

ANDORRA 2018 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. In 2015 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 re-elected Antoni Martí Petit head of government.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

Impunity was not an issue, since there were no reports that government officials or the national police 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 or credible allegations of mistreatment.

Independent Monitoring: The government permitted visits by independent human rights observers. On January 29-February 2, the Council of Europe's Committee for the Prevention of Torture visited the country's detention centers and the hospital. The report of the visit was not available at year's end.

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, and the government generally observed these requirements.

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 Social Affairs, Justice, and Interior maintained effective civilian control over the security forces, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving security forces during the year.

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. Detainees generally had prompt access to family members.

Pretrial Detention: On average, prisoners spent nine months in pretrial detention before being judged.

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 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. According to the International Telecommunication Union, 99 percent of the population used the internet in 2017.

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 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.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

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. On March 22, parliament approved the Law on Temporary and Transitory Protection for Humanitarian Reasons. 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 guarantees housing, as well as access to social services, health care, and education. On May 8, 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; pursuant to the agreement 20 families from the Syrian conflict arrived.

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 in 2015 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 46 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. There were no cases of political and institutional corruption processed 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 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 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. Since November 2017 the Ombudsman's office covers all cases of discrimination in the private sector as well as in the protection of the rights of minors and persons with disabilities.

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

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 Andorran Women's Association (ADA).

In June 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, approved a 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 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 Ministry of Social Affairs, the fire department, and law enforcement agencies, as well as for high school and university teachers.

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, one case of sexual harassment in the workplace was reported, but the victim did not file a formal complaint.

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

Discrimination: The law prohibits discrimination against women privately or professionally with fines up to 24,000 euros (\$27,600). The government enforced the law effectively. There were no reports of discrimination during the year.

The government continued to work on equality issues with the support of civil society, and approved a law on equality and nondiscrimination.

Children

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 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/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.

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. 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.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.

In November 2017 parliament approved a new law providing for new measures regarding the accessibility for persons with disabilities including the universal design principles and guidelines.

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 on the basis of their gender identity or expression. 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.

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 independent 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 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) continued to denounce the lack of laws effectively protecting workers.

The government and employers respected freedom of association. On March 15, for the first time ever, the major labor unions of the public sector organized a protest against the reform of the public service with participation of more than 700 persons. 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 14 years old from working. Children 14 or 15 years old may work up to two months per year during school holidays following strict regulations contained in the law. The law limits work by children 14 or 15 years old to no more than six hours per day, limits work by children 16 or 17 years old 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.

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 Ministry of Social Affairs, Justice, and Interior's Department for Social Affairs and Labor's four-year (2016-19) strategic plan favors the hiring of persons with disabilities. The government's Network of Inclusive Businesses hired 15 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 22 percent less than men for

comparable work. In the finance 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 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 December 2017, the Labor Inspection Office received 112 complaints during that year.