

# ANDORRA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Principality of Andorra is a constitutional, parliamentary democracy. Two co-princes--the president of France and the Spanish bishop of Urgell--serve with joint authority as heads of state. On April 7, the country held free and fair multiparty 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 (DA) formed a coalition with Liberals of Andorra (L'A) and Committed Citizens (CCs), and elected Xavier Espot Zamora from DA head of government.

The country's only security forces are the police, prison officers, traffic police, and forestry officials. The national police maintained internal and external security. The Ministry of Justice and Interior maintained effective civilian control over the security forces.

There were no reports of significant human rights abuses.

The government took steps to identify, investigate, and prosecute officials who committed human rights abuses.

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

## **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted visits by independent human rights observers. On April 16, the Council of Europe's Committee for the Prevention of Torture published a report on its visit of the country's detention centers and hospital in January-February 2018.

Improvements: Prison authorities signed an agreement with the city hall of Escaldes-Engordany to provide inmates with job opportunities in manufacturing public furniture. The prison jobs would allow inmates to learn job skills and help them prepare better for employment when released.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

The law requires warrants for arrest. Police may legally detain persons for 48 hours without a hearing, and police generally observed this time limit. A judge has up to 24 hours to charge or release the detainee. 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.

### **e. Denial of Fair Public Trial**

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

### **Trial Procedures**

The constitution and law provide for the right to a fair public 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. Trials are fair and public and for the most part are held without delay. Defendants have the right to be present at their trial and to 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. The government provides an interpreter, if needed, from the moment of being charged through all appeals. 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**

Plaintiffs may bring lawsuits seeking damages for, or cessation of, a human rights violation. Individuals and organizations may appeal adverse domestic decisions to the European Court of Human Rights. The national ombudsman also serves to protect and defend basic rights and public freedom on behalf of citizens.

### **f. Arbitrary or Unlawful 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 Expression, Including for the Press**

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

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms 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 <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

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

### **e. Internally Displaced Persons**

Not applicable.

### **f. 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, preferring to deal with them on an ad hoc basis. There is a lack of domestic legislation on asylum seekers and refugees and, in particular, on

measures to protect unaccompanied and refugee children. The law provides for the entry, stay, and right to work for asylum seekers for a two-year period, renewable for six additional months. The law also provides for housing, as well as access to social services, health care, and education. In May 2018 the government signed an agreement with the Community of Sant'Egidio to establish a humanitarian corridor from French and Spanish airports for refugees to enter the country.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and the law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Observers considered parliamentary elections held on April 7 to be free and fair.

Participation of Women and Minorities: No laws limit the participation of women in the political process, and they did participate. Citizens were ethnically and linguistically homogeneous but, as of the end of the year, represented only 48 percent of the country's population. The majority of the population consisted of immigrants, largely from Spain, Portugal, and France. The law requires 20 years of residency for naturalization. Because only citizens have the right to hold official positions, 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. Officials infrequently engaged in corrupt practices with impunity.

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 Andorran Social Security Fund required of all employees. The government did not publish the declarations.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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's Office also covers all cases of discrimination in the private sector as well as in the protection of the rights of minors and persons with disabilities. The ombudsman is independent from other institutions and provides its functions free of charge to interested persons. He enjoyed the government's cooperation and operated without government interference. The ombudsman had adequate resources, published an annual report to parliament with recommendations, and was considered effective.

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

On February 15, parliament approved the first-ever Equality and Nondiscrimination Law, which provides for the right to equal treatment and nondiscrimination, and strengthens effective protection through the establishment of judicial, administrative, and institutional guarantees, which provide protection and reparation for victims of discrimination. The law also provides for a sanctioning regime. The Department of Equality Policies designed programs and activities to start implementing the law.

### **Women**

Rape and Domestic Violence: The law prohibits rape, including spousal rape, both of which are punishable by up to 15 years' imprisonment. It penalizes domestic physical or psychological violence with a prison sentence of up to three years. Authorities enforced the law effectively.

The government's Service for the Assistance of Victims of Gender Violence and the Service of Domestic and Family Violence provided medical and psychological services as well as legal assistance to victims of gender violence and domestic

violence. In addition, the government placed abused women and their children in a shelter, in a hotel, or with voluntary foster families. The national hotline for victims continued to function as a 24-hour service. Victims of domestic violence could also request help from the nongovernmental organization (NGO) Andorran Women's Association (ADA).

The National Commission for the Prevention of Domestic and Gender-based Violence, consisting of members of the Ministries of Social Affairs, Justice, and Interior; Health; and Education and Higher Instruction, as well as the judiciary and the prosecutor's office, implemented the guide for professionals working in the assistance of victims of domestic violence. The guide provides protocols, resources, and collaboration agreements with various ministries and the ADA. The government launched a new mechanism called "Purple Code" by which victims of domestic and gender violence can activate all the relevant protocols by just saying "purple code" to hospital workers and law enforcement agents.

The Department of Equality Policies, which promotes and develops programs to prevent and fight against gender and domestic violence as well as any other forms of inequality, provided training on gender violence to workers in the national and municipal administrations, the fire department, and law enforcement agencies, as well as for lawyers and journalists. The government, with the support of the Andorran Telecom, launched an awareness campaign against gender violence through social media with the participation of a well known influential YouTube personality.

Sexual Harassment: The law prohibits sexual harassment under the provisions for other sexual aggressions, punishable by three-months' to three years' imprisonment. As of the end of August, no cases were reported to authorities. Victims were reluctant to file a complaint due to fear of reprisal.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law prohibits discrimination privately or professionally with fines up to 24,000 euros (\$26,400). The government enforced the law effectively. In July a court sentenced a Spanish resident convicted of discrimination against women, homosexuals, and immigrants and of inciting hatred to one year in prison and expulsion from the country for five years for disseminating xenophobic and racist messages through several social media platforms.

## Children

On February 15, parliament approved the Law on the Rights of Children and Adolescents, which merges and updates the existing legislation and incorporates relevant international standards on the rights of the child.

Birth Registration: According to the law, citizenship is acquired at birth in the following circumstances: a child is born in the country to an Andorran parent or born abroad to an Andorran parent born in the country; a child is born in the country if either parent was born in the country and is living there at the time of birth; or if a child is born in the country and both parents are stateless or of unknown identity. A child of foreign parents may acquire Andorran nationality by birth in the country if at the time of birth one of the parents completed 10 years in the country. Otherwise, the child may become a citizen before attaining the age of majority or a year after reaching the age of majority if his or her parents have been permanently resident in the country for 10 years or if the person can prove that he or she has lived in the country permanently and continuously for the last five years. In the meantime, the child has a provisional passport.

Children are registered at birth.

Child Abuse: The law prohibits child abuse punishable by three months' to six years' imprisonment. The government's Specialized Child Protection Team consisted of one social worker and four 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. As of September authorities assisted 219 minors at risk. As of September, 19 minors lived in a shelter designated for them.

Early and Forced Marriage: The minimum legal age of marriage is 16 for girls and boys and as young as 14 with judicial authorization.

Sexual Exploitation of Children: The law against rape also covers statutory rape. The law bans slavery and servitude with a maximum of 12 years' imprisonment and trafficking in persons for the purpose of slavery and servitude with a maximum of six years.

The law punishes anyone who manages or finances premises used for prostitution; who aids, abets, or fosters prostitution; or who incites another person to engage in prostitution by means of violence or intimidation or on the basis of need,

superiority, or deceit. The law specifically penalizes trafficking in human beings for sexual exploitation with penalties of up to six years of imprisonment.

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

Unofficial estimates placed the size of the Jewish community at 100 persons. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities. The Ministry of Social Affairs, Justice, and Interior received requests for psychological, social, and legal assistance from persons with disabilities.

The Ministry of Social Affairs, Justice, and Interior established the Service for Personal Autonomy to support persons with disabilities and their families. The ministry also launched a program of leisure activities for persons with disabilities older than age 18. Local organizations continued to prioritize accessibility for persons with disabilities and their entry into the workforce.

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

The law considers sexual orientation an "aggravating circumstance" for crimes motivated by hate or bias. There were few cases of violence based on sexual

orientation, gender identity, or sex characteristics. The Ministry of Social Affairs, Justice, and Interior received requests for psychological, social, and legal assistance from individuals based on their gender identity or expression. NGOs called for appropriate training on transsexuality, especially for professionals working with children, including medical professionals, teachers, and civil servants. Complaints on the grounds of sexual orientation and gender identity may be brought before the civil and administrative courts.

The Ministry of Social Affairs, Justice, and Interior organized specialized training sessions for youth on lesbian, gay, bisexual, transvestite, and intersex problems oriented to reduce stigma and promote tolerance and acceptance. The ministry also launched an awareness campaign through social media platforms to foster diversity and tolerance.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

On February 1, a labor law providing for a new legal framework came into effect. The constitution and law provide for workers to form and join independent trade unions. Parliament also approved laws regulating the relations between trade unions and employer associations as well as mechanisms of collective conflict. The law provides for the rights to bargain collectively and to strike. Alternate dispute resolution mechanisms such as mediation and arbitration exist. The law neither prohibits antiunion discrimination nor requires the reinstatement of workers fired for union activity.

While the government effectively enforced the law, the county's main union Unio Sindical d'Andorra (USDA) criticized the new law for allegedly not effectively protecting workers.

The government and employers respected freedom of association. Collective bargaining did not occur 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 all forms of forced or compulsory labor.

The government effectively enforced applicable laws. Penalties were sufficient to deter violations.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits children younger than age 14 from working and all of the worst forms of child labor. Children ages 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 ages 14 or 15 to no more than six hours per day, limits work by children ages 16 or 17 to eight hours per day, provides for safety restrictions, restricts the types of work children may perform, and outlines other conditions. According to the law, children may not work overtime, work overnight, or work in dangerous occupations, especially in the construction sector. The law provides for protection of children from exploitation in the workplace. Penalties are sufficient to deter violations. The government effectively enforced the law.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation and the government effectively enforced the law. Some cases of discrimination against persons with disabilities, persons based on sexual orientation, and women occurred with respect to employment or occupation. Discrimination against persons with disabilities existed in the form of social and cultural barriers, as well as disadvantages in the labor market. The Department for Social Affairs and Labor's four-year strategic plan (2016-19) favors the hiring of persons with disabilities. The plan established the Network of Inclusive Businesses that hired 25 persons with disabilities. Companies received fiscal and social incentives for participating.

Women represented 49 percent of the workforce. The law does not require equal pay for equal work. Although no cases were filed during the year, the ADA and trade union representatives from the USDA reported cases of gender discrimination, especially relating to unequal salaries for the same work and workplace bullying. Victims were reluctant to file a complaint due to fear of reprisal from employers. The Andorran Social Security Fund and the Department of Statistics estimated that women earned on average 21-percent less than men for comparable work. In the financial sector, this percentage increased to 38 percent. The government made an effort to combat pay discrimination in general, and it applied pay equality within the government.

**e. Acceptable Conditions of Work**

The national minimum wage was not sufficient to provide a decent standard of living for a worker and family. The national ombudsman reported that the minimum wage was not enough to make housing affordable. The government generally enforced minimum wage laws, and penalties were sufficient to deter violations.

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 responsibility for identifying unsafe situations remains with occupational safety and health experts and not the worker.

The law covers agricultural, domestic, and migrant workers. The Labor Inspection Office has the authority to levy sanctions and fines against companies violating standards and enforced compliance. The Office had sufficient resources to enforce compliance. Penalties were sufficient to deter violations. As of the end of August, the Labor Inspection Office had received 55 complaints.