

# ANDORRA 2020 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 April 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 (DA) formed a coalition with Liberals of Andorra (L'A) and Committed Citizens (CCs), and elected Xavier Espot Zamora from the DA 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. Members of the security forces committed no 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, 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. Judicial authorities investigated whether security force killings were justifiable and pursued prosecutions.

#### **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.

Impunity was not a significant problem in the security forces.

### **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. 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). The slow pace of the justice system and lack of human resources often result in lengthy detentions beyond the period stipulated by law. In August a group of prisoners and their families denounced the abusive overuse and extended lengths of pretrial detention. As of July, 57 percent of all prisoners were in pretrial detention, on average for 492 days.

#### **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 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.

### **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 and closed schools 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**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. During the COVID-19 pandemic, the government temporarily restricted internal movement and foreign travel according to the law.

**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 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. 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. The government and the Community of Sant'Egidio maintained a humanitarian corridor from French and Spanish airports for refugees to enter 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 asylum seekers.

**g. Stateless Persons**

Not applicable.

**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 April 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 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 reports of government corruption 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'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, 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 assisted 236 persons. This represented a 68-percent increase in reported cases. Most of the reported cases occurred during the government lockdown from March through May in response to the COVID-19 pandemic. The Service provided comprehensive 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 and gender-based violence could also report abuse by saying the words "purple code" to hospital workers or law enforcement agents activate all relevant assistance protocols. Victims could also request help from nongovernmental organizations (NGOs) Andorran Women's Association (ADA), Accio Feminista Andorra, and Stop Violencias Andorra. In June the Ministry of Social Affairs, Housing, and Youth signed a memorandum of understanding with Accio Feminista Andorra to establish a victim's assistance collaboration framework.

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 for journalists of the main

national media outlets, social workers in the national and municipal administrations, and law enforcement agents.

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, no cases were reported to authorities. Victims were reluctant to file a complaint due to fear of reprisal.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of governmental authorities.

Discrimination: The law prohibits discrimination privately or professionally with fines up to 24,000 euros (\$28,800). The government enforced the law effectively.

## **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 last 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 two 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 July authorities assisted 246 minors at risk, of whom 16 lived in a shelter designated for them.

The Ministry of Social Affairs approved a new protocol for the protection of minor victims of child abuse, sexual aggression, or physical abuse during judicial



proceedings. The aim of the new protocol is to avoid double victimization of the children.

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.

The law punishes anyone who manages or finances premises used for prostitution; who aids, abets, or fosters prostitution; or who incites another person to engage in prostitution by means of violence or intimidation or based on need, superiority, or deceit.

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>.

## **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, Housing, and Youth received requests for psychological, social, and legal assistance from persons with disabilities.

The Service for Personal Autonomy within the Ministry of Social Affairs, Housing, and Youth supports persons with disabilities and their families. Local civil society organizations continued to identify as the primary concern for persons with disabilities accessibility for persons with disabilities and their entry into the workforce.

### **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, Housing, and Youth 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.

The Ministry of Social Affairs, Housing, and Youth and the NGO Diversand together launched an awareness campaign through social media platforms to foster diversity and tolerance. The campaign aimed at raising the visibility of the lesbian, gay, bisexual, transgender, and intersex community with special emphasis on transgender children.

## **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 did 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 have 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 to 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, which consisted of 28 companies. 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 government's Department of Statistics estimated that women earned on average 21 percent less than men for comparable work. In the financial 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 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 as a result of the medical crisis caused by the COVID-19 pandemic. Single-parent families were among the most vulnerable groups. Caritas and the Andorran Red Cross provided meals and food rations to more than 1,200 persons per day from June to September.

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 for those of similar crimes.

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 a sufficient number of inspectors and resources to enforce compliance. Inspectors had the authority to conduct unannounced inspections. Penalties for violations were commensurate with those for similar crimes. As of the end of July, the Labor Inspection Office

had received 33 complaints. As of July, the Andorran Social Security Fund had registered 4,604 workplace accidents, which led to 3,610 persons on sick leave from their workplace for an average of 25 days. There were no deaths registered.