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## U.S. Department of State

### Andorra Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### ANDORRA

The Principality of Andorra became a parliamentary democracy in 1993 when its Constitution was approved by popular referendum. Two princes with joint authority representing secular and religious authorities have governed since 1278. Under the constitution, the two princes--the President of France and the Spanish Bishop of Sue D'urgell--serve equally as heads of state and are each represented in Andorra by a delegate. Elections were held in February to choose members of the Consell General (the Parliament), which selects the head of government. The judiciary functions independently.

Andorra has no defense force. The national police, under effective civilian control, have sole responsibility for internal security.

The market-based economy is dependent on those of its neighbors France and Spain. With creation of the European Union internal market, Andorra lost its privileged duty-free status and is suffering an economic recession. Tourism is still an important source of income. Because of banking secrecy laws, the financial services sector is growing in importance.

The Government respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with instances of abuse.

#### RESPECT FOR HUMAN RIGHTS

**Section 1 Respect for the Integrity of the Person, Including Freedom From:**

## a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

## b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

## d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

## e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by: the two princes; the Head of Government; the President of the Parliament; and, collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

The judiciary provided citizens with a fair and efficient judicial process.

There were no reports of political prisoners.

## f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides citizens with safeguards against arbitrary interference with their "privacy, honor, and reputation," and government authorities generally respect these prohibitions. Private dwellings are considered inviolable. No searches of private premises may be conducted without a judicially issued warrant. Private communications also are protected by law.

**Section 2 Respect for Civil Liberties, Including:**

## a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and the press, including academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice. Since of the 1993 constitution, the Government has registered seven political parties.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, "in accordance with Andorran tradition." The Catholic Church receives no subsidies from the Government.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice. The Government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. It is government policy not to expel persons having valid claims to refugee status, and there were no reports of such expulsions. The issue of first asylum did not arise during the year.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women have enjoyed full suffrage since 1970. Progress has been made, but women continue to play a relatively minor role in politics. Notwithstanding the absence of formal barriers, few women have run for office. Only 1 of 28 members of Parliament is a woman, and only 2 women occupy cabinet level positions. Prior to the current administration, only 2 women held elective office.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

While there are no restrictions to prevent their formation, no formal human rights organizations operate in the principality.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, sex, origin, religion, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens. The Government effectively enforces these provisions.

#### Women

No data exist on the incidence of domestic violence, but spousal abuse appears to be virtually nonexistent. No hot lines or shelters exist.

There is no legal discrimination against women, either privately or professionally.

## Children

There is no evidence of any special commitment by the Government to children's rights and welfare, although there is no indication of any problem in this area. Free public education begins at age 4; government-funded child care is not provided. No special programs for children's health care are offered.

There is no societal pattern of abuse of children.

## People With Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to new buildings for people with disabilities, and the Government enforces these provisions in practice.

## National/Racial/Ethnic Minorities

Spanish nationals are the largest group of foreign residents, accounting for 47 percent of the population. Other sizable foreign groups are Portuguese, French, and British. A small number of North African and African immigrants work mostly in agriculture and construction.

Although the Constitution states that legal residents enjoy the same rights and freedoms as Andorran citizens, some immigrant workers do not believe that they have the same rights and security. Recent legislation has improved the quality of life for immigrant workers. Nevertheless, many immigrant workers hold only "temporary work authorizations." These permits are valid only as long as the job for which the permit was obtained exists. When job contracts expire, temporary workers must leave the country. The Government prohibits the issuance of work permits unless the workers can demonstrate that they have a fixed address with minimally satisfactory living conditions

## Section 6 Worker Rights

### a. The Right of Association

The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations without prejudice. In accordance with constitutional provisions, a registry of associations was established in 1996 and is being maintained. Strikes were illegal under the old system, and the new Constitution does not state explicitly that strikes are permitted.

### b. The Right to Organize and Bargain Collectively

The Constitution states that both "workers and employers have the right to defend their own economic and social interests." Parliament is charged with adopting legislation to regulate this right in order to guarantee the provision of essential services. Antiunion discrimination is not prohibited under current law. However, no trade unions have been formally established.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

Forced labor, including that performed by children, is not specifically prohibited by law, but it does not

occur.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Children under the age of 18 are normally prohibited from working, although in exceptional circumstances children ages 16 and 17 may be allowed to work. Child labor regulations are enforced by the Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor. Forced and bonded labor by children is not specifically prohibited, but there were no reports of its practice (see Section 6.c.).

#### e. Acceptable Conditions of Work

The workweek is limited to 40 hours, although longer hours may be required. The legal maximums for overtime hours are 66 hours per month and 426 hours per year. An official minimum wage is set by government regulations. Other, higher wages are established by contract. The minimum wage is approximately \$4.50 (Ptas 600) per hour and it is enforced by the Labor Inspection Office. Workers can be dismissed with 15 days' to 6 months' notice depending on how long they have been working for the company. A minimal indemnification of 1 month's salary per year worked is paid if a worker is fired without justification.

A dismissed worker receives social security and health benefits for only 25 days; thereafter, there is no unemployment insurance. Retirement benefits are controlled by a board composed of Andorran nationals, although they represent only a small portion of the work force. Labor complaints are heard by the Labor Inspection Service.

The Labor Inspection Service sets occupational health and safety standards and takes the necessary steps to see that they are enforced. The law authorizes employees to refuse certain tasks if the customary level of protection is not provided by their employers.

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