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1999 Country Reports on Human Rights Practices

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ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy. Two Princes with joint authority representing secular and religious authorities have headed the Principality since 1278. Under the 1993 Constitution, the two Princes--the President of France and the Spanish Bishop of "Seu d'Urgell"--serve equally as heads of state and are each represented in Andorra by a delegate. Elections were held in 1997 to choose members of the "Consell General" (the Parliament), which selects the head of government. The judiciary functions independently.

Andorra has no defense force and depends on neighboring Spain and France for external defense. 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. Andorra is recovering from a serious economic recession, but the economy provides citizens with a good standard of living. Tourism is still an important source of income. Because of banking secrecy laws, the financial services sector is growing in importance.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual 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 these prohibitions.

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. The law also protects private communications.

Section 2: Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of 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 of 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 adoption 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 direct subsidies from the Government. Catholic religious instruction is provided in public schools to those students who elect to receive it. Recent governmental attempts to eliminate this practice met with resistance from parental groups and the Spanish Co-Prince.

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 U.N. 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.

Progress has been made, but women continue to play a relatively minor role in politics. Despite the absence of formal barriers, few women have run for office. Only 2 of 28 Members of Parliament are women, and only 2 women occupy cabinet level positions. Prior to the current administration, only two women held elective office.

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

The Government accepts international and nongovernmental investigations of allegations of human rights abuses. During 1998 the first two domestic human rights groups were formed. One defends the rights of foreign residents; the other actively supports women's rights. However, the Government declined to create a secretariat of women's affairs, as the latter association requested.

In one case, a citizen filed a complaint with the European Court of Human Rights when the judge in his case disallowed his appeal to the Constitutional Court. The appeal contended that his trial was not sufficiently impartial.

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

Little data exist regarding marital abuse, although the police received four complaints of physical or psychological abuse during the year.

In theory there is no legal discrimination against women, either privately or professionally, but the Association of Andorran Women reports that in practice, there have been many cases of women dismissed from employment due to pregnancy. The Association actively promotes women's issues through information exchanges and limited direct support to those in need.

Children

The Government's commitment to children's welfare is demonstrated by its systems of health care and education. Free public education begins at age 4 and is compulsory until age 16. The Government provides free nursery schools, although the existing number falls short of the needs.

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 approximately 43 percent of the population. Other sizable foreign groups are Portuguese, French, and British. A small but fast growing group of African immigrants, especially from North Africa, work mostly in agriculture and construction.

Although the Constitution states that foreign legal residents enjoy the same rights and freedoms as citizens, some immigrant workers believe that they do not 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 exists for which the permit was obtained. When job contracts expire, temporary workers must leave the country. The Government prohibits the issuance of work permits, unless workers can demonstrate that they have a fixed address with minimally satisfactory living conditions.

More than 4,000 immigrants do not have work permits or residence permits, due to the

fact that the quota for immigration is not as high as the number of workers needed and employed in the country.

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 the law. A police trade union was registered during the year. It is the first such association to exist in the country.

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 has not occurred.

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

Children under the age of 18 normally are prohibited from working, although in exceptional circumstances children ages 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor enforces child labor regulations. Forced and bonded labor by children is not prohibited specifically, 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 \$4.20 (641 pesetas) per hour, and the Labor Inspection Office enforces its observance. The minimum wage barely provides a decent standard of living for a worker and family. 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 unemployment and health benefits for only 25 days. A board composed of Andorran nationals, although they represent only a small portion of the work

force, controls retirement benefits. The Labor Inspection Service hears labor complaints.

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 their employers do not provide the customary level of protection. f.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, or from the country.

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[Europe and NIS Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)