

ANDORRA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Principality of Andorra is a constitutional, parliamentary democracy. Two coprinces, the president of France and the Spanish bishop of Urgell, serve with joint authority as heads of state. In 2019 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 formed a coalition with Liberals of Andorra and Committed Citizens, and elected Xavier Espot Zamora from the Democrats for Andorra 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 that members of the security forces committed abuses.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

Section 1. Respect for the Integrity of the Person

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.

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. Authorities generally respected these rights. 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.

Pretrial Detention: The law provides that the duration of provisional detention may not exceed four months. The judge may, by means of a reasoned decision, extend its duration for the same amount of time. The duration of the provisional detention may not exceed half the maximum penalty prescribed by the criminal code for the offenses for which it has been ordered. According to the law, once the case has been sent to court, the duration of the pretrial detention cannot exceed six months (minor offenses) or 12 months (serious offenses). As of September prisoners were in pretrial detention on average for 392 days. The slow pace of the justice system and lack of human resources often resulted in lengthy detentions beyond the period stipulated by law.

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. 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 may 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

a. Freedom of Expression, Including for Members of the Press and Other Media

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

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. In response to the COVID-19 pandemic, however, the government temporarily canceled cultural events or limited number of attendees to protect public health in accordance with the law.

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. During the COVID-19 pandemic, the government temporarily restricted large gatherings and public assemblies according to the law.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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

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 refugees 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, however, provides for a residency and work permit issued under the country's temporary and transitional protection regime. The law provides for the temporary protection of asylum seekers and allows their entry, stay, and right to work for a two-year period, renewable for six additional months. After this period the beneficiary can either return to the country of origin, go to a third country, or stay in Andorra if the individual complies with all the immigration requirements. The government and the Community of Sant'Egidio maintained a humanitarian corridor from French and Spanish airports for refugees to enter the country. In June a Syrian family of three arrived in the country. Since the start of the corridor in 2018, eight Syrian refugees received legal, medical, psychological, social, and educational assistance.

Access to Basic Services: The law provides for housing, as well as access to social services, health care, and education. The government provided these benefits to the incoming refugees and Sant'Egidio refugees with the support of the Andorran Red Cross, Caritas, and the Association Open-Open Them (Associacio Obrim, Obrim-les).

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 2019 to be free and fair.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or minorities in the political process, and they did participate. Citizens were ethnically and linguistically homogeneous but, as of the end of the year, represented only 48.7 percent of the country's population. Most 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 reports of government corruption during the year.

Section 5. Governmental Posture Towards 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 and protection against racist, xenophobic, anti-Semitic, and intolerant attitudes. The Ombudsman's Office is independent from other institutions and provides its functions free of charge to interested persons.

The ombudsman enjoyed the government's cooperation, operated without government interference, had adequate resources, published an annual report to

parliament with recommendations, and was considered effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape of either gender, 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 Service for the Assistance of Victims of Gender Violence of the government's Area of Equality Policies in the Ministry of Social Affairs, Youth, and Equality assisted 62 new survivors from January to June. The service also continued to support some of the 236 persons from the previous year. The service provided comprehensive medical and psychological help as well as legal assistance to survivors of gender violence and domestic violence. Additionally, the government temporarily placed abused women and their children in a shelter, in a hotel, or with voluntary foster families. The national hotline for survivors continued to function as a 24-hour service. Survivors of domestic and gender-based violence could also report abuse by saying the words "purple code" to hospital workers or law enforcement agents to activate all relevant assistance protocols. Survivors could also request help from the nongovernmental organizations (NGOs) Andorran Women's Association (ADA), and Accio Feminista Andorra, with which the Ministry of Social Affairs, Youth, and Equality has a memorandum of understanding that establishes a survivor's assistance collaboration framework.

The Area of Equality Policies, an entity of the Ministry of Social Affairs, Youth, and Equality, promoted and developed programs to prevent and fight against gender and domestic violence as well as any other forms of inequality. The area, in coordination with the University of Andorra, trained on gender violence more than 200 professionals including social workers in the national and municipal administrations, lawyers, psychologists, and law enforcement agents. At high schools the area also organized training workshops on gender violence,

harassment, and equality.

To mark the International Day for the Elimination of Violence against Women the government launched an awareness campaign with other national institutions, including the ombudsman, law enforcement agencies, the judiciary and civil society organizations.

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

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of governmental authorities. The government provided access to sexual and reproductive health services for survivors of sexual violence.

Discrimination: The law provides for the same legal status and rights for women as for men. The law also prohibits discrimination privately or professionally with fines up to 24,000 euros (\$27,600). The government enforced the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination based on sex, race, place of origin, political opinions, color, or creed. There were no reports of governmental or societal violence or discrimination against members of racial, ethnic, or national minorities during the year.

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 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 previous five years. In the meantime, the child has a provisional passport.

Children are registered at birth.

Child Abuse: The law punishes child abuse with three months' to six years' imprisonment. The government's Specialized Child Protection Team, consisting of three social workers, five psychologists, and three social educators, intervened in situations where children and young persons were at risk or lacked protection, and it collected data on cases of child abuse. As of September, authorities assisted 349 minors at risk, of whom 25 lived in a shelter designated for them.

Child, 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 penalty for statutory rape is 15 years' imprisonment, the same as for rape in general. 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. As of September, authorities identified 14 possible survivors of child sexual abuse.

The law punishes anyone who manages or finances premises used for prostitution; who aids, abets, or fosters prostitution; or who incites through violence, intimidation, or exploitation another person to engage in prostitution.

Child pornography is illegal and carries a prison sentence of up to four years. The minimum age of sexual consent is 14 years.

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](https://www.ohchr.org/en/indicators/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

Although parliament approved in October 2020 a reform to the education law reaffirming the inclusion of students with disabilities in the public school system at all grade levels, NGOs continued to call for effective implementation of an inclusive educational system.

National civil society organizations continued to identify as the primary concerns for persons with disabilities universal accessibility to private and public spaces, and entry into the workforce.

The Service for Personal Autonomy within the Ministry of Social Affairs, Youth, and Equality received requests for psychological, social, and legal assistance from persons with disabilities and their families.

Acts of Violence, Criminalization, 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, Youth, and Equality 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. Civil society saw a need for the government to improve its sensitivity to problems of the lesbian, gay, bisexual, transgender, queer, and intersex community.

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 also regulates 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 law, alleging it does not effectively protect workers, especially those with short-term contracts. The economic impact of the COVID-19 pandemic increased the vulnerability of some workers who had precarious contract terms. Penalties for violations were commensurate with those for other laws involving the denial of civil liberties.

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

commensurate with penalties for similar crimes.

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 were commensurate with those for other similar crimes. 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. Penalties were commensurate with other laws related to civil rights. 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 favored the hiring of persons with disabilities and promoted the Network of Inclusive Businesses. Member companies received fiscal and social incentives for participating.

Women represented 49 percent of the workforce. The law requires equal pay for equal work. No cases were filed during the year, but 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 government's Department of Statistics estimated that women earned on average 20 percent less than men for comparable work. In the financial sector, this percentage

increased to 28 percent. The government tried to combat pay discrimination in general, and it applied pay equality within the government.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage was above the poverty level but 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. The number of individuals living in a vulnerable situation increased because of the medical crisis caused by the COVID-19 pandemic. The government enacted legislation creating mechanisms to assist companies and workers to deal with the economic impact of COVID-19. In an April study by the Social Observatory of Andorra, 38 percent of the population reported having financial difficulties. Youth and women as well as temporary workers were among the most vulnerable groups.

Workers may work up to two overtime hours per day or 15 hours per week, 50 hours per month, and 426 hours per year. Penalties for wage and overtime violations were commensurate with those for similar crimes. The Labor Inspection Office, within the Ministry of Presidency and Economy, has the authority to levy sanctions and fines against companies violating standards and enforced compliance. The office had enough inspectors and resources to enforce compliance. Inspectors had the authority to conduct unannounced inspections.

Occupational Safety and Health: The responsibility for identifying unsafe situations remains with occupational safety and health experts, 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 enough inspectors and resources to enforce compliance. Inspectors had the authority to conduct unannounced inspections. Inspections for occupational safety and health were conducted by the same inspectors under the same authorities as wage and hours. The government effectively enforced occupational safety and health laws, and the penalties for violations were commensurate with those for crimes such as

negligence.

As of the end of August, the Labor Inspection Office had received 41 complaints. In 2020 the Andorran Social Security Fund had registered 5,870 workplace accidents, which led to 4,563 persons on sick leave from their workplace for an average of 24 days. One death was registered.