

ANDORRA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Principality of Andorra is a constitutional parliamentary democracy. Two coprinces--the president of France and the Spanish bishop of Urgell--serve with joint authority as heads of state. In 2011 the country held free and fair multi-party elections for the 28 seats in parliament (the General Council of the Valleys), which selects the head of government. Having won a majority in parliament, the Democrats for Andorra elected Antoni Martí Petit head of government. The national police, the country's sole security force, reports to civilian authorities, who maintained effective control.

The country's main human rights problem was the lack of legal protection for the constitutional rights of workers to bargain collectively or strike. The law did not protect workers from antiunion discrimination.

Other problems included the lack of a mechanism to monitor and investigate police misconduct. There were isolated instances of domestic violence, including spousal abuse and child abuse. Gender discrimination persisted, especially related to unequal salaries for comparable work. Although the law prohibits discrimination against persons with disabilities, discrimination existed in the form of physical, social, and cultural barriers.

There were no reports that government officials or the national police committed abuses or acted with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards.

Physical Conditions: As of August there were 55 inmates--45 men and 10 women --in prison. No minors were incarcerated. The official capacity of the country's single prison was 125 persons. Authorities separated pretrial detainees from convicted prisoners. The prison applied special measures if detainees had physical and/or mental illnesses or if they were convicted of nonmalicious offenses. There were no reports of deaths in prison or in the pretrial detention center.

All detainees have the right to medical care, education, and social security as well as access to cultural and recreational activity. Detainees have access to employment within the prison system, as available. Food provided and sanitary conditions were adequate. Prisoners had access to potable water and medical care in jails or in hospitals, as necessary.

Administration: Recordkeeping on prisoners was adequate. In some cases authorities used alternatives to sentencing for nonviolent offenders. There was no prison ombudsman, but authorities allowed the country's ombudsman to visit prisoners without restriction. Authorities allowed prisoners reasonable access to visitors and permitted religious observance. Authorities also allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. The government investigated and monitored prison and detention center conditions.

Independent Monitoring: The government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The country's only security forces are the police, prison officers, traffic police, and forestry officials. The Ministry of Justice and Interior maintained effective control over the security forces, and the government has effective mechanisms to investigate and punish abuse and corruption. During the year there were no reports of impunity involving police. In December 2013 the UN Committee against Torture noted in its concluding observations in the initial report that the country lacked an independent mechanism to monitor action by the police and investigate allegations of police misconduct. Specifically, the law does not provide for an office to examine security force killings and evaluate if they occurred in the line of duty. The Division of Legal and Forensic Medicine of the Ministry of Justice and Interior would intervene if needed.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrest. Police legally may detain persons for 48 hours without a hearing, and police generally observed this time limit. The judge has up to 24 hours to charge the detainee with a crime or to release him. Police promptly informed detainees of charges against them. A bail system exists. The law provides detainees the right to legal counsel from the moment of arrest. Persons charged with a crime may choose their own lawyers or accept one designated by the government. Detainees generally had prompt access to family members.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and receive prompt, detailed notification of the charges against them. The government provides an interpreter, if needed. Trials are fair, public, and usually held before a judge or tribunal of judges, depending on the penal offense or in cases of civil law depending on the amount asked for in damages. Defendants have the right to be present and consult in a timely manner with an attorney of their

choice. If a defendant cannot afford an attorney, the government must appoint a public attorney. Defendants and their attorneys have adequate time and facilities to prepare a defense. Defendants and attorneys have access to government-held evidence in their cases. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants cannot be compelled to testify or confess guilt, and they have the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judiciary is independent and impartial in all jurisdictions, including civil matters. Plaintiffs can bring lawsuits seeking damages for, or cessation of, a human rights violation. The national ombudsman also serves to protect and defend basic rights and public freedom on behalf of citizens.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 94 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Few refugees sought out the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered parliamentary elections held in 2011 to be free and fair.

Participation of Women and Minorities: After the 2011 elections, there were 14 women in the 28-seat parliament. The nine-member cabinet included two women.

Citizens were ethnically and linguistically homogeneous but represented only 45 percent of the country's population. The majority of the population consisted of immigrants, largely from Spain, Portugal, and France. Because only citizens have the right to vote and hold official position, there were no members of minorities in government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

Financial Disclosure: The constitution and the law do not require disclosure of income or assets by elected or appointed officials, except for the declaration of earned income to the social security agency required of all employees. The law mandates neither an agency to monitor disclosures nor sanctions for noncompliance.

Public Access to Information: No specific law provides for public access to government information. The government publishes a weekly compilation of laws, dispositions, and administrative acts in its official bulletin, which is available online or via email.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman's main function is to defend and oversee the fulfillment and application of the rights and liberties included in the constitution and to ensure the public sector adheres to constitutional principles. The ombudsman is independent from other institutions and provides its functions free of charge for interested persons. The ombudsman enjoyed the government's cooperation and operated without government interference. In general the ombudsman had adequate resources and was considered effective. The ombudsman published an annual report to parliament with recommendations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law declare all persons equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, religion, opinions, or any other personal or social condition. For the most part, the government effectively enforced these provisions. In its latest report in May 2012, the European Commission against Racism and Intolerance noted that the country's criminal laws relating to racism and intolerance are not exhaustive and do not include, inter alia, a provision prohibiting public incitement to violence, hatred, and discrimination.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, both of which are punishable by up to 15 years' imprisonment. Although there is no specific law on violence against women, the law penalizes domestic physical or psychological violence with a prison sentence of up to three years. Authorities enforced the law effectively.

As of the end of June, the Prosecutor's Office initiated 45 criminal proceedings related to gender violence and 16 related to domestic violence. As of the end of June, the Prosecutor's Office concluded 18 cases of gender violence and four cases of domestic violence. Almost all the cases involved elements of psychological abuse and mistreatment. Some cases also involved injuries, sexual aggression, and threats.

The government's Interdisciplinary Team on Gender Violence (EAID) provided medical and psychological services as well as legal assistance to victims of domestic violence. It also operated a hotline. In addition the government placed abused women and their children in a shelter, in a hotel, or with foster families who agreed to provide shelter. As of the end of July, EAID assisted 92 female victims of domestic violence; 43 of such cases were new. These cases involved psychological, physical, and sexual violence as well as social and economic mistreatment. Caritas, a religious nongovernmental organization (NGO), worked closely with the government and with other NGOs on providing support to the victims in their integration into society.

Victims of domestic violence could also request help from the NGO Andorran Women's Association (ADA), which works for women's rights. According to ADA, victims were reluctant to file a complaint with police due to fear of reprisal.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and other harmful traditional practices, which are punishable by up to 10 years' imprisonment. As of October there were no confirmed reports of FGM/C.

Sexual Harassment: The law prohibits sexual harassment under the provisions for other sexual aggressions, punishable by three months' to three years' imprisonment. As of August four cases of sexual harassment were reported.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of children; to have the information and means to do so; and to attain the highest standard of reproductive health free from discrimination, coercion, and violence.

Discrimination: The law prohibits discrimination against women privately or professionally with fines up to 24,000 euros (\$30,000). The law does not require equal pay for equal work. Although no cases were filed during the year, ADA and trade union representatives from the Andorran Trade Union reported cases of gender discrimination especially related to unequal salaries for the same work and workplace bullying. The government's Department of Statistics estimated that women earned 24 percent less than men for comparable work. The government made an effort to combat pay discrimination in general, and it applied pay equality within the government. There were no limitations on women's participation in the labor market, and the government encouraged women to participate in politics. Women held fewer senior management positions than men.

Children

Birth Registration: Citizenship derives from one's parents. Birth in the country's territory confers citizenship if one of the parents' principal and permanent residence was in the country during the 10 years prior to the birth of the child. Children are registered at birth.

Child Abuse: Through the end of June the Prosecutor's Office initiated 24 criminal proceedings related to child abuse, of which seven related to domestic violence against children and 17 related to violence against children. As of the end of June, the Prosecutor's Office concluded seven cases of violence against children.

The government's Specialized Child Protection Team consisted of three social workers, two social educators, and two psychologists. The team, which intervened

in situations where children and young persons were at risk or lacked protection, collected data on cases of child abuse. During the first semester of the year, authorities assisted 132 minors at risk, of whom 13 suffered child abuse. As of August, 13 minors lived in a shelter designated for them.

Early and Forced Marriage: The minimum legal age of marriage is 16 years for both women and men and as early as 14 with judicial authority. In 2013, the most recent year for available data, authorities did not record any marriages below the age of 18.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which is punishable with three to 10 years' imprisonment. As of October there were no confirmed reports of FGM/C.

Sexual Exploitation of Children: The law against rape also covers statutory rape. Child pornography is illegal and carries a prison sentence of up to four years. The minimum age of sexual consent is 14. The penalty for statutory rape is 15 years' imprisonment, the same as for rape in general.

On August 1, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse entered into force.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abductions.

Anti-Semitism

Unofficial estimates placed the size of the Jewish community at approximately 100 persons. On April 18, two men assaulted and severely beat a 21-year-old Jewish Andorran outside of a discotheque in the city of La Massana. The victim maintained that the assault was motivated by anti-Semitism, a charge the single assailant in custody denied. The government continued to investigate, but at year's end, it discovered no clear evidence linking the assailants to extreme right or anti-Semitic groups.

Trafficking in Persons

There were no confirmed reports during the year that the country was a source, destination, or transit country for victims of human trafficking.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other government services. Discrimination against persons with disabilities nevertheless existed in the form of social and cultural barriers. In 2013 the European Committee of Social Rights expressed concern that persons with disabilities also faced disadvantages in the labor market (see also section 7.d.). During his visit to the country in 2013, the Council of Europe's human rights commissioner observed a gap between the law and the actual conditions facing persons with disabilities. The commissioner emphasized a need to increase awareness about the rights of persons with disabilities and the need to remove physical and cultural barriers impeding persons with disabilities from living in dignity.

The law mandates access to public buildings, information, and communications for persons with disabilities, and the government generally enforced this provision. The law does not, however, fully meet international standards.

According to the National Commission of Assessment, schools continued to implement the law requiring them to adapt their infrastructure to the needs of children with disabilities. The majority of children with disabilities attended regular schools. Additionally, one specialized school existed in the country.

The Andorran Federation of Associations for Persons with Disabilities represented the organizations in the country that worked with persons with disabilities. The federation's priorities are accessibility for persons with disabilities and their entry into the workforce, two areas in which the country was not fully compliant with international standards.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

In June a private company reportedly fired a woman because of her sexual orientation. At the end of the year, no further information was available on this case (see also section 7.d.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide for workers to form and join trade unions. The law does not provide for collective bargaining or the right to strike. Alternate dispute resolution mechanisms such as mediation and arbitration exist. The law does not prohibit antiunion discrimination. Unions continued to criticize the lack of laws effectively protecting workers. No laws require the reinstatement of workers fired for union activity.

The government did not provide the necessary mechanisms, including laws, resources, investigations, remediation, or penalties to protect worker rights. Neither collective bargaining nor strikes occurred during the year. There were no official reports of or investigations into any antiunion discrimination. Workers continued to be reluctant to admit to union membership, due to fear of retaliation by their employers and arbitrary dismissal.

b. Prohibition of Forced or Compulsory Labor

The law prohibits slavery and the trafficking in persons for the exploitation of their work.

Resources were limited and no formal structure for action against forced labor exists. Nevertheless, no reports of such practices were evident.

Slavery and trafficking for labor exploitation are punishable by a minimum of four years and a maximum of 12 years in prison.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than 14 from working. Children age 14 or 15 may work up to two months per year during school holidays following strict regulations contained in the law. The law limits work by children who are 14 or 15 to no more than six hours per day and by children who are 16 or 17 to eight hours per day, provides for safety restrictions, restricts the types of work children may perform, and outlines other conditions.

The law protects children from exploitation in the workplace, and the Labor Inspection Office in the Ministry of Justice and Interior effectively enforced child labor laws and regulations.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations.

Some cases of discrimination with respect to employment or occupation occurred against women, persons with disabilities, and persons based on sexual orientation (see section 6).

e. Acceptable Conditions of Work

The national minimum wage is 5.55 euros (\$6.94) per hour and 962 euros (\$1,202) per month. The Labor Inspection Office enforced the minimum wage effectively. The law limits the standard workweek to five eight-hour days for a total of 40 hours per week. Workers may work up to two overtime hours per day or 15 hours per week, 50 hours per month, and 426 hours per year. The law provides for premium pay of time plus 25 percent for the first four hours per week and time plus 50 percent for the following four hours. There is a required rest period of 12 hours between work shifts.

The Labor Inspection Office sets occupational health and safety standards and has the authority to levy sanctions and fines against companies violating them. The law covers agricultural, domestic, and migrant workers. Penalties were sufficient to deter violations.

By the end of July, the Labor Inspection Office received 68 complaints against companies for violating health and safety regulations. The majority of reported cases came from the hotel and construction sectors. In 2013 the Andorran Social Security recorded 3,464 labor accidents. As of June, the latest date for available information, the Andorran Social Security Fund recorded 1,885 labor accidents. The majority of reported accidents came from the hotel, construction, motor, and machinery sectors.

Workers had the right to remove themselves from situations that endangered health or safety without jeopardy to their employment. Authorities effectively protected such employees.