

ANDORRA

EXECUTIVE SUMMARY

The Principality of Andorra is a constitutional parliamentary democracy. Two co-princes--the president of France and the Spanish bishop of La Seu d'Urgell--serve with joint authority as heads of state, and a delegate represents each in the country. On April 3, the country held free and fair multiparty elections for the 28 seats in the General Council of the Valleys (the parliament), which selects the head of government. Having won a majority in the parliament, the Democrats for Andorra (DA) elected Antoni Marti Petit as head of government. The national police, the country's sole security force, reported to civilian authorities.

The most significant human rights problem in Andorra is the failure of the law to protect effectively the right of workers to bargain collectively or to strike. Pretrial detention of up to a year reportedly existed for foreigners charged with crimes involving two or more countries.

There were no reports that government officials or the national police committed abuses or acted with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances or politically motivated abductions or kidnappings.

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

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers. There were no reports of deaths in prison or the pretrial detention center.

According to information obtained from the government, as of September, there were 36 adults, six women and 29 men, as well as one minor in incarceration. The only prison and detention center in the country had a capacity of 125 persons.

The prison regime separated prisoners according to gender, age, and other personal circumstances. Conditions of prisoners were the same regardless of gender. Prisoners had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions and the government permitted monitoring by independent nongovernmental observers. There is no prison ombudsman, but the country's ombudsman is allowed to visit prisoners without restriction. The government investigated and monitored prison and detention center conditions.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the national police, the country's only security force, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving police during the year.

Arrest Procedures and Treatment While in Detention

Warrants are required for arrest. Police legally may detain persons for 48 hours without bringing them in front of a judge. The judge then has up to 24 hours to charge the detainee with a crime or to release him. Police generally observed this time limit in practice. A system of bail exists. The law allows detainees to have prompt access to a lawyer. Persons charged with a crime may either choose their own lawyer or accept one designated by authorities. Detainees generally had prompt access to family members.

Foreigners accounted for most cases of lengthy (up to one year) detentions, primarily because such cases often involved two or even three countries.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public, and defendants can request a jury. Defendants have the right to be present and consult with an attorney in a timely manner. If a defendant facing serious criminal charges cannot afford an attorney, the government must appoint a public attorney. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and attorneys have access to government-held evidence in their cases. The law extends the rights to all citizens with no exception. Defendants have the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). During the year the court made no rulings involving Andorra.

Civil Judicial Procedures and Remedies

The judiciary is independent and impartial in civil matters. Plaintiffs can bring lawsuits seeking damages for, or cessation of, a human rights violation. They may appeal adverse rulings to the ECHR.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally

respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status. However, the government from time to time cooperated with the UNHCR and other organizations in assisting refugees "for humanitarian reasons."

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the General Council elections on April 3 to be free and fair.

Participation of Women and Minorities: After the elections on April 3, there were 15 women in the 28-seat parliament, a majority for the first time. Two women sat in the nine-seat cabinet.

Citizens were ethnically and linguistically homogeneous but represented only 38 percent of the country's population. The majority of the population consists largely of immigrants from Spain, Portugal, and France. Because only citizens have the right to vote and hold official position, there were no members of minorities in government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

Public officials are not subject to financial disclosure laws. The Unit for the Prevention and the Fight against Corruption is the governmental agency responsible for the implementation and monitoring of the provisions contained in the law.

The law provides for public access to government information, and the government permitted access in practice for citizens and noncitizens, including foreign media.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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.

UN and Other International Bodies: From November 28 to December 1, a delegation from the Council of Europe's Committee to Prevent Torture made a periodic visit to the country to review the safeguards afforded to persons detained by the police following recent legislative reforms and to the conditions of detention in the country. The committee did not release the report by the end of the year.

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 that the performance of the public sector adheres to constitutional principles. The ombudsman is independent from other institutions and provides its functions free of charge for interested persons. The ombudsman enjoyed the government's cooperation and operated without government interference. In general the ombudsman had adequate resources and was considered effective. The ombudsman makes a published annual report to parliament with recommendations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law declare all persons equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, opinions, disability, language, or social condition. For the most part, the government effectively enforced these provisions.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape; both of which are punishable by up to 15 years' imprisonment. Authorities enforced the law effectively, but there were no rape cases reported during the year.

The law penalizes domestic violence with a sentence of up to three years for physical or psychological violence. The government enforced the law effectively, and there was no police or judicial reluctance to act. According to the Ministry of Health, Welfare, and Family, there were 185 reports of physical abuse against women during the year, a decrease from 2010 when 192 were reported in the first six months. Of the 185 cases to which the State Secretariat for Equality and Welfare of the Ministry of Health attended, 35 percent of the women were Portuguese nationals and 30 percent Spanish. About 50 percent of the cases resulted in conviction or punishment.

Victims of domestic violence could also request help from the Andorran International Women's Association (AIWA) and the Andorran Women's Association, but victims rarely filed a complaint with police due to fear of reprisal. In December 2010 the government opened its first shelter for women. Four families have been accommodated in the shelter, while an additional five families chose to stay in a hotel that the government put at their disposal. In addition, the government and AIWA placed abused women and their children in the private apartments of families who agreed to provide them with shelter. The government also operated a hotline and provided medical and psychological services to victims of domestic violence. Caritas, a religious nongovernmental organization (NGO), worked closely with the government and AIWA on social problems.

Sexual Harassment: The law prohibits sexual harassment under the provisions for other sexual aggressions, punishable by three months' to three years' imprisonment.

Reproductive Rights: Couples and individuals have the right to decide freely the number of children they wish to have. There was easy access to contraception and skilled attendance during childbirth. Women and men were treated equally for sexually transmitted infections.

Discrimination: The law prohibits discrimination against women privately or professionally; however, the USDA, an NGO working for women's rights, and trade union representatives, reported cases of gender discrimination especially related to unequal salaries for the same work. Caritas estimated that women

earned 26 percent less than men for comparable work. The government made an effort to combat pay discrimination in general, and it applied pay equality within the government. There are no limitations on women's participation in the labor market, and the government encouraged women to participate in politics.

Children

Birth registration: Citizenship is derived from one's parents; birth in the country's territory does not confer citizenship.

Child Abuse: Violence against children persisted, although it decreased from the 222 minors treated for various forms of abuse in 2010 to the 183 treated in 2011. Authorities placed eight minors with a shelter family.

Sexual Exploitation of Children: The country's general law against rape also covers statutory rape. Child pornography is illegal and carries a prison sentence of up to four years. The age of majority, 18 years, is also the age of consent. The penalty for statutory rape is 15 years' imprisonment, the same as for rape in general.

International Child Abductions: On July 1, the 1980 Hague Convention on the Civil Aspects of International Child Abductions entered into force for the country. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

There were no reports of anti-Semitic acts against the approximately 500-person Jewish community.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government enforced it effectively. The law mandates access to public buildings, information, and communications for persons with disabilities, and the government generally enforced this provision. Nevertheless, societal discrimination against persons with disabilities existed on a small scale in the form of social and cultural barriers. Persons with disabilities also faced disadvantages in the labor market.

According to the National Commission of Assessment (Conava), schools continued to implement the law to adapt infrastructure to the needs of children with disabilities. An association for persons with disabilities operated in the principality. There is no restriction for persons with disabilities to participate in civic affairs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

On the basis of constitutional provisions for the right to freedom of ideas, religion, and ideology, the government acts against any discrimination that may occur in the country. There were no reports of official or societal discrimination based on sexual orientation or gender identity in employment or occupation, housing, or access to education or health care.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS. However, the government bars immigrants with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law recognize that workers have the right to form trade unions to defend their economic and social interests. However, the law does not provide for collective bargaining or the right to strike. Alternate dispute mechanisms such as mediation and arbitration exist. Unions continued to criticize the lack of laws that effectively develop and protect the constitutional rights of workers.

In practice the government lacked mechanisms to protect worker rights. Neither collective bargaining nor strikes occurred during the year. On May 1 (Labor Day), a holiday in the country for the first time, approximately 50 workers conducted a peaceful demonstration calling on the government to approve new laws further developing workers rights. While the law does not prohibit antiunion discrimination, there were no official reports that it occurred during the year. However, workers continued to be reluctant to admit to union membership, fearing retaliation by their employers, and unions did not make their membership numbers public.

b. Prohibition of Forced or Compulsory Labor

Slavery and forced or compulsory labor are punishable by a maximum of 12 years in prison. There were no reports that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment

Without exception, the law prohibits children younger than 14 from working. Children aged 14 and 15 may work up to two months per year during school holidays following strict regulations contained in the law. Laws limit work by children aged 14 and 15 to no more than six hours per day and by children aged 16 and 17 to eight hours per day, provide for safety restrictions, restrict the type of work children may perform, and outline other conditions.

Laws protect children from exploitation in the workplace, and the government effectively enforced these laws.

The labor inspection office in the Ministry of Social Welfare, Public Health, and Labor effectively enforced child labor regulations.

d. Acceptable Conditions of Work

The national minimum wage is 5.36 euros (\$ 6.97) per hour and 929.07 euros (\$1,210) per month. The labor inspection office enforced the minimum wage effectively. The law limits the standard workweek to five eight-hour days for a total of 40 hours per week. Workers may work up to two overtime hours per day or 15 hours per week, 50 hours per month, and 426 hours per year. The law provides for premium pay of time plus 25 percent the first four hours per week and time plus 50 percent the following four hours. There is a required rest period of 12 hours between working shifts.

The labor inspection office sets occupational health and safety standards and has the authority to levy sanctions and fines against companies violating them. The law includes agricultural, domestic, and migrant workers. Penalties were sufficient to deter violations and identify specific government action during the year to prevent violations and improve wages and working conditions, particularly for hazardous sectors or vulnerable groups.

During the year the labor inspection office received 101 complaints against companies for violating health and safety regulations. Accidents at work declined from 4,019 in 2010 to 3,725 in 2011. The majority of reported accidents came from the construction, motor, and machinery sectors.