



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **ANDORRA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 9<sup>th</sup> session, 2010**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Andorra despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children, including "light" punishment, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.**

## **1 Legality of corporal punishment in Andorra**

1.1 Corporal punishment is lawful in the **home**. The *Llei qualificada* on adoption and other forms of protection of abandoned minors states that the purpose of parental authority is to protect the child's safety, health and morals, and parents have a right and duty to care for, watch over, maintain and educate the child (articles 27-28). The Criminal Code (2005, amended 2008) punishes domestic violence and physical ill-treatment, including physical assault which does not cause injury (articles 114 and 476) but we have no evidence that these provisions are interpreted as prohibiting all corporal punishment in childrearing.

1.2 There is no explicit prohibition of corporal punishment in **schools**, but the qualified law on education (1993), the law regulating the Andorran educational system (1994), the regulations for private teaching centres (1994), the regulations for safety in schools (2000) and the law guaranteeing the rights of the disabled (2002) provide for the respect of freedom and basic rights, including the dignity of the person.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime but it is not explicitly prohibited as a disciplinary measure in penal institutions or in **alternative care settings**.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 In its concluding observations on the state party's initial report in 2002, the **Committee on the Rights of the Child** expressed concern that corporal punishment is not prohibited in the family and recommended explicit prohibition together with information campaigns to promote non-violent discipline at all relevant levels of society (CRC/C/15/Add.176, paras. 39 and 40).