

# Andorra | Freedom House

## POLITICAL RIGHTS: 39 / 40

### A. ELECTORAL PROCESS: 12 / 12

#### **A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

Andorra has a parliamentary system, with a prime minister elected by and accountable to the parliament. The prime minister is usually the head of the largest party in the parliament, and their legitimacy rests largely on the conduct of parliamentary elections, which have historically been competitive and credible. Martí, head of the Democrats for Andorra (DA), was reelected as prime minister following that party's victory in the 2015 legislative elections.

Two unelected "co-princes," the French president and the bishop of La Seu d'Urgell, Spain, serve jointly as ceremonial heads of state.

#### **A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4**

Members of the unicameral, 28-member Consell General are directly elected every four years through a mixed voting system. The most recent elections occurred in March 2015. The DA won 15 seats, followed by the Liberal Party of Andorra (PLA) with 8, an independent coalition with 3, and the Social Democracy and Progress party (SDP) with 2. International observers deemed the polls competitive, credible, and generally well administered. The next parliamentary elections are scheduled for April 2019.

#### **A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4**

The Electoral Law, which was last changed in 2014 to introduce regulations on campaign finance, provides a sound framework for free and fair elections. The Electoral Board supervises elections impartially.

### B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

#### **B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties may form and operate freely, and there are a number of active parties in Andorra.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4**

There are no restrictions preventing the opposition from increasing its support through elections. Multiple opposition parties are currently represented in the Consell General.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4**

There are no powerful groups without democratic legitimacy that influence or limit the people's political choices.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4**

More than 50 percent of the population consists of noncitizens who do not have the right to vote in national elections or run for elected office. Under Andorra's restrictive naturalization criteria, one must marry a resident Andorran or live in the country for more than 20 years to qualify for citizenship. Prospective citizens are also required to learn Catalan, the national language.

There are no specific policies to encourage the political participation of women, but women are active in politics, and hold 36 percent of seats in the legislature.

**C. FUNCTIONING OF GOVERNMENT: 12 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The elected government and parliament exercise their powers without undue restraints from nonelected or nonstate actors, and freely determine the policies of the government.

**C2. Are safeguards against official corruption strong and effective? 4 / 4**

Government corruption is not viewed as a pressing issue in Andorra.

Significant progress was made to address concerns raised in a 2011 report by the Council of Europe's Group of States against Corruption (GRECO) about Andorra's laws concerning bribery and campaign finance. In a 2017 progress report, GRECO notes that eighteen of the twenty recommendations have now been satisfactorily implemented.

Authorities have continued making efforts to address longstanding concerns about abuse of the country's banking system. A law renouncing banking secrecy entered into force at the start of 2018. The bill was passed in 2016 and brings Andorra into line with European standards by mandating certain disclosures of information about

accounts held by nonresidents.

**C3. Does the government operate with openness and transparency? 4 / 4**

No law exists to provide public access to government information. However, the government weekly publishes its main actions in a bulletin, which is accessible online.

**CIVIL LIBERTIES: 55 / 60 (-2)**

**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16 (-1)**

**D1. Are there free and independent media? 3 / 4**

There are a number of daily and weekly newspapers, and one Andorran television station, operated by the public broadcaster Ràdio i Televisió d'Andorra. Business, political, and religious interests heavily influence media coverage. Reporting on the activities of Andorra's banks is particularly difficult.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4 (-1)**

Freedom of religion is generally respected, but the Catholic Church enjoys a privileged position that allows it to draw on some state support, and to bypass some bureaucratic processes that other faiths must adhere to.

Despite years of negotiations between the Muslim community and the government, there is no recognized mosque for the country's roughly 2,000 Muslims. The government has organized meetings with Jewish and Muslim communities to talk about the possible construction of a special cemetery where these groups may conduct burials according to their customs and beliefs, but progress toward establishing one has stalled.

*Score Change: The score declined from 4 to 3 because the government continued to block the construction of a mosque, and because Jews and Muslims do not have their own cemeteries at which they may conduct burials according to their customs.*

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4**

There are no restrictions on academic freedom, and the educational system is free from indoctrination.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4**

Individuals are free to express views on sensitive subjects without fear of surveillance or retribution. Authorities are not known to illegally monitor private online communications.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**

**E1. Is there freedom of assembly? 4 / 4**

Andorran law provides for freedom of assembly, and the government respects this right in practice. Demonstrations against government policy and in response to other social and political topics take place on occasion. In September 2018, a protest against Andorra's strict antiabortion laws took place.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4**

Various nongovernmental organizations (NGOs) are active in the country, and function without restriction. Human rights groups freely publish their findings, and sometimes cooperate with the government.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4**

The right to unionize is protected by the law and the constitution, but the right to strike is not legally guaranteed. There are also no laws in place to penalize antiunion discrimination or regulate collective bargaining. Fear of retribution prevents many employees from openly admitting their union membership.

However, in March 2018, Andorra saw its first major strike in 85 years, when civil servants walked out on the job in protest of reforms to their contracts proposed by the Martí administration.

**F. RULE OF LAW: 15 / 16****F1. Is there an independent judiciary? 4 / 4**

The judiciary is impartial and independent, and is generally free from pressure from the government.

**F2. Does due process prevail in civil and criminal matters? 4 / 4**

Defendants enjoy the presumption of innocence and the right to a fair trial, and due process is generally upheld in the criminal justice system. The constitution prohibits arbitrary arrest and imprisonment, but police can detain suspects for up to 48 hours without charge.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4**

Andorra is free from war and insurgencies, and law enforcement agents are not known to use excessive force against civilians. Prison conditions are adequate.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4**

Discrimination against women is illegal. However, the law does not require equal pay for equal work, and the Department of Statistics has estimated that women earned 22

percent less than men for comparable work, with the discrepancy rising for work in the financial sector. The government has sought to implement pay equality for public jobs.

In 2017, the government approved a law to protect the rights of people with disabilities and provide assistance to victims of racism or discrimination. However, the country is not fully compliant with international standards on accessibility for disabled people and ensuring their entry into the workforce.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16 (-1)**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

There are no restrictions on the freedom of movement, and people are generally free to change their place of employment, residence, and education.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4**

Citizens enjoy the right to own property and establish businesses.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4 (-1)**

Domestic violence is prohibited by law and punishable with prison sentences. The government pursues domestic violence cases and provides resources for victims. Nevertheless, domestic violence remains a serious problem, and sometimes involves violence against children.

Andorra remains one of the few countries in Europe where abortion is illegal, and women can serve jail time for undergoing the procedure. However, abortion remains relatively accessible in neighboring France and Spain.

A bill providing for civil unions between same-sex couples was ratified in 2014, but same-sex marriage is banned.

*Score Change: The score declined from 4 to 3 due the persistence of restrictions on personal social freedoms, including a ban on same-sex marriage.*

### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4**

Andorran laws provide protections for most workers, including migrant workers. However, temporary workers are in a precarious position, as they must leave the country when their employment contract expires, leaving those with expired contracts vulnerable to potential abuse by employers. The Labor Inspections Office is proactive in addressing cases of violations of workers' rights.

In July 2018 a well-publicized labor abuse scandal unfolded, involving an Andorran company that had hired three Colombian employees without residence and work permits. The employees, who said their wages went unpaid and that labor conditions were inadequate, were initially ordered to leave Andorra. However, the Department of Immigration later legalized their immigration status, and an investigation was initiated against the employer.

There were no confirmed reports of human trafficking in Andorra in the past year.