023), which includes the eradication of violence against women. However, GREVIO notes that NGOs representing the rights of women and vulnerable groups only have access to short-term funding for specific projects, which does not enable them to plan their support and awareness-raising activities.²¹ Federations of NGOs representing vulnerable groups such as persons with disabilities receive fixed annual grants. However, the NGOs consulted by GREVIO generally indicated that the sums available are too small to enable them to organise victim support services and cover the costs of the specialist professionals that would be needed in that connection.

¹⁷ The budget of the Equality Policies Unit totalled 127 392 euros in 2016 and 191 846 euros in 2017.

¹⁸ The Equality Policies Unit comprises seven departments: the Support Service for Victims of Gender-Based Violence (SAVVG), the Programme to Promote Non-Violent Relationships, the Service for Victims of Domestic and Family Violence (SAVVDF), the Family Meetings Service (STF), the Equality Department and the Support Service for Refugees.

¹⁹ According to the state report submitted by Andorra to the Beijing Platform in May 2019, economic assistance totalling 85 077 euros was provided to women victims of gender-based violence in 2017.

²⁰ See call for projects issued by the Ministry for Social Affairs to civil society organisations in August 2019, available on the ministry's official website.

²¹ Written contribution by the Stop Violències association, submitted to GREVIO in February 2019, p. 4.

38. GREVIO strongly encourages the Andorran authorities to:

- a. increase the financial resources allocated to preventing and combating violence against women, including, in particular, the budget for the entity in charge of co-ordinating policies and measures in this area;**
- b. take steps, in particular by planning earmarked funding, to make it possible to identify more effectively the sums spent on the issue of violence by all relevant national and local institutions;**
- c. enhance their support for civil society organisations, by stepping up access to stable, sustainable grants in line with projected needs for NGOs involved in combating violence against women and NGOs supporting women at risk of multiple discrimination so that the said organisations expand their awareness-raising and support activities.**

C. Non-governmental organisations and civil society (Article 9)

39. In Andorra, several NGOs are active in promoting women's rights and combating gender-based violence. They are mainly involved in awareness-raising activities and are not particularly heavily involved in providing victim support services, in particular because of the inadequacy of their resources. There are also various associations, including some grouped together in federations, which work with vulnerable groups such as persons with disabilities, LGBTI persons and the elderly.

40. To foster the involvement of civil society in the development of public policies, in particular those relating to social and health services, the Andorran authorities set up a commission for the participation of civic entities in the area of health and social services (COPEC) in 2016. This advisory body provided for in Article 41 of Law No. 6/2014 on social and health services is tasked with drawing up the national plan on social and health services and making recommendations to improve the delivery of those services. It is made up of members of the government and civil society organisations, including two women's rights NGOs.²² While GREVIO welcomes the establishment of a body for co-operation with NGOs, it is nevertheless concerned about the body's limited influence and the lack of planning of its activity in view of the delay in drawing up the national plan on social and health services. Some NGOs also told GREVIO that their recommendations were not taken into account properly at the meetings of the COPEC. Moreover, the COPEC is not a body that deals specifically with violence against women. The co-ordinating body in this area, the National Commission for Preventing Gender-Based Violence and Domestic Violence (CONPVGD), does not hold any consultations with NGOs during its meetings.

41. NGOs were consulted by the Andorran government on an ad hoc basis in 2016 and 2017, during the preparation of the Equality White Paper, which took stock of gender equality policies in Andorra. This process, which led to the passage of Law No. 13/2019 on equal treatment and non-discrimination, included NGOs representing the rights of women and vulnerable groups. Nevertheless, several of them indicated that they were not involved in developing the measures which followed the preparation of the Equality White Paper. GREVIO has been informed by the Andorran authorities that the regulation on the Equality Observatory²³ provides for the possibility of including NGOs in the discussions of a working group on women's rights.²⁴ Nevertheless, at the time of GREVIO's evaluation, this measure had not yet been implemented. GREVIO therefore notes that there is

²² See regulation of 20 July 2016 on the commission for the participation of civic entities in the area of health and social services.

²³ The role and remit of the Equality Observatory in relation to the issue of violence against women in Andorra are examined below in this report, in connection with Article 10 of the Convention (Co-ordinating body).

²⁴ See Article 5 (c) of the decree of 19 February 2020 approving the regulation on the Equality Observatory. This states that civil society entities may take part in the various working groups of the Equality Observatory dealing with the situations of women, the elderly, persons with disabilities, children, LGBTI+ persons and migrants respectively. The government has not yet announced the composition of these working groups.

currently no institutional framework in Andorra to enable NGOs to be involved effectively in drawing up laws and public policies on combating violence against women.

42. In recent years, the Andorran authorities have worked to facilitate the referral of women victims of violence to the specialist public service (SAVVG) by promoting the conclusion of co-operation protocols between the SAVVG and the various institutions which may come into contact with victims and their children, as well as any associations concerned. To date, only one such protocol has been signed with an NGO, under which it is required to report the matter to the SAVVG by email when it becomes aware of women being victims of violence.²⁵ The women whose cases have been reported may then decide whether they want support from the SAVVG. Several NGOs expressed fears to GREVIO that the introduction of a mandatory reporting system of this kind weakens NGOs' role in supporting victims and discourages women from seeking assistance. These NGOs state that they may not be in a position to communicate the personal data of women victims of violence whom they are helping to the SAVVG if the women do not give their prior consent. They further note that this approach is not suited to women who are not willing to initiate formal procedures or who prefer to be helped anonymously by NGOs.

43. GREVIO is concerned that an obligation to report to the SAVVG may undermine the self-determination of women who do not want the violence to be known by the public authorities and may reduce co-operation between the Andorran authorities and any NGOs which may refuse to sign co-operation protocols. It reiterates the strong reservations already expressed in other evaluation reports²⁶ about the need for the authorities to access such data for the purpose of following up cases of violence disclosed to specialist victim support associations. In its reports, GREVIO has underlined the need to respect working methods of women's specialist NGOs, and the core requirement that specialist services safeguard victims' confidentiality and anonymity. These standards have been developed and refined by women's movement and have been comprehensively reviewed in Council of Europe publications²⁷. Moreover, requiring victims to consent to the transmission of such data would disregard the vulnerability of their situation and undermine their relationship of trust with specialist services run by NGOs. Because migrant women are especially vulnerable, the reporting obligation may dissuade them in particular from seeking assistance, but the fact is that these women account for the vast majority of victims who contact the SAVVG.²⁸

44. GREVIO strongly encourages the Andorran authorities to:

- a. step up the involvement of NGOs in all stages of the preparation, co-ordination, implementation and evaluation of laws, public policies and programmes to prevent and combat violence against women;**
- b. ensure that co-operation between NGOs and the government to combat violence against women is not subject to a duty to report cases of violence so as to respect victims' autonomy in their choice of action;**
- c. support more effectively, including financially, NGOs which assist women victims of violence by ensuring effective institutional dialogue with them.**

²⁵ See intervention protocol of the Association of Andorran Women (ADA) on dealing with gender-based violence and domestic violence signed in 2018 by the Andorran authorities and ADA.

²⁶ See GREVIO reports evaluating the implementation of the provisions of the Istanbul Convention by Italy (paragraph 77) and Montenegro (paragraph 40).

²⁷ *Combating Violence against Women: Minimum Standards for Support Services*, L. Kelly and L. Dubois, Council of Europe, 2008, and *Ensuring Data Collection and Research on Violence against Women: Article 11 of the Istanbul Convention*, Council of Europe, 2016.

²⁸ See paragraph 21 of this report.

D. Co-ordinating body (Article 10)

45. The adoption of Law No. 1/2015 led to the establishment of the National Commission for Preventing Gender-Based Violence and Domestic Violence (CONPVG), a political and technical body for interinstitutional co-ordination and co-operation. Since 2016, this body comprising senior representatives of ministries and public bodies dealing with gender-based violence and domestic violence has met twice a year.²⁹ Under Article 20 (3) of Law No. 1/2015, the commission is tasked with following up implementation of the said law; devising prevention, detection and intervention strategies concerning gender-based violence; assessing public policies to prevent and combat gender-based violence; and drawing up co-operation protocols between the public bodies concerned.

46. At its twice-yearly meetings, the CONPVG has already followed up and further developed the implementation of certain provisions of Law No. 1/2015, for instance with the establishment in 2018 of a programme for the perpetrators of violence and a space for family meetings to enable visiting rights to be exercised. The same year, it approved the Guide to co-operation in cases of gender-based violence and domestic violence. NGOs and civil society are not included in the co-ordination, implementation and monitoring activities carried out at the CONPVG meetings.

47. GREVIO notes that in the absence of a national action plan or predefined policy objectives, the CONPVG does not base its work on strategic and operational tools that describe the steps needed to achieve objectives set. This lack of planning of public action undermines the clarity of the CONPVG's activities and achievements as the body responsible for co-ordinating, monitoring and implementing policies and measures to prevent and combat violence against women. Moreover, the CONPVG does not have any financial or human resources of its own. Its resources depend on those of the Equality Policies Unit in the Ministry for Social Affairs.³⁰ GREVIO is concerned by the fact that the financial and technical support needed for the operation of the CONPVG has been added to the workload of that unit and is a drain on its limited resources. In view of the operational arrangements observed, GREVIO expresses its reservations as to the ability of the CONPVG to fulfil effectively its co-ordinating, monitoring and implementing tasks which are required of the national co-ordinating body pursuant to Article 10 of the Convention.

48. Among the various functions referred to in Article 10 of the convention, GREVIO would underline that the evaluation function must be understood as entailing independent and scientific evaluation, based on sound data, of the question of whether the measures taken achieve their goals and/or produce unintended consequences. It is important to underline the need to make a distinction between the preparation, implementation, monitoring and evaluation of policies and to assign these tasks to separate bodies. A body in which close institutional ties exist between those who implement the measures and are politically accountable for them on the one hand and those who are supposed to evaluate the effectiveness of the measures on the other, or even a body in which the two groups are identical may not ensure the necessary objectiveness for independently assessing and evaluating the policies and measures adopted. In Andorra, Law No. 1/2015 and the decree of 16 March 2016 provided that the CONPVG's terms of reference include the evaluation of public policies and measures in this area. In its current setup, the national co-ordinating body in Andorra does not therefore meet the requirements of Article 10 of the convention in terms of evaluation of public policies to prevent and combat violence against women.

²⁹ Under Article 4 of the legislative decree of 16 March 2016, the Commission for Preventing Gender-Based Violence and Domestic Violence includes senior representatives of the ministries responsible for social affairs, health, justice and education, as well as the director of the police department and the head of the Equality Policies Unit in the Ministry for Social Affairs (acting as secretariat).

³⁰ See Article 2 (2) of the decree of 9 March 2016 approving the regulation on the National Commission for Preventing Gender-Based Violence and Domestic Violence.

49. In view of the above, GREVIO notes with interest the future activity of the Equality Observatory provided for in Article 29 of Law No. 13/2019 on equal treatment and non-discrimination, which will be tasked with collecting gender-disaggregated data and evaluating public equality policies. The authorities have informed GREVIO that the function of evaluating public policies on gender-based violence will be performed by the body as soon as it starts operating. Under the regulation on the observatory adopted recently, it will comprise representatives of the ministries that are also members of the CONPVG and representatives of the Andorran Research Institute, the Statistics Department, the Andorran Social Security Fund and the National Ombudsperson.³¹ Against this background of the partial overlapping of the membership of the CONPVG and the Equality Observatory, GREVIO underlines the importance of guaranteeing the necessary independence for examining and evaluating the measures in place objectively.

50. GREVIO notes with interest the information that on 22 June 2020, the decision was taken within the CONPVG to appoint a contact person for each ministry concerned, in charge of drawing up action plans structuring the interventions of each ministry. These plans, which must set the objectives to be achieved, the timetable for their implementation, the dedicated budgets and the result indicators, will be such as to enable more rigorous monitoring and evaluation of the actions undertaken and increase the impact of policies to combat violence against women.

51. GREVIO strongly encourages the Andorran authorities to:

- a. strengthen the ability of the national co-ordinating body to perform its tasks, by ensuring, in particular, that it operates on the basis of clear policy guidelines that identify the objectives to be achieved and state, measure by measure, the bodies responsible for implementing them, the timeframe, the resources allocated and the performance indicators;**
- b. provide the national co-ordinating body with appropriate financial and human resources;**
- c. ensure independent monitoring and evaluation based on sound data of the application of the public policies to prevent and combat violence against women;**
- d. involve members of civil society, in particular specialist women's rights associations, in the co-ordination, implementation, monitoring and evaluation of these policies.**

E. Data collection and research (Article 11)

1. Administrative data collection

52. Among law enforcement agencies, the Police Force Data Processing Centre pools and processes information relating to criminal offences. It produces quarterly statistics on the offence of abuse in the domestic sphere defined in Article 114 of the Criminal Code, which includes physical and psychological violence of an intergenerational nature or committed against a current or former intimate partner. These non-public data are classified by acts of physical violence, acts of psychological violence and acts of both physical and psychological violence. They also indicate the age, gender and residence status of the perpetrators. They do not include any information on the victims' gender, age or relationship with the perpetrators, except for data not disaggregated by gender on intimate partner violence. During the evaluation visit, GREVIO noted that no data were collected concerning physical or psychological violence against women committed outside the domestic sphere and that data on sexual violence, harassment, sexual harassment or female genital mutilation were also missing. In light of the above, GREVIO welcomes the information that the Police Force has in the meantime started collecting data on gender-based violence against women in addition to data on domestic

³¹ See Article 4 (1) of the decree of 19 February 2020 approving the regulation on the Equality Observatory.

violence³².

53. At the judicial level, the Prosecutor General's Office publishes annual data on cases of gender-based violence or domestic violence referred to the Andorran courts.³³ The data are broken down according to the classification of offences in the Criminal Code. A coding system has been introduced to indicate whether the offences constitute "gender-based violence", "domestic violence" or "violence against a child".³⁴ The data on criminal offences recorded as "gender-based violence" only concern violence against women. It is impossible to ascertain the proportion of the offences recorded as "domestic violence" or "violence against a child" which were committed against women or girls, as the data are not disaggregated by gender. Nor are the data broken down by the relationship between victim and perpetrator.

54. More generally, the makeup of the judicial data collected by the Prosecutor General's Office is such that it is impossible to retrace all stages in the judicial processing of cases of violence against women. All the data on discharge decisions, discontinuation of proceedings, sentence orders and judgments are incomplete. They do not always indicate the offence concerned, the victim's gender or the type of decision handed down, including the length or type of sentence in the event of conviction. Nor are there data on the number of protection orders or other protective measures ordered during judicial proceedings to protect women victims of violence. Moreover, even fewer data are available regarding civil proceedings. There are no data on how civil child custody proceedings take account of histories of domestic violence.

55. At the Ministry for Social Affairs, the SAVVG publishes annual data on the women it has helped.³⁵ The data provide information on the nationality, age, civil status, employment situation and place of residence of the women. They also indicate the bodies which referred the women to the SAVVG and give details of the type of specialist support provided to victims and to children exposed to violence. The SAVVG data are broken down by type of violence (psychological, physical, economic, or sexual), indicate the relationship between victims and perpetrators, and are disaggregated depending on whether they refer to domestic violence or gender-based violence against women.

56. There are no official data on violence against women collected by the general health services. GREVIO underlines that this lack of data is worrying because health services are often on the frontline when it comes to detecting women victims of violence, listening to them in confidence, offering them assistance and referring them to specialist support services. In general, GREVIO observes that the fragmented data collected by the various institutions do not provide a full picture of gender-based violence and domestic violence with which to evaluate public policies and laws so as to identify and remedy the existing shortcomings.

57. Nonetheless, GREVIO notes with interest the willingness of the Andorran authorities to organise and expand their system for collecting and disseminating official statistics through the adoption of the first National Statistics Plan (2018-2021). Law No. 28/2017 establishing the legal framework for the plan lists the statistics which the various public entities must start collecting between 2018 and 2021. Article 6 (8) of the law indicates that the data collection must incorporate a gender perspective on a systematic, cross-cutting basis, in particular through gender disaggregation. Law No. 28/2017 also provides that administrative data on cases of gender-based violence and domestic violence must be processed by law enforcement agencies through a register that had not yet been implemented at the time of GREVIO's evaluation. Moreover, while the National Statistics Plan lays down the data which the relevant ministries must collect in the fields of health, justice and education,

³² The meaning given to the terms "domestic violence" in the Andorran context is clarified in paragraph 8 of this report.

³³ Memorial of the Prosecutor General's Office: Judicial year 2018-2019 (in Catalan only), published on 18 October 2019.

³⁴ The meaning assigned to these terms by the authorities is examined in the section of this report concerning definitions (Article 3 of the convention).

³⁵ Annual report of the Support Service for Victims of Gender-Based Violence (SAVVG), 2019.

none of these is related to violence against women. This blind spot of the National Statistics Plan is particularly unfortunate given the lack of existing data in these sectors.

58. GREVIO urges the Andorran authorities to:

- a. **organise a system for the collection of data by law enforcement and judicial bodies based on harmonised categories which makes it possible to retrace the progress of cases throughout the criminal process, addresses all forms of violence against women within the scope of the convention and is broken down by gender, age of the victims and perpetrators, the relationship between them and the various forms of violence and offences covered by the Istanbul Convention;**
- b. **collect judicial data on prosecution and conviction rates by type of violence and type/severity/duration of the sentences handed down;**
- c. **collect data on the issuing of protection orders, including the number of protection orders requested and issued, the number of violations of these orders and the penalties imposed further to those violations;**
- d. **ensure that health services collect data on all forms of violence against women broken down by gender, age of the victims and perpetrators and the relationship between them;**
- e. **ensure that administrative data on violence against women collected by public bodies are returned regularly to the collecting bodies and published, while complying with international data protection standards.**

2. Population-based surveys

59. In Andorra, the last public survey on violence against women was conducted over 10 years ago and the analysis was confined to the domestic sphere. In 2008, the Sociological Research Centre (CRES) of the Andorran Research Institute (IEA) conducted a survey of 988 women to quantify the prevalence of domestic violence.³⁶ This survey provided data broken down by the relationship between victims and perpetrators and information on the age, socioeconomic situation and family situation of victims. It also included some indications of the physical and psychological effects of domestic violence on the women surveyed. Nevertheless, the results of the survey were not broken down by type of violence (physical, psychological, sexual or economic). GREVIO points out that population-based surveys are vital for documenting the nature and scale of the violence committed against women, as well as the determinants and consequences of the violence. They are also a key means of ascertaining women victims' attitudes to support services, law enforcement agencies and judicial bodies and make it possible to identify any obstacles to victims' access to support, protection and justice.

60. GREVIO encourages the Andorran authorities regularly to conduct population-based surveys on the various forms of violence against women covered by the Istanbul Convention.

3. Research

61. Two studies on the situation of children at risk were supported by the authorities in 2013 and 2017.³⁷ They covered data on child victims of domestic violence, sexual abuse, assaults or negligence, collected from various public bodies such as hospitals, child support services and law enforcement agencies. Two surveys on well-being at school were also conducted over the periods 2012-2013³⁸ and 2018-2019.³⁹ Under these surveys, questionnaires issued in primary and secondary schools in Andorra provided an overview of the prevalence of physical and psychological violence, sexual

³⁶ Sociological Research Centre (2008), Survey of women on gender-based domestic violence (in Catalan only).

³⁷ Mata, M. (2013 and 2017), Children and teenagers at risk in Andorra: findings, problems and fresh prospects (in Catalan only), Julia Reig Foundation, government of Andorra and IEA.

³⁸ Government of Andorra and CRES (2013), Survey of coexistence in schools in Andorra 2012-2013 (in Catalan).

³⁹ Government of Andorra and CRES (2019), Survey of coexistence in schools in Andorra 2018-2019 (in Catalan).

harassment and online harassment in schools. Some NGOs have also conducted surveys of children and students concerning their perceptions of violence against women.⁴⁰

62. In the Equality White Paper published in 2018, the government compiled demographic and socioeconomic data on women, children and certain groups exposed to discrimination, i.e. persons with disabilities, the elderly, LGBTI persons and migrants, without, however, addressing the issue of violence.

63. Apart from the above-mentioned studies on violence against children, there is no research on the situation of women exposed to the various forms of violence covered by the convention. Nor has any study been conducted on the implementation of legislation and public policies to prevent and combat violence. GREVIO nevertheless notes that Article 12 (1) of Law No. 1/2015 requires the government to promote research projects on all aspects of gender-based violence, including its causes and consequences and the level of public awareness. GREVIO notes with satisfaction that, under the terms of the relevant regulation, the Equality Observatory recently set up will be tasked with collecting data and conducting research and surveys on gender-based violence.⁴¹ To ensure the effective implementation of its provisions, it might be useful to plan how and how often the observatory will conduct research on violence against women.

64. GREVIO strongly encourages the Andorran authorities to:

- a. regularly promote research activities on the situation of women victims of all forms of violence covered by the Istanbul Convention;**
- b. support the conduct of research on violence affecting groups of women exposed to multiple discrimination, such as women with disabilities, elderly women, migrant women and LGBTI women;**
- c. extend research to evaluation of the implementation of laws and public policies concerning violence against women.**

⁴⁰ In 2018, as part of a project entitled, "No means no! Nightlife without sexist aggression or sexual violence", the association, *Stop Violences*, conducted a survey of pupils and students concerning their perceptions of sexual violence. The report by the Andorran authorities submitted to GREVIO in February 2019 referred to an opinion poll on violence against women conducted among pupils in 2015 by the Association of Andorran Women (ADA).

⁴¹ See preamble to the decree of 19 February 2020 approving the regulation on the Equality Observatory.

III. Prevention

65. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures, such as promoting changes in the sociocultural behaviour patterns of women and men, eradicating gender prejudices and stereotypes, and also measures to involve the whole of society, including men and boys, in order to ensure equality between women and men and to prevent violence against women. There are also more specific preventive measures, such as awareness-raising and campaigning, adequate training for all professionals, education in schools and other settings and, last but not least, programmes aimed at perpetrators to prevent further victimisation.

A. General obligations (Article 12)

66. In spite of the steps taken by the authorities to counter them, negative gender stereotypes remain a subject of concern in Andorra. In their latest report on the implementation of the Beijing Declaration and Platform,⁴² the authorities acknowledged that “gender stereotypes continue to exist among [the] population, generating differences [between women and men] which underpin the inequalities that place women at a great disadvantage”. According to the report, “the care roles traditionally assigned to women sometimes hinder their career development, limiting their economic capacity and relegating them to more insecure employment or jobs with shorter hours so as to reconcile work and family life”. In this connection, the Committee of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁴³ expressed concern about “the lack of a comprehensive strategy for the elimination of discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society”. This concern was shared by several civil society organisations GREVIO met.

67. In order to combat gender stereotypes, GREVIO recalls the value of Recommendation CM/Rec(2019)1 of the Committee of Ministers to member states on preventing and combating sexism, and welcomes the fact that the authorities have translated this instrument into the country's official language, Catalan.

68. GREVIO strongly encourages the Andorran authorities to take proactive and sustained measures to promote changes in patterns of social behaviour among men and women that are based on the notion of the inferiority of women, and which accordingly help perpetuate violence against women.

B. Awareness-raising (Article 13)

69. Every year, the authorities conduct specific awareness-raising campaigns on the issue of discrimination and violence against women, mainly on the occasion of International Women's Rights Day and to mark the International Day for the Elimination of Violence against Women. These mainly involve events organised by the Equality Policies Unit in the Ministry for Social Affairs, in the form of thematic workshops and lectures with contributions by experts such as researchers and professionals from various fields connected with violence against women. The most recent awareness-raising campaign took the form of a travelling photo exhibition, based on accounts by victims supported by the dedicated public service (SAVVG)⁴⁴. The authorities have informed GREVIO that the campaign was a notable success and seems to have helped bring about a marked increase in the number of women having turned to the SAVVG for support. GREVIO also takes note with interest of the

⁴² Report of 3 May 2019, covering the period 2009 – 2019.

⁴³ See CEDAW Committee, Concluding observations on the fourth periodic report of Andorra (2019), paragraph 23.

⁴⁴ Exhibition for 25 November 2019, “*Relats reals de supervivència, 1.255*”.

awareness-raising activities aimed at the general public and young women and men in educational settings concerning violence against women and girls committed using new technology.

70. GREVIO underlines that one of the requirements of Article 13 of the convention is that awareness-raising campaigns and programmes must be conducted on a regular basis so as to reach as many people as possible. It notes with satisfaction that one of the priorities announced by the authorities for the coming years is the promotion of awareness-raising, information and training campaigns designed to foster a culture of equality, which make intensive use of new public communication forums (websites, social media, etc.).⁴⁵ Nevertheless, GREVIO observes that there is no planning document setting out the timing of such campaigns, or details of the relevant resources, goals and partners. Nor is it clear how the activities will address violence against women and its harmful impact on children.

71. To boost the impact of the efforts in this area, GREVIO underlines the importance of developing partnerships with civil society organisations working on the ground. Synergy with NGOs involved in promoting women's rights and/or victim support can significantly increase the impact of public action by addressing new issues and raising awareness among a wide range of groups. In recent years, several awareness-raising projects funded with short-term public grants have been conducted by NGOs in the area of combating gender stereotypes and violence against women⁴⁶. GREVIO notes, however, that a possible area for improvement would be to follow a more systematic approach to dialogue with NGOs at the time of developing and following up these projects, with a focus on harnessing all civil society stakeholders involved in preventing and combating violence. In this connection, there must also be a role for associations representing the situation of women exposed to the risk of multiple discrimination, such as women with disabilities, migrant women and LGBTI women.

72. GREVIO strongly encourages the Andorran authorities to continue and expand their awareness-raising efforts in support of a general message against violence against women. Regular campaigns should be planned and developed, including with the collaboration of non-governmental organisations, in particular women's organisations and organisations representing groups at risk of multiple discrimination, with a view to addressing the various aspects of preventing and combating all forms of violence against women covered by the Istanbul Convention.

C. Education (Article 14)

73. The standards laid down for education in Article 14 of the Istanbul Convention provide the basis for the wording of Article 6 of Law No. 1/2015, which requires Andorra's education systems⁴⁷ to "ensure that learners acquire, at all levels of schooling, the necessary skills to learn respect for rights and freedoms, including with specific regard to gender-based violence and domestic violence". This provision stipulates that the skills concerned must include the ability to resolve conflicts peacefully and command of models of coexistence based on respect and diversity. Before Law No. 1/2015 was passed, pupils' awareness of the issues of gender equality and violence was raised indirectly through human rights education and education for democratic citizenship and through teaching of the social skills and values of respect, non-discrimination and democratic participation. Moreover, with the introduction in 2010/2011 of the strategic plan to upgrade and improve the Andorran education

⁴⁵ See page 7 of the report of 3 May 2019 submitted by Andorra on the implementation of the Beijing Declaration and Platform for Action for the period 2009-19 (in Spanish only).

⁴⁶ An example of partnership is the project started in 2018 with the association Stop Violències regarding the sexual violence to which women are exposed during the country's cultural festivals ("No es no. Ocio Nocturno libre de agresiones sexistas, agresiones y violencias sexuales" project) or the collaboration started in 2020 with the association Accio' feminista under the title "Days in favour of gender equality: from coeducation to gender equality in the workplace".

⁴⁷ Three systems of free state education co-exist in Andorra: Andorran, Spanish (secular and church) and French.

system, negative gender stereotypes were included on a cross-cutting basis in the curriculum at all levels of education. The Equality Policies Unit also holds workshops for secondary school pupils (aged 13-14) for the purpose of deconstructing these stereotypes and analysing social constructs, such as the myth of romantic love, which perpetuate gender inequalities and can play a part in the development of abusive relationships between partners.

74. GREVIO welcomes all these measures, which reflect political awareness of the part which the education sector has to play in preventing gender-based inequalities and violence. At the same time, GREVIO notes that at the time of its evaluation, several of the measures introduced under Law No. 1/2015 to give effect to education on these issues had still not been finalised and/or had just been finalised. The measures concerned include the requirement for every school to conduct an annual review of steps taken to equip pupils with the necessary skills.⁴⁸ A co-operation protocol on the detection of cases of violence by educational staff and the provision of care for child victims by the specialist support services is also under preparation.⁴⁹ In June 2020, the Ministry for Social Affairs and the Education Ministry formalised a plan to raise awareness for gender equality in educational institutions which includes an important component on the prevention of gender-based violence and domestic violence. In view of these circumstances and of the available prevalence data, which show persisting tolerance of violence among young people,⁵⁰ GREVIO considers that it is vital for the authorities to be able to measure progress in this area and design a system to evaluate Andorran pupils' acquisition of the necessary competencies (values, attitudes and abilities) in this area.

75. GREVIO encourages the Andorran authorities to continue their efforts to ensure access by pupils to education on the subjects covered by Article 14 of the Istanbul Convention and the acquisition of the necessary skills and knowledge in this connection. In so doing, the authorities should keep in mind the need to ensure gender mainstreaming in education, as advocated by Recommendation CM/Rec(2007)13 of the Committee of Ministers to member states.

D. Training of professionals (Article 15)

76. In Andorra, in-service training on gender-based violence and domestic violence has been compulsory for all professionals concerned since the entry into force of Law No. 1/2015. It is aimed at all persons who are directly or indirectly involved in detecting and preventing gender-based violence and/or protecting and assisting victims. It is provided by staff from the Equality Policies Unit and has been rolled out in tandem with the development of the guide to co-operation and the various co-operation protocols covering interinstitutional co-operation concerning violence against women in Andorra. Initial training is often provided by Andorra's neighbours (France and Spain) because of the situation of the country, which has only a limited number of university courses and higher education or vocational training programmes (in particular in the fields of business management, computing, educational science, nursing/obstetric care, communication, law and the Catalan language). Nevertheless, under Article 6, paragraph 8, of Law No. 1/2015, universities in Andorra must promote training, education and research on violence against women on a cross-cutting basis and ensure gender mainstreaming in particular in education for professionals and healthcare professionals.

77. The compulsory in-service training under Law No. 1/2015 is aimed at making multiagency co-operation procedures operational so as to optimise care for victims and prevent secondary victimisation. It consists of an initial module of sessions on socialisation processes and the prejudices that perpetuate gender inequalities, which address the concepts of violence, the patriarchal model of society, stereotypes and gender roles. A second module of sessions seeks to contextualise the

⁴⁸ Law No. 1/2015, Article 6, paragraph 3.

⁴⁹ Ibid, Article 6, paragraph 6.

⁵⁰ See data from the survey conducted in 2014-15 by the Association of Andorran Women (ADA), set out on pages 11 and 12 of the state report.

phenomenon of violence, clarifying the types and phases of violence. This includes analysis of the consequences of violence for women and children and strategies employed by perpetrators for committing it. Lastly, the training also covers early detection methods, good practices for conducting interviews with victims and the various possible pathways for escaping violence.

78. At the time of GREVIO's evaluation, this training had been rolled out for several categories of professionals, in particular in the field of law enforcement (police), social services and health services (hospital and primary care centre staff) and justice (bar association). It was also made available in the primary, secondary and university education sectors. In addition, measures were under way to extend the training to judges and prosecutors and the various professional associations (doctors and psychologists) and to the media.

79. GREVIO welcomes the scale of the efforts made here by the authorities to implement their obligations under Article 15 of the convention. In view of the significant workload which these efforts involve for the Equality Policies Unit in charge of the training, GREVIO notes with satisfaction the information that other entities, in particular the University of Andorra and the High Council of Justice, have also been involved in this field. Sustained investment is still needed to alter practices, continue to train new recruits and make the advances in this area sustainable. This is all the more important since the evaluation procedure highlighted persistent shortcomings in the institutional response to violence against women, which call for greater specialisation and awareness-raising among the professionals concerned.⁵¹

80. GREVIO encourages the Andorran authorities to continue their efforts to provide adequate training for relevant professionals on the issue of violence against women, while allocating appropriate resources to it and developing sustainable solutions to that end.

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

81. Since 2018, the Equality Policies Unit has provided a programme for perpetrators aimed at promoting non-violent relationships. The programme was set up in response to an obligation in Article 19 of Law No. 1/2015 and is funded from the Equality Policies Unit's budget. It follows a cognitive behavioural approach and includes a strong gender perspective. It is run by a psychologist and a social worker, both of whom are trained in working with victims and perpetrators of gender-based violence. The programme lasts for nine months in the case of voluntary participation and six months if ordered by a court, and is divided into 14 modules, including the presumption of responsibility and defence mechanisms, control and power relations, and parenting. The first sessions in the programme involve a risk assessment during which factors such as histories of violence and/or criminal offending, violence in the perpetrators' own families, access to weapons and alcohol or drug addiction are reviewed. Since the launch of the programme, eight men have taken part voluntarily and nine by court order.

82. GREVIO welcomes the introduction of the programme to promote non-violent relationships as an essential aspect of an integrated response to violence against women that takes account of the relationship between victims, perpetrators, children and their wider social environment. GREVIO also notes with interest that the programme is also aimed at boys who reproduce violent patterns of behaviour to which they were exposed or of which they were direct victims. With regard to the various forms of violence against women, the programme is suited equally to dealing with physical violence and with psychological, sexual and economic violence between intimate partners or in the domestic sphere.

⁵¹ See points made in this report in Chapters IV (Articles 20 and 25) and IV (Article 50).

83. At the time of GREVIO's evaluation, ad hoc arrangements were required to enable inmates to leave Andorra prison temporarily and attend the programme sessions, pending the signature of a co-operation agreement to formalise the rollout of the programme in prison. Co-operation between the service in charge of the programme and the other agencies dealing with victims and their children is ensured and involves, in particular, social services, child protection services, the SAVVG, health services and judicial services. In the latter case, exchanges with the High Council for Justice, which is in charge of organising training for judges and prosecutors, have raised justice professionals' awareness of the importance of promoting access by perpetrators to the treatment programme. GREVIO considers that this is an aspect which could be strengthened, just as it is important to raise the programme's profile among the general public, with a view to enabling more perpetrators of violence to take part, whether voluntarily or by court order. In this connection, it is also important to open up the programme to co-operation with specialist victim support NGOs. In the long term, it will also be necessary regularly to evaluate the activities carried out so as to determine their impact, in particular through scientific studies and the collection of statistics on participation and reoffending rates with a view to ascertaining whether the programme meets the intended preventive objectives.

84. GREVIO invites the authorities:

- a. **to take steps to increase the potential of the programme for perpetrators of domestic violence as preventive tools, in particular by publicising information about the availability of the programme more widely among both the general public and professionals who may recommend and/or order attendance by perpetrators.**
- b. **to ensure that these programmes adopt an integrated approach, in close collaboration with specialist women's associations;**
- c. **to assess existing programmes to determine their short-term and long-term impact, in particular by means of scientifically-designed studies of the results and a compilation of statistics on participation and reoffending rates to show whether the programmes have met the intended preventive objective.**

2. Programmes for sex offenders

85. Apart from in cases of domestic violence, the evaluation procedure did not identify any treatment programmes in Andorra designed to prevent reoffending among sex offenders, as required under Article 16, paragraph 2, of the convention.

86. GREVIO strongly encourages the Andorran authorities to take steps to comply with the requirements of Article 16, paragraph 2, of the convention concerning the establishment of treatment programmes for sex offenders.

F. Participation of the private sector and the media (Article 17)

87. Article 9 of Law No. 1/2015 lays down a series of obligations on awareness-raising and the prevention of gender-based violence and domestic violence in advertising and the media. The media must therefore avoid all forms of discrimination when processing information, as regards both content and programming. Audiovisual content and advertising which justify, play down or incite gender-based violence are considered to be in violation of the law. There is also a statutory requirement for the government to include specific content to raise awareness and provide information about gender-based violence on public service radio and television. In addition, all information broadcast on cases of violence must comply with requirements of objectiveness and respect for victims' dignity and must inform the public about the resources that exist in terms of prevention, assistance and protection, such as the telephone helpline.

88. GREVIO welcomes this legislative advance and considers that it provides the basis for the development of guidelines and self-regulatory standards for the media and advertising, which is under way⁵². In its previous reports,⁵³ in conformity with Article 17, paragraph 1, of the convention, GREVIO stressed the importance of encouraging the national media, including social networks, to apply and monitor the use of self-regulatory standards on the non-stereotypical portrayal of women, including in the context of reporting on violence they have suffered. In particular, such standards should prohibit any violent and degrading content that normalises violence, reinforces the idea of women's submissive role in the family and society and feeds into hate and/or sexist speech against women.⁵⁴ Likewise, it is also necessary to give full effect to the provisions of Law No. 1/2015 and Law No. 13/2019 which make it possible to lodge complaints against discriminatory media content and to publicise the existence of these remedies. GREVIO takes note in this connection of the stance taken by other international human rights bodies in condemning the absence in Andorra of an independent body to receive and consider complaints against the media for violations of domestic law.⁵⁵

89. GREVIO encourages the Andorran authorities to take measures and/or to pursue their efforts to implement independent monitoring mechanisms and complaint mechanisms and to encourage the development of self-regulatory standards aimed at enhancing respect by the media for women's human dignity and the prohibition of any gender discrimination, in compliance with freedom of expression and media freedom. To follow up on these suggestions and proposals, the authorities might wish to draw inspiration from Committee of Ministers Recommendation CM/Rec(2013)1 on gender equality and media.

90. Article 17 of the Istanbul Convention also requires States Parties to encourage employers to participate in the elaboration and implementation of policies and to establish self-regulatory standards to prevent violence against women and to enhance respect for their dignity. This requirement must be understood as encouraging more private firms to draw up protocols or guidelines on various topics such as, for example, how to deal with cases of sexual harassment at work. In Andorra, this was included in Article 8 of Law No. 1/2015, which requires the relevant authorities, in particular the Employment Department and the ministry responsible for the civil service, to take measures to prevent violence against women at work. The law also provides that all public administration recruitment and promotion procedures must assess candidates' skills concerning respect for fundamental rights, gender-based violence and domestic violence, as well as peaceful conflict resolution. During the evaluation procedure, GREVIO has identified only a few isolated initiatives giving effect to these obligations⁵⁶. Nor did it observe any process involving the authorities and employment sector stakeholders, for instance trade unions, to encourage the development of self-regulatory standards fostering the detection and prevention of violence against women at work or aimed at employers supporting victims.

91. GREVIO strongly encourages the Andorran authorities to increase their efforts to encourage the employment sector to adopt measures and set self-regulatory standards to prevent and combat gender-based violence against women in the workplace.

⁵² According to information from the authorities dated August 2020, the association of communication media and various media are engaged in a process of drafting a guide on the gender-sensitive treatment of information on domestic violence and gender-based violence against women.

⁵³ See, for example, GREVIO's evaluation reports on Finland (paragraph 88), Italy (paragraph 122.b) and the Netherlands (paragraph 116).

⁵⁴ See Council of Europe Gender Equality Strategy (2018-23), paragraph 40.

⁵⁵ See Committee on the Elimination of Racial Discrimination, concluding observations on the combined initial and second to sixth periodic reports of Andorra (2019), page 7; see also CEDAW Committee, Concluding observations on the fourth periodic report of Andorra (2019), paragraph 23.

⁵⁶ An example of such an initiative is the "Olympe de Gouges Award" which each year is awarded to companies committed to gender equality in the workplace.

IV. Protection and support

92. Chapter IV of the Istanbul Convention aims to establish a multi-faceted, professional and victim-centred support structure for any woman who has experienced one of the forms of violence covered by the convention, as well as children who have witnessed violence.

A. General obligations (Article 18)

93. The authorities' adoption in 2018 of the Guide to co-operation in cases of gender-based violence and domestic violence has led to the development of interinstitutional co-operation mechanisms involving support and protection for women victims in the process of escaping from violence.⁵⁷ This policy document groups together the various measures and protocols that determine the action to be taken by law enforcement agencies, the judicial authorities, the mediation service, health services, social services, schools and the specialist public support service (SAVVG). These protocols are designed to facilitate the early detection of violence by the relevant players and ensure the systematic referral of victims to the SAVVG.

94. GREVIO welcomes the Andorran authorities' efforts to ensure systematic interinstitutional co-ordination. It notes with satisfaction that, in accordance with Article 18, paragraph 2, of the convention, the measures set out in the guide to co-operation are based on gender mainstreaming and seek to limit secondary victimisation.⁵⁸ Nevertheless, during the evaluation procedure, GREVIO noted a need to reinforce the measures to ensure the implementation of the relevant protocols by the statutory bodies concerned, in particular in terms of the active detection of violence, support and referral of victims to the appropriate services. Moreover, the "*comuns*", i.e. the local administrative entities, are only marginally involved in the interinstitutional co-operation effort. With a view to remedying this shortcoming, the Andorran authorities indicated that they were in the process of drawing up an intervention protocol for the "*comuns*" in the field of violence against women. In addition, GREVIO notes that civil society organisations are not very closely involved in the co-ordinating mechanisms, which may stem from their limited involvement in the bodies in charge of drawing up and monitoring policies on violence against women.⁵⁹

95. Although the guide to co-operation is designed to cover all forms of violence against women, it does not deal explicitly with some forms of violence, such as female genital mutilation, forced marriages and violence related to so-called honour and does not establish specific measures for identifying, supporting and protecting women affected by these types of violence. GREVIO considers this omission to be worrying because the evaluation procedure highlighted a lack of knowledge of these forms of violence on the part of the professionals in the various sectors concerned.

96. GREVIO encourages the Andorran authorities to step up their efforts to ensure the application of co-operation mechanisms between statutory bodies in the area of support and protection for victims of all forms of violence covered by the Istanbul Convention. GREVIO strongly encourages the Andorran authorities to involve NGOs that support women victims of violence in interinstitutional co-operation mechanisms by establishing effective channels of co-operation with them.

⁵⁷ Government of Andorra (2018), Guide to co-operation in cases of gender-based violence and domestic violence (in Catalan).

⁵⁸ Ibid, p. 12

⁵⁹ See the section of this report on application of Article 9 of the convention (Chapter II. C).

B. Information (Article 19)

97. The right of victims of violence to have access to comprehensive information about their rights, legislation and the relevant support services is provided for in Article 5a of Law No. 1/2015. The above-mentioned guide to co-operation and the various intervention protocols included in it lay down the duty of professionals in health services, social services and law enforcement agencies to inform victims of violence about their rights and the relevant services.

98. To give effect to this right, the authorities have produced a range of information material on public support services for women victims of violence. Brochures with information on the Support Service for Victims of Gender-Based Violence (SAVVG) have been produced in Catalan, Spanish, French, Portuguese and English. GREVIO notes with satisfaction that they clearly indicate that those seeking support from the SAVVG do not first have to file complaints with the police or stop living with their violent partners. The brochures are available in print form in social and health service premises and online on the Ministry for Social Affairs' website.

99. While GREVIO welcomes these efforts, it nevertheless notes that the authorities have not issued any documents of this type on legislation and the rights of women victims of violence in Andorra. During the evaluation procedure, it also became clear that some victims, in particular among women exposed to multiple discrimination, were often not properly informed about the existing legislation and support services. Under Article 5a of Law No. 1/2015, information for women victims of violence must be provided in an understandable format for persons with disabilities. Nevertheless, there are no accessible documents available for women with sensory or intellectual disabilities, although they have greater difficulty accessing the existing support services.

100. GREVIO encourages the Andorran authorities to ensure the wide dissemination of information in an easily accessible and understandable format so that all women victims of violence are properly informed about the support services and legal measures available to them.

C. General support services (Article 20)

1. Social and financial assistance

101. The Andorran social services system is governed by Law No. 6/2014 on social and health services. At local level, every "*comun*" or parish has at least one general support facility – or primary care centre – comprising staff from the social and primary healthcare services. The services within these centres come under the responsibility of the Assistance Unit for Individuals and Families (AAPF) of the Ministry for Social Affairs and are at the forefront in terms of informing and advising vulnerable individuals about the social benefits provided for in Law No. 6/2014, Law No. 1/2015 and the implementing regulations.

102. Since its adoption in 2018, an intervention protocol has provided that whenever the general social services detect a situation of violence against women, they must refer the victims, if they agree, to the specialist public support service, i.e. the SAVVG, which will draw up an intervention plan including psychosocial support and financial assistance. When their support from the SAVVG ends, the women are referred back to the AAPF and the general social services, which are required to provide financial and social assistance if necessary. In the case of women still living with the perpetrators, the AAPF and the general social services remain in charge of social support for the victims.

103. In accordance with Law No. 6/2014 and the regulation of 3 July 2019 on financial benefits and social and health services, ad hoc financial assistance may be granted to victims to cover their recovery process. Payment is subject to the establishment and periodic review of personal intervention plans drawn up by the SAVVG. The maximum amount is equivalent to the Andorran minimum wage but may be increased if the women have dependent children. Moreover, women victims of gender-based violence are among the priority groups for access to rental assistance. In the case of women not catered for by the SAVVG, other types of ad hoc financial assistance may be provided to cover costs for food, clothing, health insurance through the Andorran Social Security Fund (CASS), childcare or housing. In this connection, GREVIO is concerned that migrant women living lawfully in Andorra for less than three years are not eligible for some general forms of financial assistance in the area of housing and childcare, which could undermine their independence and the consolidation of their pathway to escape from violence.

104. Several civil society organisations told GREVIO that, in spite of the efforts of the primary healthcare services, the latter did not always have the necessary resources or training to enable them to refer women victims of gender-based violence to support services and the existing financial assistance. GREVIO underlines that Article 20 of the convention requires general support services to be adequately resourced and their staff trained in the various forms of violence, the specific needs of victims and the best way to assist them and refer them to the appropriate services.

105. In the area of vocational integration, a protocol was agreed in 2018 by the Equality Policies Unit and the employment department of the Ministry of the Presidency, Economic Affairs and Enterprise. While GREVIO welcomes this development, it notes that it is difficult to assess its effectiveness in the absence of data on the number of victims who have received vocational guidance and the outcome thereof. It also remains unclear whether employment service staff are properly trained in dealing with women victims of violence.

106. GREVIO encourages the Andorran authorities to provide the general social services with adequate financial and human resources to enable them to assist women victims of violence effectively and refer them to the appropriate services and systems. It must be ensured that social services staff receive regular training on the various forms of violence against women and supporting victims in a gender-sensitive manner.

2. Health

107. The Andorran Health Assistance Service (SAAS) is a semi-public body which is entrusted by the Health Ministry with the task of delivering and co-ordinating healthcare in Andorra. It comprises Nostra Senyora de Meritxell Hospital and 11 primary care centres in the various parishes (“comuns”) which employ nursing staff who are in charge of providing local health services.

108. Since 2018, a protocol⁶⁰ has been in place to provide healthcare staff with guidelines on active detection of violence and helping victims. The protocol lays down the arrangements for the “Lilac Code”, a procedure for women victims of violence that is used in the hospital accident and emergency department. When women victims of violence present in accident and emergency and say the code word, “Lilac”, indicating that they are experiencing violence, the triaging staff can place them immediately in a private space so that they can be seen by doctors who have been informed about the situation.

⁶⁰ Government of Andorra (2018), Protocol on healthcare intervention for cases of gender-based violence and domestic violence (in Catalan).

109. GREVIO welcomes the Andorran authorities' efforts to ensure systematic intervention by healthcare professionals in situations of gender-based violence. It also notes the increase in recent years in the number of women whose exposure to violence has been detected in hospital and who have then been referred to the SAVVG.⁶¹ Nevertheless, there would appear to be some obstacles to the identification of violence and the provision of appropriate care for victims by health services. Although training courses on helping victims had been held in some health services, the practitioners GREVIO met acknowledged the need to step them up, provide them on a systematic basis and open them up to all medical staff, including doctors with private practices. In addition, medical staff seem not to be familiar with some forms of violence against women, such as female genital mutilation, and these are not covered in training or in intervention protocols. Lastly, while GREVIO notes the "Lilac Code" initiative with interest, it was apparent during the evaluation procedure that its implementation could be improved by boosting the resources available to the hospital staff and raising the profile of the "Lilac Code" among the public at large, as little information is available about it on health service premises and the authorities' websites.

110. The above-mentioned protocol also provides for a reporting requirement for healthcare staff. At medical consultations at which symptoms related to violence are detected and the victims acknowledge that they have suffered violence, healthcare professionals are legally required to report the matter to law enforcement and draw up medical reports for submission to the specialist public support service, the SAVVG. In cases where violence is suspected, medical staff must refer potential victims to the social services of the local primary care centres so that they can receive psychosocial support and give details of the violence they have suffered. In this connection, GREVIO expresses its concern that outside situations of immediate danger, systematic reporting – without analysing or taking account of the individual needs or wishes of the victims – may discourage them from approaching the support and health services. The reporting requirement should therefore be confined to situations of grave danger in which victims are not able to give their consent. This point is examined below in the section of this report analysing the measures taken by the authorities in respect of Article 28 of the convention.

111. GREVIO encourages the Andorran authorities to provide health service staff with financial and human resources and give them access to regular training to enable them to detect violence against women and offer victims the best possible care. Data should be collected on a regular basis to monitor healthcare interventions relating to violence against women, including detection, care and guidance and referral for women victims. In addition, GREVIO refers the authorities to the suggestion/proposal it makes in the section of this report on Article 28 of the Istanbul Convention concerning the reporting requirement for professionals.

D. Specialist support services and shelters (Articles 22 and 23)

112. Within the Equality Policies Unit in the Ministry for Social Affairs, the specialist public support service, the SAVVG,⁶² seeks to provide comprehensive support free of charge to women victims of physical, psychological, sexual and other types of gender-based violence. The women's cases are dealt with by advisers responsible for arranging care for them and liaising with social services, health services, judicial services and law enforcement agencies, in line with the relevant intervention protocols. Victims receive psychological and social counselling and legal advice. As indicated above, the SAVVG can also assess the financial situation of victims and request the payment of ad hoc

⁶¹ In 2018, 16 of the 268 women supported by the SAVVG were referred to it by Nostra Senyora de Meritxell Hospital. In 2019, 37 of 327 women were referred to the SAVVG by the hospital. See SAVVG data published on the official website of the department for social affairs and youth.

⁶² The legal framework for the SAVVG is provided by Law No. 6/2014 on social and health services and Law No. 1/2015 on eradicating gender-based violence and domestic violence.

financial assistance under intervention plans.⁶³

113. The assistance provided by the SAVVG is not conditional upon the victims filing complaints. In 2019, the SAVVG provided support for 327 women, over half of whom had not filed complaints against the perpetrators. Nor do women victims of intimate partner violence need to have left their violent partners in order to receive psychosocial counselling from the SAVVG. Nevertheless, leaving the partner may be a requirement for the continuation of the psychosocial support from the SAVVG.⁶⁴ GREVIO points out that the specialist support provided for in Article 22 of the convention has the complex objective of empowering victims by providing them with optimal support and assistance tailored to their specific needs.⁶⁵ Long-term support can enable victims to leave their violent partners. Research has shown that leaving violent partners is often a non-linear, complex and lengthy process for women victims of intimate partner violence, which may involve several attempts to leave and escape from their partners before they finally break up.⁶⁶ GREVIO notes therefore that it is important to ensure that victims' difficulties in leaving their violent partners do not prevent their accessing the psychological support provided by specialist services.

114. In general, GREVIO welcomes the setting up a "one-stop shop" with specialist expertise with the SAVVG. Nevertheless, it would seem that the SAVVG's expertise does not cover all forms of violence against women, such as sexual harassment, female genital mutilation, forced marriages and violence related to so-called honour. In addition, the SAVVG's resources should be increased to enable it to perform all its tasks effectively and sustainably,⁶⁷ in particular in view of the increase in the number of women it supports every year.⁶⁸

115. With regard to the requirement in Article 23 of the convention to offer victims access to shelters, the SAVVG has five flats for women victims and their children, the locations of which are secret. Outside the SAVVG's office hours (evenings and weekends), victims requiring emergency accommodation are put up in hotels until the SAVVG offers them access to the shelters it runs.

116. While noting with satisfaction the efforts made to provide specialist support services in the form of a "one-stop shop" set up in the Comprehensive Support Service for Victims of Gender-Based Violence, GREVIO strongly encourages the Andorran authorities to take measures concerning the operation of these services so as to:

- a. define a more comprehensive strategy for meeting the needs of victims of all forms of violence covered by the Istanbul Convention, in particular, sexual harassment, female genital mutilation, forced marriages and violence related to so-called honour;**
- b. provide the services with the financial and human resources necessary for implementing all their support measures effectively and sustainably;**
- c. ensure that not leaving violent partners is not an obstacle to the continuation of the psychological support provided for victims.**

⁶³ See the section of this report on application of Article 20 of the convention (Chapter IV).

⁶⁴ Under the relevant protocol, the temporary psychosocial support provided by the SAVVG ends after a year if victims continue to live with the perpetrators.

⁶⁵ Explanatory report to the Istanbul Convention, paragraph 132.

⁶⁶ Scheffer Lindgren, M. & Renck, B. (2008), Intimate partner violence and the leaving process: Interviews with abused women, *International Journal of Qualitative Studies on Health and Well-being*, 3:2, 113-124.

⁶⁷ The Equality Policies Unit's lack of financial and human resources was already stressed in the section of this report on application of Article 8 of the convention (Chapter II).

⁶⁸ The number of women supported by the SAVVG rose from 138 in 2016 to 327 in 2019.

E. Telephone helplines (Article 24)

117. The national helpline takes the form of a single hotline (181) attached to the Support Service for Victims of Gender-Based Violence (SAVVG) and the Service for Victims of Domestic and Family Violence (SAVVDF). This free, anonymous service is intended for all victims of gender-based violence and domestic violence, as defined by Law No. 1/2015. During the opening hours of the SAVVG, the staff in this service are tasked with advising victims and informing them of their rights. Outside these hours (on evenings and at weekends), calls are answered by the standard social services. In April 2020, a chat line using a mobile application was set up by the authorities to help women victims of violence during the Covid-19 health crisis.

118. It is worth noting that in recent years, the number of calls on the 181 helpline has increased substantially.⁶⁹ While GREVIO welcomes the authorities' efforts in this area, there still seem to be shortcomings outside the SAVVG's opening hours because at these times the helpline operators do not always have sufficient training to provide full information to women victims.

119. Information on the national helpline is available in several languages on the website of the Ministry for Social Affairs. Under Article 9, paragraph 4, of Law No. 1/2015, the helpline number must be provided by the media when they are disseminating content linked to gender-based violence. However, during the evaluation procedure, civil society representatives reported to GREVIO that relatively few Andorrans were aware of the existence of the helpline.

120. GREVIO encourages the Andorran authorities to enhance training for telephone helpline operators to guarantee that women victims of violence are properly referred to support services. GREVIO invites the Andorran authorities to step up the promotion of the telephone helpline to make it better known among the general public.

F. Support for victims of sexual violence (Article 25)

121. The Nostra Senyora de Meritxell hospital has services charged with collecting forensic evidence and providing immediate care for victims of sexual violence. The hospital's Mental Health Centre can provide psychological or psychiatric follow-up for victims during and after their stay in hospital. As to long-term support for victims, the specialised public support service, the SAVVG, can provide psycho-social support to remedy violence-linked trauma.

122. Under the applicable protocol, victims presenting signs of sexual abuse are rapidly isolated in a gynaecological consultation unit. A duty doctor is then asked to examine the victim's physical and psychological state and inform her of the possibility of making a formal complaint. If the victim does decide to make a complaint, forensic samples will be taken by a forensic doctor. At the same time, the duty doctor will carry out a clinical examination. If the victim chooses not to file a complaint, the duty doctor will draw up a medical report, which is forwarded to the court of first instance (Battlia). GREVIO points out that a good practice recommended in Article 25 of the convention is to carry out forensic examinations and to store samples regardless of whether the matter will be reported to the police, enabling victims to report rapes to law enforcement agencies at a later date.⁷⁰

123. During the evaluation procedure, it became clear that there were still flaws in hospital care for victims of sexual violence. Civil society representatives and the media reported cases of victims having to describe the acts of violence inflicted on them in front of several doctors during the clinical examination, thus adding to their trauma.⁷¹ It was also reported to GREVIO that psychological care in

⁶⁹ According to the information presented to GREVIO by the authorities, the telephone helpline (181) registered 1834 calls in 2014 and 2652 calls in 2017

⁷⁰ See paragraph 141 of the explanatory report to the Istanbul Convention

⁷¹ See El Periódic, [Una dona denuncia un bomber per violació i tracte vexatori](#), 17 April 2018.

medical settings is not always suited to victims' needs. Lastly, while GREVIO acknowledges the efforts made to harmonise care for the victims of sexual violence, it notes that the lack of a specialised medical team does not make it possible to provide optimum support in all circumstances.

124. Scientific research has shown that women who are victims of sexual violence, including in the context of intimate partner violence, face many risks linked to their sexual and reproductive health such as sexually transmitted diseases, unwanted pregnancies, miscarriages, obstetric complications and unsafe abortions.⁷² These harmful effects are compounded by infringements of the right of these women to self-determination if the control exercised by their abusers reduces their ability to make their own reproductive choices. This control can have the effect of restricting their access to means of contraception and abortion, or conversely, of forcing them to terminate a pregnancy. In such complex situations, women undergo major psychological suffering linked both to sexual violence and to reproductive coercion. These women's psychological hardship may be compounded by the social isolation and economic dependence which characterise sexual violence in the domestic sphere. Since sexual violence has a direct impact on victims' sexual and reproductive health, the consequences must be addressed by support services in a manner that deals with the victim's trauma and prevents long-term harmful effects.⁷³

125. Several European studies reveal that a large share of women who opt for emergency contraception or an abortion, particularly successive abortions, have undergone sexual violence, which is often carried out by a former or current intimate partner.⁷⁴ Victims with an unwanted pregnancy must have access to support services on an equal footing with any other victim of sexual violence, including when they wish to terminate the pregnancy. In countries such as Andorra where abortion with consent is penalised in the event of rape,⁷⁵ an assessment should be made, within the field of application of the convention, of the impact of this context on the application of Article 25. GREVIO reiterates in this respect that one of the general obligations placed upon States Parties by Article 18, paragraph 3 of the Convention is that all protection and support measures must seek to avoid any secondary victimisation and provide victims with the means to rebuild their lives and be independent. GREVIO also underlines the fact that any obstacle to accessing support services runs the risk of deterring victims from reporting acts of violence to which they have been subjected, which could therefore be a factor in a low sexual violence reporting rate and in such violence becoming increasingly less visible.

126. GREVIO notes that there is little information on support for rape victims by health and social services when they opt for an abortion. Reports from civil society and in the media show that the fear of stigmatisation and judicial proceedings can deter women from approaching such services.⁷⁶ For their part, doctors point out that because of their uncertainty about what is authorised by the law, they do not know what information and support they can provide for rape victims who want an abortion. Furthermore, although the NGOs provide psychological and logistical support for women wishing to

⁷² See Pallitto, C. et al. (2005) [Is Intimate Partner Violence Associated with Unintended Pregnancy? A Review of the Literature](#). *Trauma, Violence, & Abuse*, 6(3), 217–235 ; Fanslow J., et al (2019). [Intimate partner violence and women's reproductive health](#). *Obstetrics, Gynaecology & Reproductive Medicine*. 29(12), 342-350

⁷³ See, in this connection, the recent statement by the Council of Europe Commissioner for Human Rights (COVID-19: Ensure women's access to sexual and reproductive health and rights) dated 7 May 2020: "In their response to the COVID-19 pandemic, Council of Europe member states must ... ensure full access to sexual and reproductive health care information, services and goods for all women without discrimination, and with specific attention for women at risk or victims of gender-based violence and other vulnerable groups of women".

⁷⁴ See, for example, Citernes, A. et al. (2015) [IPV and repeat induced abortion in Italy: A cross sectional study](#), *The European Journal of Contraception & Reproductive Health Care*, 20(5), 344-349; Öberg, M. et al. (2014) [Prevalence of IPV among women seeking termination of pregnancy compared to women seeking contraceptive counselling](#), *Acta Obstetrica et Gynecologica Scandinavica*, 93(1), 45-51; Pinton A, et al. (2017) [Existe-t-il un lien entre les violences conjugales et les interruptions volontaires de grossesses répétées?](#), *Gynécologie, Obstétrique, Fertilité & Sénologie*, 45 (7-8), pp. 416-420; Lewis, N. et al. (2018) [Use of emergency contraception among women with experience of domestic violence and abuse: a systematic review](#). *BMC Women's Health*, 18 (156)

⁷⁵ See Article 108 of the Andorran Criminal Code, which defines the criminal offence of "abortion with consent".

⁷⁶ See the report "[El mirall andorrà](#)" broadcast on TV3 on 3 March 2020

have an abortion abroad, it would seem that heavy financial, administrative and psychological burdens weigh on rape victims who seek to have an abortion, particularly when they do so without the perpetrator's knowledge. GREVIO is concerned about these curbs on rape victims' self-determination, which particularly affect women with little financial or social autonomy.

127. In March 2020, the authorities set up a Comprehensive Sexual and Reproductive Health Support Service for Women (SIAD). This mobile service staffed by midwives who travel around the 11 local primary care services is tasked with providing information on family planning, sexually transmissible diseases and voluntary termination of pregnancy free of charge. However, because it was only set up very recently, GREVIO has not been able to assess the SIAD's capacity to meet the needs and deal in practice with the trauma of victims of sexual violence, including those wishing to have an abortion.

128. GREVIO urges the Andorran authorities to take additional measures to afford all victims of sexual violence access to specialised services providing forensic expertise and short-term medical care along with psychological support over a longer period, while ensuring that the reproductive choices of women victims of rape do not restrict their access to these services. GREVIO strongly encourages the Andorran authorities to step up training for medical staff to provide support for victims of sexual violence in keeping with their needs.

G. Protection and support for child witnesses (Article 26)

129. Under Article 26 of the convention, the support services on offer to women who have been victims of domestic violence, rape, sexual harassment or other forms of violence covered by the convention must also be equipped to address the needs and rights of any children who were present. Measures taken to this effect also include age-appropriate psychological and social advice for children so that they can cope with the trauma linked to their exposure to violence.

130. GREVIO notes with satisfaction that Andorran legislation recognises the harmful effects of witnessing domestic violence on children. Article 2, paragraph 4, of Law No. 1/2015 defines all women subjected to forms of violence based on gender and their minor children as "victims" so that they can be granted the right to social, psychological and medical support. Article 86, paragraph 2, subparagraph k of Law 14/2019 also qualifies gender-based violence against women and domestic violence as a circumstance that can seriously affect the development and well-being of the child and entitles the child to protection.

131. At the Support Service for Victims of Gender-Based Violence, the SAVVG, a psychologist is responsible for support for mothers who are victims of violence and their children. She is tasked with providing psychological counselling designed to support a woman who has been a victim of violence in her role as a mother and to strengthen the ties between mother and child. The psychologist must also assess the effects on children of their being exposed to violence and provide them with psycho-educational support. In 2019, according to data from the SAVVG, 79 women victims of violence and 99 children were given psychological support for mothers and children. It is also planned to set up a co-operation system between the SAVVG, the specialised child care service (SEIA) and the Family Meetings Service of the Ministry for Social Affairs.

132. GREVIO welcomes the steps taken to make psychological and social support for child witnesses of violence part of the SAVVG's tasks. However, GREVIO notes that not all the services working in the area of child protection are based on the concept that child witnesses are also victims. There are also some outstanding concerns with regard to the newly created Family Meetings Service allowing for the supervised exercise of the custody rights of a violent parent. These concerns are

examined in this report in relation to Article 31 of the convention.⁷⁷

133. GREVIO encourages the Andorran authorities to co-ordinate the activities of the various support services working with child witnesses of violence so that they can take an integrated approach to the recovery process of such children. Steps should be taken to improve the knowledge of the staff of these services about the trauma sustained by children exposed to domestic violence.

H. Reporting by professionals (Article 28)

134. Under Article 13 of Law No. 1/2015 civil service professionals who identify presumed cases of gender-based violence must notify the specialised public support service, the SAVVG, having previously informed the victim. Where a major threat is posed to the victim's physical or psychological integrity, suspicions must be reported to the law enforcement or judicial bodies. Guidelines on reporting by the staff of medical and welfare services are included in the relevant co-operation guide and the related protocols. These protocols highlight the need for professionals to inform victims about their rights and how the public support services operate before reporting a case to one of them.

135. GREVIO points out that the requirement deriving from Article 28 of the convention is carefully worded so that when there are reasonable grounds to believe that a serious act of violence has been committed and other such acts can be anticipated, professionals may report their suspicions to the relevant authorities without risking punishment for a breach of their duty of professional secrecy. This provision does not impose an obligation to report.⁷⁸ While GREVIO notes that the imposition of reporting obligations on professionals does not run counter to Article 28 of the Istanbul Convention, blanket reporting obligations may raise issues around the provision of victim-centred and gender-sensitive support services. Mandatory reporting may in fact constitute a barrier to help-seeking for women victims who do not feel ready to initiate formal procedures and/or fear the consequences of reporting for them or for their children (e.g. retaliation from the abuser, financial insecurity, social isolation or the removal of children from their care). Where the authorities have introduced mandatory reporting obligations for professionals, GREVIO notes that these should allow for the balancing of the victims' protection needs – including those of her children - with the respect for the victim's autonomy and empowerment, and should thus be circumscribed to cases in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. In these cases, reporting may be made subject to certain appropriate conditions such as the consent of the victim, with the exception of some specific cases such as where the victim is a child or is unable to protect her/himself due to disabilities.⁷⁹

136. Recalling the principle of women's empowerment mainstreamed throughout the convention, GREVIO strongly encourages the Andorran authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Andorran authorities to review the obligation for

⁷⁷ See Chapter V of this report.

⁷⁸ See paragraphs 146 and 147 of the explanatory report to the Istanbul Convention.

⁷⁹ See paragraph 148 of the Explanatory Report to the Istanbul Convention. With regard to violence committed against children, General comment No. 13 (2011) of the Convention on the Rights of the Child, paragraph 49, provides that "in every country, the reporting of instances, suspicion or risk of violence should, at a minimum, be required by professionals working directly with children". In relation to forced marriage and female genital mutilation, the Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices, of 14 November 2014, under its paragraph 55J provides that "States parties should ensure that it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents if they have reasonable grounds to believe that a harmful practice has occurred or may occur. Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report".

professionals to report cases of violence against women and their children, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself due to disabilities.

V. Substantive law

137. Chapter V of the Istanbul Convention comprises a range of provisions related to substantive law, both in the area of civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and ensure robust intervention and prosecution by law enforcement agencies. In the interest of prioritisation, this section of the report covers only some of the provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

138. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to remedy breaches by state employees of their duty to exercise due diligence and prevent, investigate and punish acts of violence (Article 5 of the convention).

139. In Andorra, the rules on the administrative liability of public officials are set out in the Administration Code.⁸⁰ Under Article 59(1) of this Code, administrative liability is incurred in the event of any “failure to provide service, brought about by the poor organisation of such service, its operation under illegal or technically deficient conditions or its failure to operate in cases in which it should be provided”. Under Article 59(3) administrative liability may also be incurred in the event of unequal treatment not justified by a lawful ground. Any act or omission incurring the liability of public services requires the damage caused to be made good before the relevant administrative courts. If the damage stems from a fraudulent act or serious negligence that can be attributed directly to an authority, a civil servant or a public official and if this act or omission can be detached from their function, victims may also seek to establish the perpetrator’s personal liability through a civil claim. In this respect the Administration Code specifies⁸¹ that civil servants are subject to civil and criminal law on an equal footing with other citizens and the law may establish specific penalties for particularly serious offences which are connected to their function. In addition to these various forms of civil, criminal and administrative liability, the staff of public services are subject to the disciplinary authority of their superiors.⁸²

140. Securing respect for the rights of citizens by public services also forms part of the functions of the national ombudsman (Raonador del Ciutadà). Under Law No. 26/2017, which describes the ombudsman’s duties, he/she is responsible for providing information and assistance for victims of racism and discrimination, protecting the rights of children and persons with disabilities and investigating complaints of discrimination directed against both the public and the private sector.

141. In the absence of statistics, it has not been possible for GREVIO to ascertain to what extent the aforementioned legal provisions are applied to uphold the rights of victims of breaches by the authorities of their duty to take the necessary measures to prevent and investigate acts of violence covered by the convention and prosecute their perpetrators, in accordance with Article 29, paragraph 2. The authorities and civil society representatives consulted by GREVIO were not aware of any such cases. GREVIO also notes that the right to appeal against authorities which have failed to show due diligence is not one of the available legal measures which it is compulsory for victims to

⁸⁰ BOPA No. 54, 22 July 2015.

⁸¹ Article 26 of the Administration Code.

⁸² *Ibid*, Article 24.

be informed about, pursuant to the applicable provisions.⁸³ As to the ombudsman, the CEDAW Committee⁸⁴ has noted with concern that in recent years, the ombudsman has not examined any complaints relating to this type of discrimination. GREVIO notes in this connection that the recent Law No. 13/2019 on equal treatment and non-discrimination seems to provide a stronger basis for this institution to intervene in cases of gender-based discrimination and gender-based violence against women.

142. GREVIO strongly encourages the Andorran authorities to take additional measures, particularly in terms of providing information to women victims of violence and involving the relevant bodies to ensure that victims have access to appropriate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers. Relevant statistics should be compiled regarding the number of claims made against the authorities and the number of remedies granted as a result, thereby making it possible to measure the progress made in this area.

2. Compensation (Article 30)

143. The right of victims to claim compensation from all perpetrators of violence is governed by the ordinary law provisions on civil liability. This right may be exercised before the criminal courts or, regardless of whether a criminal complaint has been made, before the civil courts. As this right has been incorporated into Law No. 1/2015,⁸⁵ it counts as one of the provisions which it is compulsory for victims to be informed about. To date the authorities in charge of the administration of justice (the Prosecutor's Office and the courts of justice) do not have a system enabling them to collect relevant statistics such as data relating to the number of women victims who have claimed compensation and been granted it, amounts awarded, the type of damage compensated for under this heading and the time limits set for the payment of compensation. GREVIO points out that if no such data is available, it is impossible to assess the effectiveness of the compensation system as it stands.

144. When it ratified the convention, Andorra entered a reservation to Article 30, paragraph 2, which establishes the subsidiary responsibility of the state in situations where the victim has suffered serious bodily injury or damage to health. In a declaration dated 9 January 2020, the authorities announced their decision to uphold this reservation, offering GREVIO the following reasons: besides the fact that there is currently no legal framework for subsidiary responsibility, the authorities argue that victims of serious bodily injury or damage to health stemming from offences other than those falling within the scope of the convention would be at a disadvantage. Nonetheless, GREVIO notes with interest that the authorities have undertaken to initiate a study of the laws that need to be amended to lift the reservation. GREVIO also notes that Andorra is required to set up a mechanism for the state compensation of victims, particularly the victims of human trafficking, under other obligations entered into at international level.⁸⁶ GREVIO points out that states have a degree of discretion in the way they implement Article 30, paragraph 2, of the convention, in that it is for them to determine what damage entitles victims to compensation and they may set higher or lower limits for any or all elements of compensation to be paid by the state.⁸⁷

⁸³ Article 5 of Law No. 1/2015.

⁸⁴ Concluding observations on Andorra's 4th report, 2019.

⁸⁵ See Article 23, paragraph 1, which grants victims "the right to obtain reparation and claim financial compensation for all damage incurred, including suffering and financial losses".

⁸⁶ See paragraph 104 of the report of the Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Andorra (second evaluation round), in which GRETA calls on the Andorran authorities to "ensure that a victims' assistance fund is set up so that state compensation can be paid to any trafficking victim identified as such in the event of the perpetrator(s) defaulting".

⁸⁷ Explanatory report to the Istanbul Convention, paragraph 166.

145. GREVIO strongly encourages the Andorran authorities to ensure that women victims of violence have access to effective compensation systems. For this purpose, the authorities should conduct a review of the effectiveness of current compensation systems, along with the impact of the reservation to Article 30, paragraph 2, of the Istanbul Convention, and make any necessary amendments, while ensuring that they include measures for the victim's safety to be duly taken into account.

3. Custody and visitation rights (Article 31)

146. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention requires such decisions to take into account any incidents of violence covered by the convention, in particular incidents of domestic violence. It also requires parties to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children while taking into account the parental rights of the perpetrator. In particular, in cases of domestic violence, issues regarding children often represent the only ties that remain between victim and perpetrator. For many victims and their children, complying with contact orders can be seen as a continuation of the violence and can also present a serious safety risk because it means meeting the perpetrator face-to-face.⁸⁸

147. In Andorra, the requirements of Article 31 of the Istanbul Convention are codified in Law No. 1/2015. Under Article 25 of this law, in all proceedings for separation, divorce or the setting up or alteration of parental arrangements with regard to children, the relevant courts must pay particular attention to any conflict or situation of gender-based violence or domestic violence occurring within the family unit when they decide on parental authority, child custody or visiting rights. Where the rights and safety of children and/or the custodial parent are under threat, protection orders covering the situation of children may be adopted⁸⁹ and the courts may order the suspension of parental authority and custody and visiting rights – either as an interim measure or at the end of the proceedings. They may also impose visiting in places and according to arrangements offering guarantees of safety, such as the technical meeting points provided for in Article 2, paragraph 8, of Law No. 1/2015. The requirement to take account of violent situations and assess whether protection measures are necessary to protect victims and children also applies in any other civil court where there is reasonable evidence of a violent situation.

148. At criminal level, under Article 159 of the Andorran Criminal Code, the courts may withdraw parental authority as a supplementary penalty applicable to offences against sexual freedom. For other offences, Article 38, paragraph 2, of the Criminal Code provides for the applicability of the supplementary penalty of the ban on exercising family rights "in cases where there is a connection with the offence committed". Paragraph 3 of this article also allows, in relation to crimes against life, physical and moral integrity, sexual freedom and threats, the supplementary penalty of prohibition of contact with the victim to be applied depending on the relationship between the perpetrator and the victim and the need to protect the victim or a third party. The authorities⁹⁰ have informed GREVIO that the criminal courts apply these supplementary penalties sparingly, and prefer, where they identify a risk in wishing to maintain contact between the father and the child, to refer the case to the child protection courts. The role of these courts in protecting children who have witnessed violence has recently been enhanced through the adoption of Law No. 14/2019 on children's rights. This refers explicitly to the harmful effects on children's development of violence against women. Under the law, such violence may be regarded as a situation of parental "disengagement (*desempament*)", which may be grounds for child protection courts to suspend and/or adjust the exercise of parental authority.⁹¹

⁸⁸ Ibid., paragraph 176.

⁸⁹ See section of this report on Articles 52 and 53 of the convention.

⁹⁰ Page 40 of the state report.

⁹¹ Articles 86 to 92 (*situacions de desempament*) of Law No. 14/2019.

149. The civil society representatives consulted by GREVIO expressed their concern about the fact that courts did not apply these measures systematically when determining the child's best interests, granting shared custody in violent situations.⁹² The authorities do not share the view of civil society, which they refute by citing the judgment of 24 July 2018 of the Civil Chamber of the High Court of Justice as an example of case law that is sensitive to the issue⁹³. The GREVIO notes in relation to this judgment that by referring to "structural or habitual violence" it seems to limit the consideration of cases of violence to repeated acts of violence, whereas neither Article 31 of the convention nor the definitions of violence given in Article 3 of the convention incorporate this dimension. Moreover, GREVIO observes that there is no judicial data illustrating the extent to which the aforementioned provisions have been used by the different competent courts. GREVIO is also concerned that courts apply the concept of parental alienation despite the fact that it does not make it possible to take account of intimate partner violence and the ensuing threats to women's and children's safety, which has harmful effects, including the death of numerous victims.⁹⁴ Although GREVIO has not identified any official text in Andorra which endorses the application of the concept of parental alienation, it does note that the recently adopted Law No. 14/2019⁹⁵ includes a similar concept, namely that of the instrumentalisation of children in conflicts between parents, in a list of risk situations possibly requiring action by public institutions. Establishing guidelines for all Andorran judges, for example at the instigation of the judiciary's self-governing body, may be a means of promoting judicial practices in keeping with the requirements of Article 31 of the convention and drawing their attention to the lack of any scientific basis for the concept of parental alienation and its outdated nature.⁹⁶

150. Since the entry into force of Law No. 1/2015, a family meetings service providing points of contact for families has been set up so that visits can take place under supervision or to facilitate compliance with agreed visiting arrangements. This covers children in care, children whose custody has been granted to only one parent and children in shared custody where it is felt that precautions are required when the child is handed over from one parent to the other. This service is attached to the Ministry for Social Affairs and is activated by a court decision with a view to "protecting children and preventing family conflicts".⁹⁷ GREVIO notes the concerns expressed regarding the quality of this service's work and its ability to guarantee the physical and psychological safety of children and their mothers.⁹⁸ GREVIO notes in this regard that the law requires training to be provided for professionals dealing with issues relating to violence against women including domestic violence, and that such violence is considered in practice as a risk factor that can justify the suspension or interruption of family meetings. Nevertheless, GREVIO questions the ability of this service to meet the needs of victims placed by violence in an unequal position of strength vis-à-vis their abusers when it was designed primarily for conflict situations and hence for equal relationships between partners.

151. GREVIO strongly encourages the Andorran authorities to take the necessary measures, including legislative amendments, to ensure that:

a. the relevant civil, criminal and child protection courts are required to take account of all matters relating to violence against women and their harmful effect on children who

⁹² Page 13 of the report by Stop Violències.

⁹³ This is the judgment in case 113/2018, which states that "in cases of structural or habitual violence, the exposure of the minor to the effects of the violence is inevitable, even if she does not witness or suffer them herself, and the minor's interest cannot justify that the person who has continually abused the other parent should benefit from joint custody".

⁹⁴ See the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of "parental alienation syndrome" (PAS) and "parental alienation" (PA) are unsuitable for use in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists.

⁹⁵ Article 80, paragraph 2(h).

⁹⁶ See the statement of 31 May 2019 by the Platform of United Nations and regional independent expert mechanisms on violence against women and women's rights, <https://rm.coe.int/final-statement-vaw-and-custody/168094d880>

⁹⁷ Article 2, paragraph 2(8) of Law No. 1/2015.

⁹⁸ Page 13 of the report by Stop Violències.

- witness such violence so as to assess whether such violence would warrant restricting custody and visitation rights;
- b. guidelines are drawn up for judges and professionals involved in judicial proceedings and the provision of contact points for families so that systematic account is taken of violent situations and how they differ from conflict situations;
 - c. the professionals concerned, particularly those working in the justice system, the social services and the medical, psychological and psychiatric sector, are alerted to the lack of any scientific foundation for “parental alienation syndrome” and related concepts which lend themselves to being used to minimise and conceal violence against women.

It should be possible to measure progress in this field through data, particularly judicial data, illustrating how the courts and professionals concerned consider incidents of violence and motivate their decisions.

B. Criminal law

152. The ratification by Andorra of the Istanbul Convention has led to a major reform of Andorran criminal law, which was brought about through the adoption of Laws Nos. 18/2013 and 40/2014 amending the Criminal Code. Through these laws forms of violence which had never been addressed before by criminal legislation were criminalised, such as forced marriage, forced abortion and sterilisation, and female genital mutilation. These laws also introduced a large range of aggravating circumstances, in addition to a new category of offences of discrimination including discrimination on the ground of sex. The criminal law that applies to domestic violence and sexual violence, including rape, is shaped largely by standards which were already in place before the reform.

1. Psychological violence and physical violence (Articles 33 and 35)

153. In Andorra, several ordinary law offences make it possible to address psychological violence: conditional or unconditional threats (Articles 140, 141 and 143), coercion (Article 139) and blackmail (Article 142). Furthermore, a specific offence of domestic violence encompasses various manifestations of psychological violence in intimate relationships. The offence in question is covered by Article 114, on ill-treatment of a member of one’s household, which criminalises the conduct of “anyone who commits physical or psychological violence on somebody who is or has been his or her spouse or a person with whom he or she has or has had a similar relationship, or on the ascendants, descendants or siblings of the perpetrator or the spouse, or any other person under one or the other’s custody or with whom the person lives”. This offence is regarded as an aggravated form of the ordinary offence of ill treatment and carries a sentence of up to two years’ imprisonment in addition to the penalties applied on the ground of the injuries and other harmful effects suffered by the victim. Provision is made for the upper half of the range of the related penalties to be applied where the offence is committed in the presence of a child, which GREVIO welcomes. The judges consulted by GREVIO stated moreover that they interpreted the notion of cohabitation very broadly, considering that it need not be strictly continuous provided that it occurs regularly over time (as in the case of a couple who only inhabit the same dwelling at weekends, for example).

154. The police data communicated to GREVIO (which is not disaggregated by gender) show a high level of psychological violence. Of a total of 135 domestic violence cases recorded in 2016 by the police statistics office, 44 related to instances of purely psychological violence and 35 to psychological violence combined with physical assault. Similar rates were recorded in 2017: of a total of 153 cases, 49 related to psychological violence alone and 44 to psychological violence combined with physical assault, all of which shows that psychological violence was inflicted in over half of the cases reported. Interpretation of judicial follow-up in cases of psychological violence is less easy however, especially as the data on the offence of ill-treatment make no distinction between physical and psychological violence. In view of the fragmentary, non-gendered nature of judicial data on the

application of offences, it is difficult therefore to ascertain whether psychological violence in all its forms gives rise to effective proceedings and penalties, as required by the convention. GREVIO points out in this connection that it has often been the case that this form of violence is not recognised by the courts in the countries it has assessed to date and that convictions are extremely rare.

155. Physical violence inflicted in the context of a relationship is covered by the offences of manslaughter and murder (Articles 102 to 106), offences against the physical integrity and health of persons such as physical ill-treatment and battery (Articles 113 to 119) and the offence of ill-treatment of a member of the household (Article 114, see above). Over the period of time for which administrative data were provided in the state report, the authorities did not record any cases of manslaughter or murder or attempts to commit such an offence, whether in the context of violence against women or domestic violence.

156. In the prevalence survey carried out in 2008 by the Sociological Research Centre of the Andorran Institute of Studies,⁹⁹ 4.8% of women over 18 living in Andorra said that they had been victims of ill-treatment over the preceding year and 13.9% of these women had been subject to one form or another of ill-treatment in a domestic setting, inflicted in most cases by their partners. In comparison, the 2014 survey by the EU Human Rights Agency (FRA), which was not limited to domestic violence and intimate partner violence, recorded a rate of 8% of women who had been subject to physical and/or sexual violence in the 12 months preceding the survey and 25% of women who had been subject to such violence since the age of 15.

157. GREVIO encourages the Andorran authorities:

- a. to take measures to make it possible to collect data on the number of cases of physical and psychological violence against women recorded by law enforcement agencies and brought before the courts, while ensuring that a distinction is made between these two types of violence when they include the offence of ill-treatment of a member of the household;**
- b. to assess the extent to which the criminal provisions making it possible to punish psychological violence against women are actually applied, including in cases of attempted violence;**
- c. to continue to raise the awareness of judges, members of the law enforcement agencies and legal professionals, through measures including training courses, about the gender dimension and the harmful effects of psychological violence, which is one of the forms of violence most commonly reported to the law enforcement agencies in Andorra.**

2. Sexual violence, including rape (Article 36)

158. The Andorran Criminal Code makes a distinction between two forms of offence of a sexual nature: sexual assault, including rape, and sexual abuse. Sexual assault is defined in Chapter I (Articles 144 to 146) of Title VII of the Code, relating to offences against sexual freedom, and requires recourse to violence or intimidation to be regarded as such; the assault of rape is characterised by vaginal, anal or oral penetration by objects or body parts. Sexual abuse, which can include penetration, is dealt with in Chapter II of the Criminal Code and includes sexual abuse without consent (Article 147), sexual abuse of children over the age of 14 and under the age of 18 (Article 148) and sexual abuse of adults (Article 149).

159. With regard to the offence of sexual abuse without consent, the lack of consent must be covered by one of the circumstances strictly defined by Article 147 of the Criminal Code. No consent can be considered to have been given where the act is committed against one of the following categories of person: (1) persons who are unconscious, deprived of their senses or incapable of

⁹⁹ Centre de Recerca Sociològica. *Enquesta a la població femenina sobre la violència a la llar, 2008.*

resisting, (2) persons in a situation of incapacity which the perpetrator has taken advantage of or (3) children under the age of 14, in respect of which the law establishes an irrebuttable presumption of non-consent. As to other circumstances capable of ruling out consent, it has been established by the case law¹⁰⁰ that an unconscious person is somebody who has totally lost consciousness whereas persons deprived of their senses or incapable of resisting are understood to be persons whose mental faculties have been considerably reduced, to an extent capable of preventing them from feeling free and able to clearly express their objection and opposition to acts of a sexual nature – a situation not to be confused with that of persons whose inhibitory checks have been slightly diminished. As to persons in a situation of incapacity, these are individuals whose consent is affected by a mental disability, an intellectual deficiency or a mental disorder, which deprives the victim of the ability to consent fully, in a free and informed way, to acts of a sexual nature and to grasp their meaning and consequences.

160. In the light of the foregoing, GREVIO notes that the various offences of sexual violence in Andorra are not based exclusively on the absence of consent although this is the central element of the way in which the Istanbul Convention frames sexual violence. The seriousness of sexual violence is still assessed according to the degree of physical violence used or threatened by the perpetrator or according to the victim's state: evidence has to be found that the victim's mental faculties were submerged by a feeling of fear or helplessness making her incapable of defending herself or formulating or expressing her will. As GREVIO has already had occasion to note,¹⁰¹ the problem with this approach is that it does not fully reflect the realities of women experiencing sexual violence and the various ways in which they respond to threat, which can be summed up using the formula "flight, fight, freeze, flop or befriend". The consequence is that Andorra has not criminalised all forms of sexual violence, as required by the convention. Other consequences include the requirement of higher thresholds of evidentiary standards of physical resistance and a shifting of the focus onto the victim's behaviour rather than the accused's actions.

161. As to the penalties applied for sexual violence, sexual assault and sexual abuse are punished by a prison sentence of three months to three years; in the event of penetration, the prison sentence is three to ten years. GREVIO notes with satisfaction that by providing for identical penalties for sexual assault and sexual abuse, the legislation does not make any hierarchical distinction between victims on the basis of some of their characteristics such as weakness, dependence or illness. GREVIO notes, however, that while it may be warranted to provide for higher penalties where the violence ends in penetration, the range of penalties for sexual violence without penetration is very limited, and takes no account of the trauma that this violence can cause to victims. It is similar for instance to the range of penalties that are applied for the offence of robbery¹⁰² and intellectual property theft¹⁰³, and in GREVIO's view, this reflects an inappropriate scale of values, which is not in keeping with the seriousness of the breaches of the physical and mental integrity and the sexual autonomy of victims of sexual violence. In this connection GREVIO points to the undertaking made by States Parties to ensure, in accordance with Article 45 of the Istanbul Convention, that the offences established in accordance with the convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness.

162. GREVIO strongly encourages the Andorran authorities to:

- a. amend the Criminal Code to guarantee the existence of an offence of sexual violence which is firmly anchored in the absence of consent, regardless of whether the victim is a sane, adult person neither incapacitated nor in a subordinated situation, and to**
- b. review the scale of penalties applied to sexual violence so as to provide dissuasive sanctions that are proportionate to the seriousness of the violence involved.**

¹⁰⁰ Tribunal de Corts, case no. 6000179/2017, 28 March 2018.

¹⁰¹ See paragraph 165 of GREVIO's evaluation report on Finland.

¹⁰² Article 198 of the Andorran Criminal Code.

¹⁰³ Article 229 of the Andorran Criminal Code.

3. Forced marriages (Article 37)

163. GREVIO welcomes the introduction of forced marriage into the Criminal Code in 2014 as a separate criminal offence.¹⁰⁴ The conduct described in the second paragraph of Article 37 of the Istanbul Convention consisting in intentionally “luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage” is also punishable as an attempt.¹⁰⁵ No cases of forced marriage have been recorded by the authorities since the introduction of this offence.

164. Under Article 18 of the Marriage Act, as amended by Law No. 34/2004, the minimum age for marriage in Andorra is 16¹⁰⁶, although exceptions are possible under Article 20 of this law from the age of 14 onwards. These provisions have been strongly criticised by international human rights bodies, particularly the UN Committee on the Rights of the Child¹⁰⁷ and the CEDAW Committee, which have recommended that Andorra should amend its legislation to raise the minimum age for marriage to 18.¹⁰⁸ While acknowledging the differences between underage and forced marriages, GREVIO points out that the young age of brides means that they are at a higher risk of not being able to express their full and free consent to a marital union, or to resist a forced marriage. The damaging consequences of both forced marriage and child marriage have been amply illustrated by international human rights bodies.¹⁰⁹ Child and forced marriages are widely acknowledged as a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations. Such harmful practice has a disproportionately negative impact on women and girls and constitutes a serious threat to multiple aspects of their physical and psychological health.

165. GREVIO endorses the findings of the international bodies cited above and considers that this makes it all the more essential for Andorra to adopt measures and/or procedures capable of preventing the risk of forced marriages, particularly where children are involved. These measures should be combined with appropriate training for all the professionals concerned, particularly judges and prosecutors who have the power to order derogations from the minimum age of 16, registrars, and civil and religious authorities¹¹⁰ in charge of celebrating marriages. During the evaluation procedure, GREVIO was not alerted to the existence of any measures intended specifically to prevent forced marriages at civil law level.

166. Bearing in mind the risks that child marriages pose in terms of forced marriages and other forms of violence, GREVIO encourages the Andorran authorities to:

- a. review the legislation and practices in force with a view to adopting, where appropriate, additional guarantees for free consent of intending spouses, particularly when they are children;**

¹⁰⁴ Under Article 171 bis, paragraph 1, of the Andorran Criminal Code, forced marriage is considered to have occurred where persons are forced to marry “against their will or without their consent”.

¹⁰⁵ Under Article 171 bis, paragraph 2, of the Andorran Criminal Code, attempted forced marriage is understood to mean deceiving a person with the aim of removing him or her from the state in which he or she resides and forcing him or her to marry.

¹⁰⁶ According to information from the authorities dated August 2020 which GREVIO welcomes, a bill providing that persons under the age of 18 cannot marry is under consideration. More specifically, this is the bill known under the title of “qualified bill relating to the person and the family”.

¹⁰⁷ See Committee on the Rights of the Child, Concluding observations on Andorra’s second periodical report (2012), paragraphs 22 and 23.

¹⁰⁸ See CEDAW Committee, Concluding observations on Andorra’s fourth periodical report (2019), paragraph 44.

¹⁰⁹ See Resolution 175 of the United Nations General Assembly and Joint General Recommendation No. 31 of the CEDAW Committee and the Committee on the Rights of the Child, and general comment 18 of the Committee on the Rights of the Child concerning harmful practices.

¹¹⁰ In Andorra, church marriages have the same legal effects as civil marriages, in accordance with Title III of the Marriage Act.

- b. draw up guidelines for the prevention of forced marriages applying to the procedure for derogation from the minimum age of 16, based on close co-operation between the relevant courts and existing bodies for the protection of children's rights.**

Such measures should be taken in conjunction with efforts to raise public awareness about this form of violence and provide training for the professionals concerned about the risks of forced marriages.

4. Female genital mutilation (Article 38)

167. Female genital mutilation, as described in Article 38 a and b of the convention, does not form a separate criminal offence, but it is covered by the provisions concerning the offence of aggravated battery (Article 116, paragraph 2, of the Criminal Code). This offence also makes it possible to penalise the fact of forcing a girl to undergo any of the acts listed in Article 38.a of the Convention. The different form of behaviours described in paragraph c of Article 38 of the convention of intentionally exerting an influence on a girl who does not herself intend to allow herself to be subjected to female genital mutilation would not seem to be covered precisely by the second part of Article 166, paragraph 2, of the Criminal Code, which punishes incitement in particular, because the offence of incitement described in Article 19 of the Criminal Code is made out only if the mutilation is actually carried out subsequently and this is not a requirement of the convention. A similar observation applies to offences committed by omission, according to Article 22 of the Criminal Code, since these offences consist "in the production of a result".

168. There is no information on the presence and/or the residence in Andorra of women from communities which practise female genital mutilation, and no offence under Article 116, paragraph 2, of the Criminal Code as cited above has yet been recorded by the law enforcement or judicial bodies. According to civil society,¹¹¹ the authorities should attempt to gather more knowledge on this subject as part of a more comprehensive effort to understand the situation of women belonging to the various foreign communities present in the country, their specific problems, and their exposure to the risk of specific forms of violence such as female genital mutilation.

169. GREVIO encourages the Andorran authorities to supplement their criminal law so as to ensure that the conduct described in Article 38.c of inciting a girl to undergo an act of female genital mutilation is criminalised.

5. Sexual harassment (Article 40)

170. GREVIO notes with satisfaction that the offence of sexual harassment incorporated into the Andorran Criminal Code following a reform in 2015¹¹² reproduces the wording of Article 40 of the convention and punishes "any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment", regardless of the setting in which this behaviour occurs (at work, in an educational setting, in a public place or anywhere else). GREVIO also welcomes the fact that since the entry into force of Law No. 13/2019 on equal treatment and non-discrimination, a gendered provision¹¹³ specifically covers the sexual harassment and gender-based harassment of women, hence extending the additional safeguards afforded by this law to this form of violence. In the employment sphere, Article 74 of the Labour Relations Code also establishes that it is the employer's responsibility to adopt appropriate safeguards to prevent or bring a halt to all harassment, including sexual harassment, whether committed by work colleagues or persons outside the company with relations with it because of their activity, and to exercise its

¹¹¹ See paragraphs 47 to 49 of the shadow report of September 2019 submitted to the CEDAW Committee by Stop Violències.

¹¹² Decree-Law of 29 April 2015 amending Article 149bis of the Criminal Code.

¹¹³ Article 9 of Law No. 13/2019.

disciplinary authority if the harasser is an employee.

171. During the evaluation procedure, GREVIO has received partial data concerning cases of sexual harassment.¹¹⁴ Data indicate that criminal convictions for sexual harassment are extremely rare, which raises the question whether available legal solutions are efficiently applied in practice. The lack of information on the way in which employers or labour inspectors have dealt with cases of sexual harassment in the workplace has also been noted by the CEDAW Committee.¹¹⁵ Additional efforts are needed from the authorities both to organise the collection of information about sexual harassment more effectively and to highlight the actual circumstances of women affected by this form of violence, which is known to exist in Andorra, as confirmed by civil society representatives working on the ground.¹¹⁶

172. GREVIO strongly encourages the Andorran authorities to take measures to ensure that the legal provisions and policies protecting women from sexual harassment are fully applied, including where such harassment is carried out using digital tools. It should be possible for progress in this area to be measured using relevant data, including data showing how the mechanisms establishing the responsibility of employers in combating and preventing sexual harassment operate in practice.

6. Aggravating circumstances (article 46)

173. GREVIO welcomes the fact that the aggravating circumstances listed in Article 46 of the convention have been incorporated into Andorran criminal law, particularly Article 30 of the Criminal Code on aggravating circumstances of general application. In addition, aggravated forms of crime provide for an automatic aggravation of the sentence when the crime is committed in certain circumstances, such as in the case of qualified sexual assault (Article 146 of the Criminal Code). Furthermore, the aggravating circumstance of discrimination on the ground of sex provided for in point 6 of this article is of particular interest because it makes it possible to take into account the gendered aspect of various manifestations of violence against women.

7. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

174. In Andorra, civil mediation is governed by Law No. 3/2018, which transposed Recommendation N° R (98) 1 of 21 January 1998 of the Committee of Ministers to member states on family mediation and Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters into Andorran law. It is generally a voluntary process although it can also be suggested or recommended by a court.

175. GREVIO notes with satisfaction that Article 11 of Law No. 3/2018 provides explicitly that “where the equality or the freedom of decision of the parties is not guaranteed, particularly following situations of violence, the mediation process must be discontinued”. To ensure that this rule is observed, Article 13 of Law No. 1/2015 provides that mediation services are among those for which the authorities must devise measures – as part of the national plan on social and health services – enabling them to identify situations of gender-based violence and domestic violence, paying particularly attention to the situation of victims belonging to high-risk groups owing to their personal or social circumstances. For this purpose, the specialised public support service, the SAVVG, has negotiated a protocol with the relevant judicial service (the Assistance and Mediation Service) to co-ordinate their activities. Under this protocol, any mediator who identifies a possible case of violence is required to notify the SAVVG

¹¹⁴ According to information dated August 2020, the authorities reportedly recorded four criminal convictions for sexual harassment in the period from 2015 to 2020.

¹¹⁵ See CEDAW Committee, Concluding observations on the fourth periodical report by Andorra (2019), paragraph 33.c.

¹¹⁶ See the written contribution by the association Stop Violències, appended to the national report of 3 May 2019 presented by Andorra on the implementation of the Beijing Declaration and Platform for Action.

thereof. In situations posing a threat to the physical or mental integrity of victims or their entourage, the professionals concerned have a duty to report this directly to the law enforcement or judicial bodies.

176. In the light of the information brought to its attention by civil society,¹¹⁷ GREVIO draws attention to the risk that mediation can be proposed and/or continued where a woman has not previously mentioned that she has experienced intimate partner violence. GREVIO welcomes the fact that mediators in Andorra are required to attend compulsory training helping them to recognise signs of violence, distinguish these situations from those of a family conflict and assess risk factors. However, professionals met by GREVIO during the evaluation visit talked of the difficulty of detecting all situations of violence during the limited time they have for interviews with the parties. In the 179 cases it had to deal with in 2019, the Assistance and Mediation Service noted three cases of violence, one of which was brought to its notice by the victim herself. As to justice professionals, the judges and prosecutors interviewed by GREVIO during the evaluation process reported only one case in which approval for a consensual separation was refused on the ground of violence.

177. While commending the Andorran authorities for their legislation establishing the principle that mediation is prohibited in situations of violence, GREVIO encourages them to ensure that the professionals concerned, particularly judges, prosecutors and the members of the mediation service, are afforded the appropriate operational conditions and means to apply this prohibition effectively and hence to provide increased protection for victims. It should be possible to measure progress in this area through relevant data.

¹¹⁷ Page 13 of the written contribution by Stop Violències to GREVIO: "The country has a legal mediation service, where the importance of partner violence is not taken into account, relegating everything to a couple's conflict. It does not detect abusive relationships or violence and therefore malpractice is done since mediation in cases of partner violence is not recommended".

VI. Investigation, prosecution, procedural law and protective measures

178. Full accountability for all acts of violence against women requires an adequate response from law enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. Immediate response, prevention and protection (Article 50)

1. Reporting to and investigations by law enforcement agencies

179. In Andorra, the duty of the law enforcement agencies to engage rapidly and appropriately in the prevention of and protection from violence against women is one of the leading principles of Law No. 1/2015.¹¹⁸ To ensure the effective application of this principle, a co-operation protocol¹¹⁹ was negotiated in 2018 between the Andorran Police Force and the Support Service for Victims of Gender-Based Violence (SAVVG) with the main aim of harmonising police activities with the standards of the Istanbul Convention. The protocol sets out the main guidelines for police measures to combat and prevent violence, from the point at which victims are first received up to their referral to specialist support services. Apart from requiring victims to be informed of their rights, the protocol establishes an obligation to create optimum conditions for victims to be given a sympathetic hearing and for their complaints to be registered, while paying particular attention to the possible presence of child victims and/or witnesses. The protocol has a clear educational value in that it explicitly prohibits any attitude that makes victims feel guilty or minimises the violence, with a view to preventing secondary victimisation. It also insists on the proactive role that the law enforcement agencies should play in finding evidence that can corroborate victims' claims and/or support a judicial investigation. Implementation of the protocol is backed up by internal police circulars¹²⁰ highlighting the importance of informing victims about their right to take advantage of various forms of assistance and support, right from the point at which the complaint is filed and throughout the entire length of the investigation and/or judicial proceedings. A standard model complaint has also been drafted and lists all the questions and information that must be covered by the police officer in charge of assisting victims.

180. GREVIO welcomes the various measures that have been adopted to frame police activity and ensure that effective action is taken, showing understanding for the situation and the rights of victims and their children. It also notes that these various arrangements are based on the principle that only a police officer who has been specially trained on violence against women is authorised to receive a complaint from the victim. The authorities have informed GREVIO that in the light of the significant rise in the number of cases of violence against women recorded in recent years, the law enforcement agencies have increased the staff dealing with this type of case and ensured that the teams concerned include women. At the time of GREVIO's evaluation visit, 3 policewomen – whose training had been enhanced by the fact that they had joined the European Network of Policewomen – had been assigned to dealing with cases of violence against women.

181. GREVIO notes that despite these efforts, reports from civil society reveal situations in which victims have not been treated appropriately and their claims have not been listened to by law enforcement agencies. These were mainly cases that were dealt with outside the specialised team's

¹¹⁸ Article 21 of Law No. 1/2015.

¹¹⁹ Protocol d'actuació' del Cos de Policia en l'atenció' de la violència de gènere i domèstica.

¹²⁰ Circular 631/17 (Protocols d'actuació'. Actuacions internes. Aspectes a tenir en compte en les denúncies i actuacions per Violència de Gènere i/o Domèstica – V.G.D.) and Circular 638/18 (Protocols d'actuació'. Dret a l'assistència lletrada en casos de Violència de Gènere i Domèstica).

operating hours (Monday to Friday, 8 am to 8 pm), in the evening or at the weekend for example.¹²¹ During GREVIO's exchanges with field workers, it also emerged that victims are not all systematically informed by police officers about the support services from which they can seek assistance and that the information provided makes no reference to specialist women's rights associations. GREVIO also notes that the (non-public) statistics supplied to GREVIO by the Andorran Police Force focus on violence between partners and/or committed in a domestic setting, and that they do not include other forms of violence against women, such as harassment, sexual harassment and sexual violence, all of which might lead to the conclusion that the law enforcement agencies pay insufficient attention to the entire range of different manifestations of gender-based violence. GREVIO is also concerned about the law enforcement agencies' use of the recording criterion of so-called "symmetrical" violence although this concept is not found in the protocols and/or circulars in use and seems to overlook the distinction that has to be made between conflicts within couples and gender-based violence, which is based on and reinforces inequalities between women and men.

182. GREVIO strongly encourages the Andorran authorities to take additional measures to improve the quality of the law enforcement agencies' response to violence against women. Such measures should, in particular:

- a. **enable access for victims to optimum arrangements for 24/7 reception by staff properly trained in the specific characteristics of violence and victims' needs;**
- b. **aim to extend specialist police support to all violence against women;**
- c. **enhance co-operation between the law enforcement agencies and the various institutional stakeholders and civil society;**
- d. **be based on guidelines which make it possible to distinguish between conflicts between partners and/or family members and domestic violence.**

2. The role of the prosecution services and conviction rates

183. Several systems have been set up in Andorra to ensure that investigations and judicial proceedings are effective, giving priority to victims' rights at all stages of criminal proceedings and including an understanding of gender-based violence against women. Protection of victims throughout judicial proceedings is the subject of a specific article in Law No. 1/2015. Article 23 of this law lays down the basis for the system of emergency barring and protection orders in Andorra as well as requiring that victims are given access to a whole series of protection measures centring on their right to be informed of the conduct of proceedings and to participate in them without running the risk of secondary victimisation.¹²² Guidelines have also been prepared, both for criminal and for civil courts.¹²³ Criminal judicial proceedings are also governed by the principle of *ex officio* proceedings for all offences of violence against women and domestic violence, which is in line with the requirement laid down in Article 55 of the Convention for investigations and proceedings not to be dependent on a report or a complaint by a victim for the offences described therein. The need to deal with cases of violence against women without delay is catered for, in criminal proceedings, by the practice of arranging, insofar as possible, for the accused to be taken into custody and appear before court immediately and, in civil proceedings, by giving priority to hearings of the parties by the judge.

184. The evaluation of the effectiveness of Andorra's judicial response to violence against women comes up against a major obstacle, which is that the data collected in this respect is incomplete and enables only a partial interpretation of the performance of the judicial system. The annual reports of

¹²¹ See contribution by the association Stop Violències, in Appendix 1 to the national report on the implementation of the Beijing Declaration and Platform for Action (2009 – 2019).

¹²² See the discussion below on the subject of measures taken to give effect to Articles 52 and 53 of the convention.

¹²³ See Chapter VIII 1.d of the guide to co-operation in cases of gender-based violence and domestic violence.

the Prosecutor's Office¹²⁴ divide violence into three categories:¹²⁵ gender-based violence, domestic violence and violence against children.¹²⁶ Because the data relating to the two latter types of violence are not systematically broken down according to sex, it is impossible to determine from all these data what share of the violence concerns women. In addition, the data on the outcome of proceedings are approximative, as those on discharge decisions, discontinuation of proceedings, sentence orders and judgments do not specify to what form of violence they refer¹²⁷ and do not give details of the nature of the judicial decision (for example, the type and the severity of the sentence). In general, the data are not devised to enable the judicial processing of cases of violence against women to be followed throughout the criminal process, from their registration up to the close of the judicial proceedings.

185. In view of the above, GREVIO reiterates the urgent need for the Andorran authorities to set up a system for collecting appropriate judicial data, backed up by relevant assessments of case law and of the processing of criminal cases by the law enforcement agencies, prosecution services and courts to measure the performance of the judicial system and to identify any gaps in the institutional response to violence against women.

B. Risk assessment and risk management (Article 51)

186. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law enforcement, effectively assess and devise a plan to manage the safety risks a particular victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

187. The protocol negotiated recently between the Andorran Police Force and the Support Service for Victims of Gender-Based Violence (SAVVG) provides for a standardised risk assessment tool.¹²⁸ This is an evaluation chart making it possible to review perpetrators' history of violence, the type of violence involved, whether there were any aggravating circumstances such as possession of fire arms, any reasons for the victim to be particularly vulnerable and the perception of the risk on the part of the victim herself. GREVIO did not have the opportunity to check that this tool is used systematically by the law enforcement agencies. However, it did note that the SAVVG's specialised team paid particular attention to the need to assess existing risks so as to be able to assist victims as efficiently as possible and organise their supervision. Risk assessment is also at the core of the activities of the Child and Adolescent Support Service, particularly since the recent adoption of Law No. 14/2019 on the rights of children and teenagers, which explicitly includes gender-based violence in its list of risk situations and acknowledges the danger faced by child witnesses.

188. GREVIO notes the benefits of centralising risk assessment within a single service, the SAVVG, which is able to compile the information obtained by the various bodies concerned and hence to devise an interinstitutional response to the risks posed by violence. With regard to policing and judicial action in cases of violence within couples, GREVIO also notes with satisfaction that frequent use is made of custody and pre-trial detention orders.¹²⁹ In medium and high-risk situations, this measure is an appropriate way of ensuring the safety of victims and their children. However, it is clearly more difficult to assess risks in situations which do not result in the perpetrator's arrest. The authorities could aim

¹²⁴ GREVIO has been provided with extracts from these reports for the years 2015 to 2017.

¹²⁵ A more detailed discussion on the collection of data by the law enforcement agencies can be found in Chapter II, in relation to Article 11 of the Istanbul Convention.

¹²⁶ The authorities informed GREVIO that in 2016 and 2017, preliminary investigations were opened in 75 and 89 cases of violence against women respectively and new investigations relating to domestic violence numbered 81 and 39 respectively. ¹²⁷ In 2016, of the 49 preparatory proceedings for gender-based violence, there were 18 decisions to suspend investigations, 11 to discontinue proceedings and 14 cases of *lis pendens*.

¹²⁸ Appendix 1 of the protocol: extret del Protocol de valoració del risc de violència contra la dona per part de la seva parella o exparella (RVD-BCN). Circuit Barcelona contra la violència vers les dones. Barcelona, 15 December 2011.

¹²⁹ According to the authorities' reckonings, about 90% of cases give rise to pre-trial detention.

to improve the management and assessment of action by the various institutions in this area, by insisting on the principle that where the perpetrator is not in custody, there has to be a preliminary risk assessment of the likelihood of a fatal outcome or repetition of violence when contact is first made with the victim, and that assessment must be repeated to take account of any developments. This approach is also justified by the fact that for various reasons, a number of victims do not approach the SAVVG. Where victims are assisted by an association specialising in defending victims' rights and interests, it is good practice to also involve this association in the process.

189. GREVIO encourages the Andorran authorities to take measures to ensure that all institutional operators make systematic use of risk assessment and risk management when contact is first made with victims and that there are subsequent assessments to take account of any changes in the level of risk, particularly by stepping up training for law enforcement agencies and other relevant services. Steps should be taken to ensure that this process stems from a co-ordinated approach between relevant institutions and civil society partners.

C. Emergency barring orders (Article 52)

190. In Andorra the system of emergency barring and protection orders is governed by Article 23 of Law No. 1/2015. Under this article, any woman who considers herself a victim of violence against women or domestic violence may bring an action in the civil courts, separate from any criminal proceedings, to obtain judicial protection designed to bring an end to a violation of her rights arising from a situation of violence against women or domestic violence, avoid any subsequent violence and obtain reparation and financial compensation for the damage caused. The court may rule on the application for protection provided that equivalent measures have not already been called for or adopted in criminal proceedings or proceedings for separation, divorce or a change to child custody arrangements. Measures which may be requested or for which the court may decide on the length and conditions of application include orders requiring the perpetrator to leave home. Under the law, these may be adopted in the form of emergency prevention orders.

191. In the course of the evaluation procedure it was not possible to check to what extent the aforementioned measures are applied in practice, and the collection of data showing how often the civil courts make use of this type of order is not systematic. In the absence of any information which would demonstrate that applicable civil procedure rules make it possible to adopt such orders within the brief time scales imposed by the situations of immediate danger described in Article 52, GREVIO considers that the authorities should review the applicable legislation and the conditions in which it is applied to ensure that they satisfy the requirements of Article 52 of the Convention concerning access by victims to emergency barring orders which can be issued within a very short space of time in situations where there is an immediate danger.

192. GREVIO urges the Andorran authorities to take the necessary measures, including legislation, to align their legal framework with the requirements of Article 52 of the Istanbul Convention with regard to emergency barring orders and/or to remove any obstacle in practice to its application, in accordance with the requirements of this article. In addition, the authorities should introduce a system for collecting data on these orders, in line with the suggestions and proposals set out in this report regarding the implementation in Andorra of Article 11 of the Convention, in order to ensure that these orders are applied appropriately and in a timely fashion.

D. Restraining or protection orders (Article 53)

193. Through the information submitted to GREVIO in the state report and that collected as part of the evaluation procedure, GREVIO understands that it is mainly in the context of criminal proceedings that protection orders are issued. These measures are adopted either as a provisional safety measure or as a condition for the suspension of the sentence or as an additional penalty in cases of convictions for offences against life, physical and moral integrity or sexual freedom and the offence of making threats. Consequently, the time scales within which such orders must be issued and their maximum length are those which derive from the relevant rules of criminal procedure. Since the authorities state that in most cases they take perpetrators into custody and bring them before the courts immediately, it seems that the procedure applied is sufficiently flexible and fast to arrange for the victim's protection without excessive delay. GREVIO notes however that data on the number, type and duration of orders adopted, broken down according to whether they were applied at the victim's request or the authorities' initiative and the type of violence for which they were issued, and specifying the time limits within which they were adopted, are needed to ascertain whether this type of protection is effective. Data are also lacking on the number of breaches of orders and the measures taken as a result, bearing in mind that according to the law, all breaches incur the application of a criminal penalty.

194. In addition to orders obliging the perpetrator to leave the home, the orders that may be adopted by the civil judge include, among others, barring orders keeping the perpetrator away from any places where the victim may be, no-contact orders prohibiting any communication with the victims or other indicated persons, by whatever means, and the obligation for the perpetrator to undergo medical, psychological, social or any other type of treatment. In addition to these measures, there are measures specifically aimed at the protection of the victim and her children in relation to the exercise of parental authority. The evaluation procedure made it possible to verify that these measures are rarely requested by victims and other entities legitimated under Article 25 of Law No. 1/2015, which could be a sign of a lack of knowledge on the part of those entitled to them as to the availability of these protective measures.¹³⁰ GREVIO notes that according to the wording of paragraphs 1 and 2.a of Article 23 of Law No. 1/2015, the adoption of protection measures by the civil courts should be carried out in full compliance with existing civil procedure rules and, where protection orders are concerned, according to arrangements to be set out in an implementing regulation, which at the time of writing has not yet been finalised.

195. While underlining the need to develop a data collection system which gives a picture of how the system of orders is applied in Andorra, GREVIO invites the Andorran authorities to take the necessary measures to ensure that victims of all forms of violence covered by the Istanbul Convention are informed of their right to access to restraining and protection orders and are able to exercise this right effectively.

E. Ex parte and ex officio proceedings (Article 55, paragraph 2)

196. GREVIO welcomes the possibility granted by the law¹³¹ for specialist women's rights associations in Andorra to institute judicial proceedings to represent victims' interests and rights. According to the information provided to GREVIO by civil society organisations,¹³² this provision has formed the basis for their co-operation with the law enforcement and judicial bodies but this co-operation could be improved if there was better co-ordination between institutional victim support activities on the one hand and the practical and psychological assistance that victims can obtain outside this institutional framework on the other.

¹³⁰ The authorities informed GREVIO of two recent decisions granting such an order: the Decision of the Civil Judge (Battle Civil) of 26 February 2020 in case 0000013/2020 and the Decision of 26 September 2019 in case 2000489/2019.

¹³¹ Article 25 of Law No. 1/2015.

¹³² See written contribution submitted to GREVIO by the association Stop Violències.

197. In the light of the suggestions and proposals made in this report under Article 9 of the Istanbul Convention, GREVIO invites the Andorran authorities to take the necessary measures to take full advantage of the possibilities afforded by the law – which GREVIO welcomes – to involve specialist victim support associations in judicial investigations and proceedings relating to various forms of violence covered by the convention.

F. Legal aid (Article 57)

198. The right to legal aid is governed by Article 18 of Law No. 1/2015 and is recognised in all the judicial processes resulting directly or indirectly from a situation of gender-based violence or domestic violence. First-line legal aid is provided by the SAVVG in the form of legal advice and referral to the relevant services. It must be possible for victims to obtain this information anonymously without having to identify themselves and/or prove that the violence occurred. Second-line legal aid consists in free legal assistance by an officially appointed lawyer, who is required by the law to have been given special training on violence. GREVIO notes with satisfaction that this assistance is accessible under certain income conditions, but also if the victim is deprived of his or her means because of economic violence.¹³³

199. In 2019, 85 women applied to the SAVVG for free legal aid and it was granted in 95% of cases. However, only a third of the women assisted by the SAVVG actually requested free legal aid. In order to assess the accessibility and effectiveness of the legal aid system, the authorities could consider collecting data on the satisfaction of women who applied for free legal aid or assistance and were granted it, and on the reasons why women request free legal aid or assistance or choose not to.

¹³³ See page 41 of the guide to co-operation in cases of gender violence and domestic violence.

VII. Migration and asylum

200. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws must provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution must be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women who are victims or at risk of violence (Article 60).

A. Residence status (Article 59)

201. In Andorra the status of women whose residence rights depend on those of their spouse is governed by Article 32 of the Immigration Act, which stipulates that “aliens who request and obtain residence permits without authorisation to work are authorised to stay in the Principality of Andorra with a person of Andorran nationality or the holder of a residence and work permit, under a family reunion scheme”. Under these rules, spouses of persons of Andorran nationality are granted a residence permit without authorisation to work lasting ten years; if they also have an employment contact in Andorra, they are granted a residence and work permit for the same length of time.¹³⁴ The duration of a residence permit with or without authorisation to work of the spouse of a holder of a residence and work permit is the same as the duration of the permit of the person who applied for the reunion.¹³⁵ Residence permits obtained in this way are renewable under the same conditions that applied when they were granted, to which certain other requirements are attached such as the need, under certain types of permit, to have lived and worked in Andorra “on a full and permanent basis”.¹³⁶

202. No provision in Andorran law covers the particular situation of women protected by Article 59 of the convention, namely victims whose residence status depends on that of their spouse and who find themselves in particularly difficult circumstances because of the dissolution of their marriage with the perpetrator (Article 59, paragraph 1). The authorities have informed GREVIO that in such cases, the general legal provisions apply and the victim must have a job offer to be able to continue to reside legally in Andorra. Likewise, victim status has no impact on expulsion proceedings instituted against a violent spouse (the scenario described in Article 59, paragraph 2, of the convention) in that victims whose residence status depends on their spouse can only avoid expulsion if they have a job offer.

203. GREVIO takes due note of the fact that in these cases, the victims benefit from the help of the SAVVG, which gives them access to socio-psychological support services and helps them to look for a job as soon as separation or divorce proceedings are initiated. Under Law No. 6/2014, persons without a residence permit do not have access to general or specialised social services or social assistance.¹³⁷ Women in an irregular situation are only entitled to the ad hoc financial aid designed for persons in emergency welfare situations, which is granted regardless of their administrative situation.¹³⁸ These grants can be paid for a maximum of fifteen days, which may be extended in exceptional and proven circumstances for a further fifteen calendar days. The authorities have also stated that if a victim does not meet all the conditions prescribed by the law, the staff of the SAVVG

¹³⁴ Article 92 of the Immigration Act.

¹³⁵ Ibid., Articles 94 and 95.

¹³⁶ Ibid., Article 51.

¹³⁷ Under the Decree of 3 July 2019 approving the rules on financial benefits from the social and health and welfare services, recipients of financial aid must be in the situation described in Article 5 of Law No. 6/2014 on the social and health services, certifying that they reside in Andorra on a full and permanent basis when they make their claim.

¹³⁸ See Article 30 of the Decree of 3 July 2019 approving the regulations on financial benefits from the social and health services.

may issue a psychosocial report arguing in favour of the renewal of her residence and work permit.

204. However, GREVIO notes that the legislation on immigration does not pay any particular attention to the situation of victims and that no adjustments to the procedure are provided for to increase their chances of remaining in the country aside appointing a contact person on issues of violence against women in the relevant immigration services. Victims suffer the same fate as any other immigration candidate in Andorra in a context characterised by particularly rigid policies based on immigration quotas,¹³⁹ meeting very strict criteria laid down by law. For instance, it is obligatory to provide proof of income or a remunerated work contract to be able to open a bank account, rent housing, enrol children in school or access social security. Reimbursements for social and health costs and other welfare services are only accessible to registered individuals paying social security contributions. These restrictive conditions add to victims' vulnerability and when combined with a labour market which is generally considered to afford little protection, they increase the risks of exploitation.¹⁴⁰

205. During the evaluation procedure, it became clear that no particular measure had been adopted to enable a residence permit to be issued where it was necessary for a victim to stay in the country to be able to co-operate with the authorities in the context of a criminal investigation or proceedings (Article 59, paragraph 3.b of the convention) or she had lost her residence status because of a forced marriage taking her to another country (Article 59, paragraph 4 of the convention).

206. GREVIO urges the Andorran authorities to take the necessary measures, including legislation, to meet the requirements of Article 59 of the Istanbul Convention with regard to the residence status of victims of violence against women. It should be possible to measure progress in this area through data on the number of women who found themselves in one or other of the circumstances referred to in this article and were granted the right to stay in the country.

B. Gender-based asylum claims (Article 60)

207. Andorra is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. GREVIO notes¹⁴¹ that the authorities would like initially to develop the legal basis to take in refugees before considering signing up to the Geneva Convention and that they have also given an undertaking to the United Nations Human Rights Committee to consider accession to the instrument. A first step in this direction was taken with the recent adoption of Law No. 4/2018 on temporary and transitory humanitarian protection. This law establishes rules on a legal concept of international protection, which cannot be fully equated with a right to asylum but do share the same aims in that they provide for refugees to be granted immediate, temporary and transitory protection by granting them a residence and work permit. According to the information provided by the authorities, this law "defines which are the people who may benefit from this protection and creates the legal entity of the representative of temporary and transitory protection as the person of reference for the beneficiaries, someone who will assist and give support when dealing with proceedings and formalities, help establishing agreements with civil society and, at the same time, give advice in anything that may be needed as from the very moment of arrival in Andorran territory and up to the time when these temporary beneficiaries will have to leave the country".¹⁴² Following the adoption of Law No. 4/2018, the authorities negotiated a protocol of understanding with the humanitarian Christian Community of

¹³⁹ The limits to be respected are set in a regulation on immigration quotas.

¹⁴⁰ Paragraphs 40 to 43 of the GRETA report on the implementation by Andorra of the Council of Europe Convention on Action against Trafficking in Human Beings (second evaluation round).

¹⁴¹ Ibid., paragraph 108.

¹⁴² See page 9 of the 2018 report by the Gender Equality Commission (GEC) (document GEC(2018)6 Rev1) on activities and measures at the national level contributing to the achievement of the objectives of the Council of Europe Gender Equality Strategy 2018-2023.

Sant'Egidio and set up a humanitarian corridor, which enabled the arrival in October 2018 of a limited number of refugees from Lebanese camps who had volunteered to join the programme. The first two families of Syrian refugees to benefit from the scheme have been accommodated in two flats provided for the purpose. Their status allows them to access the labour market and send their children to an Andorran school. It also makes them eligible for assistance from the Refugee Support Service (SAPRE), a body set up specially for this purpose as part of the policies on equality and assistance for persons and families of the Department of Social Affairs. Upon expiry of the two years of temporary and transitory protection prescribed by the law, the four adults in the two families concerned will be able to apply for an ordinary residence and work permit.

208. GREVIO commends the authorities for the adoption of Law No. 4/2018, which provides evidence of Andorra's receptiveness to the principles of international protection for refugees and the country's desire to join the international community's efforts in this area. It notes with satisfaction that the law¹⁴³ includes victims of gender-based violence and domestic violence among the categories of persons who should be regarded as priority candidates for this protection in co-operation with the United Nations High Commissioner for Refugees. GREVIO also appreciates the awareness-raising work carried out by the authorities on the issue of refugees.¹⁴⁴

209. Insofar as the temporary and transition protection scheme in Andorra does not amount to a right to asylum and does not replace it (the persons concerned still have the right to request asylum under the applicable rule), GREVIO considers that it is not required to examine the implementation in Andorra of the provisions of Article 60 of the Istanbul Convention. However, it does draw the authorities' attention to the requirements of this article – particularly in terms of the gender-sensitive interpretation of the various grounds for persecution which may be invoked by asylum seekers and in terms of gender-sensitive reception procedures and support services – and points out that these requirements will apply fully when Andorra has an asylum system, which GREVIO fervently hopes it will adopt.

¹⁴³ Article 4, paragraph 2, of Law No. 4/2018.

¹⁴⁴ See for example the annual awareness-raising campaign organised by the authorities together with civil society on World Refugee Day.

Concluding remarks

210. GREVIO welcomes the Andorran authorities' political commitment to equipping the country with the laws and other measures enabling it to implement the Istanbul Convention. This commitment has resulted in significant progress in the legislative sphere with the creation of a comprehensive framework set out by Law No. 1/2015 on eradicating gender-based violence and domestic violence, which recognises victims' rights, emphasises the importance of primary prevention of violence and sets up a robust system of support and integrated protection for victims. GREVIO also welcomes the wide-ranging efforts made, under the auspices of the Equality Policies Unit of the Ministry for Social Affairs, to systematise co-operation between public bodies through protocols on detecting and reporting cases of violence against women, and the many training courses set up for the professionals concerned. All of these measures are supported by a gender-sensitive approach which reflects an acknowledgment of the links between violence against women and inequalities between women and men. Law No. 13/2019 on equal treatment and non-discrimination consolidated this approach by recognising the discriminatory nature of violence against women, which opens up the right to seek legal remedies. GREVIO notes that this positive policy impetus has continued with the recent opening of an Equality Observatory, which may address some of the deficiencies noted in terms of data collection and policy evaluation. The plan to adopt a law given over specifically to the inequalities between women and men should also be welcomed.

211. The evaluation procedure highlighted the leading part played by the Equality Policies Unit of the Ministry for Social Affairs in devising and promoting these progressive measures at all levels of government in Andorra. It drew attention to the central role within this unit of the specialist public support service for victims, the SAVVG, as a key component of Andorra's co-ordinated, multi-agency response to violence. Difficulties endure, however, because of the differing degrees of commitment of the various institutional stakeholders and a persistent reluctance to adopt a gender-sensitive approach in line with the guidelines that have been adopted. The quality and effectiveness of public policy in the area of violence would also be considerably increased by systematically involving the civil society organisations active in the country, which currently attract relatively little support and recognition and are not involved in any formal co-ordination mechanism designed to prevent and combat violence against women. There are also obvious weaknesses where funding is concerned, because human and financial resources do not seem sufficient to meet the challenges encountered and the needs of victims and their children. One other possible area of improvement that has been identified is that of women exposed to the risk of intersectional discrimination such as women with disabilities, LGBTI women, migrant women and women in irregular situations, who face barriers in access to support services and protection mechanisms, and are not very well informed about their rights.

212. Through this report, GREVIO wishes to support the Andorran authorities in this endeavour and invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the Andorran authorities.

213. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels, in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Scope of the convention (Article 2)

1. GREVIO encourages the Andorran authorities to ensure that preventing and combating all forms of violence against women covered by the Istanbul Convention, in particular sexual harassment, forced marriages and female genital mutilation are included and addressed in sufficient detail in policy documents and other relevant instruments such as guidelines and guides for the relevant professionals concerning violence against women. (paragraph 6)

D. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality

2. GREVIO encourages the Andorran authorities to continue their efforts to adopt and implement legislation and public policies on gender equality. (paragraph 14)

2. Intersectional discrimination

3. GREVIO strongly encourages the Andorran authorities to: (paragraph 22)

- a. take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3;
- b. promote research and ensure the collection of data on gender-based violence affecting groups of women exposed to multiple discrimination, including women with disabilities, LGBTI women and migrant women, so as to assess the prevalence of the various forms of violence and access by such groups to support services, protective measures and justice;
- c. integrate the perspectives and needs of such groups into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women, in partnership with the specialist associations concerned and by including representatives of these associations in these processes.

F. Gender-sensitive policies (Article 6)

4. GREVIO encourages the Andorran authorities to continue their efforts to ensure that a gender-based approach to violence against women, as set out in Law No. 1/2015, is mainstreamed into policies and the relevant official documents issued by all institutional players. GREVIO also encourages the Andorran authorities systematically to assess the gender-related impact of the measures taken to prevent and combat violence against women. (paragraph 28)

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

5. GREVIO strongly encourages the Andorran authorities to: (paragraph 33)
 - a. take steps to increase the involvement of all the institutions concerned so as to enable a co-ordinated, cross-cutting approach by all levels of authority in preventing and combating violence against women;
 - b. plan the policies and measures adopted to combat violence against women by setting, for each institution concerned, clear objectives and performance indicators, while ensuring that all the relevant institutions develop their own capacity in the area of violence so as to contribute effectively to interinstitutional co-operation.

B. Financial resources (Article 8)

6. GREVIO strongly encourages the Andorran authorities to: (paragraph 38)
 - a. increase the financial resources allocated to preventing and combating violence against women, including, in particular, the budget for the entity in charge of co-ordinating policies and measures in this area;
 - b. take steps, in particular by planning earmarked funding, to make it possible to identify more effectively the sums spent on the issue of violence by all relevant national and local institutions;
 - c. enhance their support for civil society organisations, by stepping up access to stable, sustainable grants in line with projected needs for NGOs involved in combating violence against women and NGOs supporting women at risk of multiple discrimination so that the said organisations expand their awareness-raising and support activities.

C. Non-governmental organisations and civil society (Article 9)

7. GREVIO strongly encourages the Andorran authorities to: (paragraph 44)
 - a. step up the involvement of NGOs in all stages of the preparation, co-ordination, implementation and evaluation of laws, public policies and programmes to prevent and combat violence against women;
 - b. ensure that co-operation between NGOs and the government to combat violence against women is not subject to a duty to report cases of violence so as to respect victims' autonomy in their choice of action;
 - c. support more effectively, including financially, NGOs which assist women victims of violence by ensuring effective institutional dialogue with them.

D. Co-ordinating body (Article 10)

8. GREVIO strongly encourages the Andorran authorities to: (paragraph 51)
 - a. strengthen the ability of the national co-ordinating body to perform its tasks, by ensuring, in particular, that it operates on the basis of clear policy guidelines that identify the objectives to be achieved and state, measure by measure, the bodies responsible for implementing them, the timeframe, the resources allocated and the performance indicators;
 - b. provide the national co-ordinating body with appropriate financial and human resources;
 - c. ensure independent monitoring and evaluation based on sound data of the application of the public policies to prevent and combat violence against women;

- d. involve members of civil society, in particular specialist women's rights associations, in the co-ordination, implementation, monitoring and evaluation of these policies.

E. Data collection and research (Article 11)

1. Administrative data collection

9. GREVIO urges the Andorran authorities to: (paragraph 58)
- a. organise a system for the collection of data by law enforcement and judicial bodies based on harmonised categories which makes it possible to retrace the progress of cases throughout the criminal process, addresses all forms of violence against women within the scope of the convention and is broken down by gender, age of the victims and perpetrators, the relationship between them and the various forms of violence and offences covered by the Istanbul Convention;
 - b. collect judicial data on prosecution and conviction rates by type of violence and type/severity/duration of the sentences handed down;
 - c. collect data on the issuing of protection orders, including the number of protection orders requested and issued, the number of violations of these orders and the penalties imposed further to those violations;
 - d. ensure that health services collect data on all forms of violence against women broken down by gender, age of the victims and perpetrators and the relationship between them;
 - e. ensure that administrative data on violence against women collected by public bodies are returned regularly to the collecting bodies and published, while complying with international data protection standards.

2. Population-based surveys

10. GREVIO encourages the Andorran authorities regularly to conduct population-based surveys on the various forms of violence against women covered by the Istanbul Convention. (paragraph 60)

3. Research

11. GREVIO strongly encourages the Andorran authorities to: (paragraph 64)
- a. regularly promote research activities on the situation of women victims of all forms of violence covered by the Istanbul Convention;
 - b. support the conduct of research on violence affecting groups of women exposed to multiple discrimination, such as women with disabilities, elderly women, migrant women and LGBTI women;
 - c. extend research to evaluation of the implementation of laws and public policies concerning violence against women.

III. Prevention

A. General obligations (Article 12)

12. GREVIO strongly encourages the Andorran authorities to take proactive and sustained measures to promote changes in patterns of social behaviour among men and women that are based on the notion of the inferiority of women, and which accordingly help perpetuate violence against women. (paragraph 68)

B. Awareness-raising (Article 13)

13. GREVIO strongly encourages the Andorran authorities to continue and expand their awareness-raising efforts in support of a general message against violence against women. Regular campaigns should be planned and developed, including with the collaboration of non-governmental organisations, in particular women's organisations and organisations representing groups at risk of multiple discrimination, with a view to addressing the various aspects of preventing and combating all forms of violence against women covered by the Istanbul Convention. (paragraph 72)

C. Education (Article 14)

14. GREVIO encourages the Andorran authorities to continue their efforts to ensure access by pupils to education on the subjects covered by Article 14 of the Istanbul Convention and the acquisition of the necessary skills and knowledge in this connection. In so doing, the authorities should keep in mind the need to ensure gender mainstreaming in education, as advocated by Recommendation CM/Rec(2007)13 of the Committee of Ministers to member states. (paragraph 75)

D. Training of professionals (Article 15)

15. GREVIO encourages the Andorran authorities to continue their efforts to provide adequate training for relevant professionals on the issue of violence against women, while allocating appropriate resources to it and developing sustainable solutions to that end. (paragraph 80)

E. Preventive intervention and treatment programmes (Article 16)**1. Programmes for perpetrators of domestic violence**

16. GREVIO invites the authorities: (paragraph 84)

- a. to take steps to increase the potential of the programme for perpetrators of domestic violence as preventive tools, in particular by publicising information about the availability of the programme more widely among both the general public and professionals who may recommend and/or order attendance by perpetrators.
- b. to ensure that these programmes adopt an integrated approach, in close collaboration with specialist women's associations;
- c. to assess existing programmes to determine their short-term and long-term impact, in particular by means of scientifically-designed studies of the results and a compilation of statistics on participation and reoffending rates to show whether the programmes have met the intended preventive objective.

2. Programmes for sex offenders

17. GREVIO strongly encourages the Andorran authorities to take steps to comply with the requirements of Article 16, paragraph 2, of the convention concerning the establishment of treatment programmes for sex offenders. (paragraph 86)

F. Participation of the private sector and the media (Article 17)

18. GREVIO encourages the Andorran authorities to take measures and/or to pursue their efforts to implement independent monitoring mechanisms and complaint mechanisms and to encourage the development of self-regulatory standards aimed at enhancing respect by the media for women's human dignity and the prohibition of any gender discrimination, in compliance with freedom of expression and media freedom. To follow up on these suggestions and proposals, the authorities

might wish to draw inspiration from Committee of Ministers Recommendation CM/Rec(2013)1 on gender equality and media. (paragraph 89)

19. GREVIO strongly encourages the Andorran authorities to increase their efforts to encourage the employment sector to adopt measures and set self-regulatory standards to prevent and combat gender-based violence against women in the workplace. (paragraph 91)

IV. Protection and support

A. General obligations (Article 18)

20. GREVIO encourages the Andorran authorities to step up their efforts to ensure the application of co-operation mechanisms between statutory bodies in the area of support and protection for victims of all forms of violence covered by the Istanbul Convention. GREVIO strongly encourages the Andorran authorities to involve NGOs that support women victims of violence in interinstitutional co-operation mechanisms by establishing effective channels of co-operation with them. (paragraph 96)

B. Information (Article 19)

21. GREVIO encourages the Andorran authorities to ensure the wide dissemination of information in an easily accessible and understandable format so that all women victims of violence are properly informed about the support services and legal measures available to them. (paragraph 100)

C. General support services (Article 20)

1. Social and financial assistance

22. GREVIO encourages the Andorran authorities to provide the general social services with adequate financial and human resources to enable them to assist women victims of violence effectively and refer them to the appropriate services and systems. It must be ensured that social services staff receive regular training on the various forms of violence against women and supporting victims in a gender-sensitive manner. (paragraph 106)

2. Health

23. GREVIO encourages the Andorran authorities to provide health service staff with financial and human resources and give them access to regular training to enable them to detect violence against women and offer victims the best possible care. Data should be collected on a regular basis to monitor healthcare interventions relating to violence against women, including detection, care and guidance and referral for women victims. In addition, GREVIO refers the authorities to the suggestion/proposal it makes in the section of this report on Article 28 of the Istanbul Convention concerning the reporting requirement for professionals. (paragraph 111)

D. Specialist support services and shelters (Articles 22 and 23)

24. While noting with satisfaction the efforts made to provide specialist support services in the form of a “one-stop shop” set up in the Comprehensive Support Service for Victims of Gender-Based Violence, GREVIO strongly encourages the Andorran authorities to take measures concerning the operation of these services so as to: (paragraph 116)

- a. define a more comprehensive strategy for meeting the needs of victims of all forms of violence covered by the Istanbul Convention, in particular, sexual harassment, female genital mutilation, forced marriages and violence related to so-called honour;

- b. provide the services with the financial and human resources necessary for implementing all their support measures effectively and sustainably;
- c. ensure that not leaving violent partners is not an obstacle to the continuation of the psychological support provided for victims.

E. Telephone helplines (Article 24)

25. GREVIO encourages the Andorran authorities to enhance training for telephone helpline operators to guarantee that women victims of violence are properly referred to support services. GREVIO invites the Andorran authorities to step up the promotion of the telephone helpline to make it better known among the general public. (paragraph 120)

F. Support for victims of sexual violence (Article 25)

26. GREVIO urges the Andorran authorities to take additional measures to afford all victims of sexual violence access to specialised services providing forensic expertise and short-term medical care along with psychological support over a longer period, while ensuring that the reproductive choices of women victims of rape do not restrict their access to these services. GREVIO strongly encourages the Andorran authorities to step up training for medical staff to provide support for victims of sexual violence in keeping with their needs. (paragraph 128)

G. Protection and support for child witnesses (Article 26)

27. GREVIO encourages the Andorran authorities to co-ordinate the activities of the various support services working with child witnesses of violence so that they can take an integrated approach to the recovery process of such children. Steps should be taken to improve the knowledge of the staff of these services about the trauma sustained by children exposed to domestic violence. (paragraph 133)

H. Reporting by professionals (Article 28)

28. Recalling the principle of women's empowerment mainstreamed throughout the convention, GREVIO strongly encourages the Andorran authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Andorran authorities to review the obligation for professionals to report cases of violence against women and their children, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself due to disabilities. (paragraph 136)

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

29. GREVIO strongly encourages the Andorran authorities to take additional measures, particularly in terms of providing information to women victims of violence and involving the relevant bodies to ensure that victims have access to appropriate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers. Relevant statistics should be compiled regarding the number of claims made against the

authorities and the number of remedies granted as a result, thereby making it possible to measure the progress made in this area. (paragraph 142)

2. Compensation (Article 30)

30. GREVIO strongly encourages the Andorran authorities to ensure that women victims of violence have access to effective compensation systems. For this purpose, the authorities should conduct a review of the effectiveness of current compensation systems, along with the impact of the reservation to Article 30, paragraph 2, of the Istanbul Convention, and make any necessary amendments, while ensuring that they include measures for the victim's safety to be duly taken into account. (paragraph 145)

3. Custody and visitation rights (Article 31)

31. GREVIO strongly encourages the Andorran authorities to take the necessary measures, including legislative amendments, to ensure that: (paragraph 151)

- a. the relevant civil, criminal and child protection courts are required to take account of all matters relating to violence against women and their harmful effect on children who witness such violence so as to assess whether such violence would warrant restricting custody and visitation rights;
- b. guidelines are drawn up for judges and professionals involved in judicial proceedings and the provision of contact points for families so that systematic account is taken of violent situations and how they differ from conflict situations;
- c. the professionals concerned, particularly those working in the justice system, the social services and the medical, psychological and psychiatric sector, are alerted to the lack of any scientific foundation for "parental alienation syndrome" and related concepts which lend themselves to being used to minimise and conceal violence against women.

It should be possible to measure progress in this field through data, particularly judicial data, illustrating how the courts and professionals concerned consider incidents of violence and motivate their decisions.

B. Criminal law

1. Psychological violence and physical violence (Articles 33 and 35)

32. GREVIO encourages the Andorran authorities: (paragraph 157)

- a. to take measures to make it possible to collect data on the number of cases of physical and psychological violence against women recorded by law enforcement agencies and brought before the courts, while ensuring that a distinction is made between these two types of violence when they include the offence of ill-treatment of a member of the household;
- b. to assess the extent to which the criminal provisions making it possible to punish psychological violence against women are actually applied, including in cases of attempted violence;
- c. to continue to raise the awareness of judges, members of the law enforcement agencies and legal professionals, through measures including training courses, about the gender dimension and the harmful effects of psychological violence, which is one of the forms of violence most commonly reported to the law enforcement agencies in Andorra.

2. Sexual violence, including rape (Article 36)

33. GREVIO strongly encourages the Andorran authorities to: (paragraph 162)
- a. amend the Criminal Code to guarantee the existence of an offence of sexual violence which is firmly anchored in the absence of consent, regardless of whether the victim is a sane, adult person neither incapacitated nor in a subordinated situation, and to
 - b. review the scale of penalties applied to sexual violence so as to provide dissuasive sanctions that are proportionate to the seriousness of the violence involved.

3. Forced marriages (Article 37)

34. Bearing in mind the risks that child marriages pose in terms of forced marriages and other forms of violence, GREVIO encourages the Andorran authorities to: (paragraph 166)
- a. review the legislation and practices in force with a view to adopting, where appropriate, additional guarantees for free consent of intending spouses, particularly when they are children;
 - b. draw up guidelines for the prevention of forced marriages applying to the procedure for derogation from the minimum age of 16, based on close co-operation between the relevant courts and existing bodies for the protection of children's rights.

Such measures should be taken in conjunction with efforts to raise public awareness about this form of violence and provide training for the professionals concerned about the risks of forced marriages.

4. Female genital mutilation (Article 38)

35. GREVIO encourages the Andorran authorities to supplement their criminal law so as to ensure that the conduct described in Article 38.c of inciting a girl to undergo an act of female genital mutilation is criminalised. (paragraph 169)

5. Sexual harassment (Article 40)

36. GREVIO strongly encourages the Andorran authorities to take measures to ensure that the legal provisions and policies protecting women from sexual harassment are fully applied, including where such harassment is carried out using digital tools. It should be possible for progress in this area to be measured using relevant data, including data showing how the mechanisms establishing the responsibility of employers in combating and preventing sexual harassment operate in practice. (paragraph 172)

7. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

37. While commending the Andorran authorities for their legislation establishing the principle that mediation is prohibited in situations of violence, GREVIO encourages them to ensure that the professionals concerned, particularly judges, prosecutors and the members of the mediation service, are afforded the appropriate operational conditions and means to apply this prohibition effectively and hence to provide increased protection for victims. It should be possible to measure progress in this area through relevant data. (paragraph 177)

VI. Investigation, prosecution, procedural law and protective measures

A. Immediate response, prevention and protection (Article 50)

1. Reporting to and investigations by law enforcement agencies

38. GREVIO strongly encourages the Andorran authorities to take additional measures to improve the quality of the law enforcement agencies' response to violence against women. Such measures should, in particular: (paragraph 182)

- a. enable access for victims to optimum arrangements for 24/7 reception by staff properly trained in the specific characteristics of violence and victims' needs;
- b. aim to extend specialist police support to all violence against women;
- c. enhance co-operation between the law enforcement agencies and the various institutional stakeholders and civil society;
- d. be based on guidelines which make it possible to distinguish between conflicts between partners and/or family members and domestic violence.

B. Risk assessment and risk management (Article 51)

39. GREVIO encourages the Andorran authorities to take measures to ensure that all institutional operators make systematic use of risk assessment and risk management when contact is first made with victims and that there are subsequent assessments to take account of any changes in the level of risk, particularly by stepping up training for law enforcement agencies and other relevant services. Steps should be taken to ensure that this process stems from a co-ordinated approach between relevant institutions and civil society partners. (paragraph 189)

C. Emergency barring orders (Article 52)

40. GREVIO urges the Andorran authorities to take the necessary measures, including legislation, to align their legal framework with the requirements of Article 52 of the Istanbul Convention with regard to emergency barring orders and/or to remove any obstacle in practice to its application, in accordance with the requirements of this article. In addition, the authorities should introduce a system for collecting data on these orders, in line with the suggestions and proposals set out in this report regarding the implementation in Andorra of Article 11 of the Convention, in order to ensure that these orders are applied appropriately and in a timely fashion. (paragraph 192)

D. Restraining or protection orders (Article 53)

41. While underlining the need to develop a data collection system which gives a picture of how the system of orders is applied in Andorra, GREVIO invites the Andorran authorities to take the necessary measures to ensure that victims of all forms of violence covered by the Istanbul Convention are informed of their right to access to restraining and protection orders and are able to exercise this right effectively. (paragraph 195)

E. Ex parte and ex officio proceedings (Article 55, paragraph 2)

42. In the light of the suggestions and proposals made in this report under Article 9 of the Istanbul Convention, GREVIO invites the Andorran authorities to take the necessary measures to take full advantage of the possibilities afforded by the law – which GREVIO welcomes – to involve specialist victim support associations in judicial investigations and proceedings relating to various forms of violence covered by the convention. (paragraph 197)

VII. Migration and asylum

A. Residence status (Article 59)

43. GREVIO urges the Andorran authorities to take the necessary measures, including legislation, to meet the requirements of Article 59 of the Istanbul Convention with regard to the residence status of victims of violence against women. It should be possible to measure progress in this area through data on the number of women who found themselves in one or other of the circumstances referred to in this article and were granted the right to stay in the country. (paragraph 206)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities:

- Ministry of Foreign Affairs
- Ministry for Social Affairs, Housing and Youth:
 - o Equality Policies Division.
 - o Division on support for individuals and families
 - o Division on services for children, teenagers and young people
- Ministry of Education and Higher Education
- Ministry of Justice and the Interior:
 - o Police Department
 - o Immigration Department
 - o Advice and mediation service
- State Secretariat for equality and citizen participation
- Ministry for Health
- Comprehensive Health Support Service for Women (SIAD)

Justice administration:

- Prosecutor's Office
- Court of Justice
- High Council for Justice

Para-public company:

- Andorran Health Care Service (SAAS): Nostra Senyora de Meritxell Hospital

Non-governmental organisations:

- Acció Feminista d'Andorra
- DiversAnd - LGBTIQ+ Association of Andorra
- Andorran Federation of Associations of Persons with Disabilities (FAAD)
- Andorran Institute of Human Rights (IDHA)
- Stop Violències Andorra

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

www.coe.int/conventionviolence

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE