U.S. DEPARTMENT of STATE

Andorra

Country Reports on Human Rights Practices - 2007
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The Principality of Andorra is a constitutional parliamentary democracy with a population of approximately 81,000. Two princes--the president of France and the Spanish bishop of Seu d'Urgell--serve with joint authority as heads of state, and a delegate represents each in the country. Free and fair elections were held in 2005 for the 28 seats in the General Council of the Valleys (General Council) that selects the head of government. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. However, prolonged pretrial detention and violence against women and children were reported. The law does not protect the right of workers to form and join unions or unions' right to bargain collectively and to strike.

RESPECT FOR HUMAN RIGHTS

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 politically motivated disappearances.

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 conditions generally met international standards, and the government permitted visits by independent human rights observers.

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

The country has no defense force and depends on Spain and France for external defense. Civilian authorities maintained effective control over the national police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the police during the year.

Arrest and Detention

Police may legally detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The law does not provide individuals under arrest immediate access to an attorney, but legislation provides for legal assistance beginning 25 hours after arrest. There is a system of bail.

Lengthy pretrial detention was a problem, and the ombudsman has criticized it. Approximately 75 percent of lengthy detention cases involved foreigners. Pretrial detainees made up approximately 30 percent of the prison population.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and defendants can request a jury. Defendants have the right to present evidence and consult with an attorney. Defendants and attorneys have access to government-held evidence in their cases. An attorney is provided at public expense if needed when a defendant faces serious criminal charges. Defendants enjoy a presumption of innocence and have the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The civil judiciary is independent and impartial, and plaintiffs can bring lawsuits seeking damages for, or cessation of, a human rights violation.

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

The constitution and law provide for freedom of speech and 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 of the press.

Internet Freedom

There were no government restrictions on access to the Internet or 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. An estimated 10,400 citizens had broadband Internet connections.

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 the freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. Under the constitution, the Roman Catholic Church and the state have a special relationship, and the government pays the salaries of Catholic priests who teach the Catholic religion in the public schools.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts against the approximately 300-person Jewish community.

For a more detailed discussion see the *2007 International Religious Freedom Report*.

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 and other humanitarian organizations in providing assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution and law prohibit forced exile, and the government did not employ it.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. The government did not grant refugee status or asylum; however, it has from time to time cooperated with UNHCR and other organizations in assisting refugees "for humanitarian reasons." The most recent example was in July 2006, when the government, for humanitarian reasons and on a temporary basis, accepted five Eritrean immigrants who were part of a group saved from a ship adrift in the Mediterranean Sea.

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

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

Elections and Political Participation

General Council elections in 2005 were considered free and fair and allowed the conservative Andorran Liberal Party to remain in power. Individuals and parties could freely declare their candidacy and stand for election.

There were eight women in the 28-seat General Council and three women in the nine-seat cabinet.

There were no members of minorities in either the General Council or the cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, there were no reports of government corruption during the year. Public officials are not subject to financial disclosure laws. The chief of police is responsible for combating corruption.

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

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

A number 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.

Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

The constitution and law declare that all persons are equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, opinions, or any other personal or social condition; however, the law grants a few rights and privileges exclusively to citizens.

Women

The law prohibits rape, including spousal rape; rape is punishable by up to 15 years' imprisonment. Authorities enforced the law effectively.

Violence against women was a problem. According to the Ministry of Health, Welfare, and Family, there were almost 130 reports of physical abuse against women during the year, a significant increase from 2006. There is no specific law prohibiting domestic violence, although other laws may be applied in such cases. Victims of domestic violence could request help from the Andorran International Women's Association (AIWA) and the Andorran Women's Association (AWA), but rarely filed a complaint with the police for fear of reprisal. The two associations reported that some women complained about the treatment they received from police when they filed a complaint. Authorities reported that the number of persons prosecuted for violence against women during the year increased, but did not provide statistics. The government had a hot line and provided medical and psychological services to victims of domestic violence but did not have any shelters. The government and AIWA placed abused women and their children in the private apartments of persons who agreed to provide shelter to them. Caritas, a religious NGO, worked closely with the government and AIWA on social issues.

Prostitution is illegal and was not a problem.

The law does not prohibit sexual harassment; however, it was not considered a problem.

The law prohibits discrimination against women privately or professionally; however, the AWA reported that there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work. Observers estimated that women earned 35 percent less than men for comparable work; this gap appeared to be decreasing slowly. A Sociological Research Center report in 2006 indicated that men occupied 66 percent of top positions.

Children

The government was committed to children's welfare. Free, universal public education begins at age four and is compulsory until age 16. The government provides free nursery schools, although their number continued to be insufficient. Reportedly 100 percent of school-age children attended school. Secondary school was the maximum level of public school offered.

Violence against children was on the rise. According to the secretariat of state for Social Welfare and Family, 119 minors were treated for various forms of abuse during the year.

Trafficking in Persons

The law prohibits trafficking in persons for labor exploitation, and there were no reports that persons were trafficked to, from, or within the country. Slavery or forced labor is punishable by a maximum of 12 years' imprisonment. There is no law that specifically penalizes human trafficking for sexual exploitation, but such cases could be prosecuted as trafficking for labor exploitation. The government agencies responsible for dealing with trafficking are the Department of the Interior and the Department of Social Welfare.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government enforced it effectively. 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. The law mandates access to public buildings for persons with disabilities, and the government generally enforced this provision. An association for persons with disabilities operates in the principality.

Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

The government's elected ombudsman advised the government to follow World Health Organization recommendations concerning work and residence permits for immigrants. According to the ombudsman, the government's denial of permits to persons with certain diseases, including those affected by the HIV virus, could constitute a violation of human rights.

Section 6 Worker Rights

a. The Right of Association

The constitution recognizes that workers have the right to form associations to defend their economic and social interests, but the country has no specific laws to protect this right. Workers were reluctant to admit to union membership, fearing retaliation by their employers, and unions did not make their membership numbers public.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference; however, the government lacked mechanisms to protect this right in practice. The law does not specifically provide for collective bargaining or the right to strike, and neither was practiced. However, on May 1 (Andorran Labor Day), the government permitted workers to conduct a peaceful demonstration tied to their demands that the government approve a law to protect workers' rights.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced and compulsory labor, including by children; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 18 from working, except in very limited circumstances. The labor inspection office in the Ministry of Social Welfare, Public Health, and Labor effectively enforced child labor regulations.

e. Acceptable Conditions of Work

The national minimum wage of $10.20 (seven euros) per hour and $1,230 (842 euros) per month did not provide a decent standard of living for a worker and family due to the high cost of living. Wages increased at a slower rate than housing and lodging costs. The labor inspection office enforced the minimum wage effectively.

The law limits the standard workweek to five eight-hour days. Workers may work up to three overtime hours per day or 15 hours per week (and 426 hours per year). The law provides for premium pay for overtime. There is a required rest period every day.

The labor inspection service sets occupational health and safety standards and effectively enforced them. During the year the labor inspection service received more than 200 complaints against companies for violating labor regulations; the service has authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, it does not provide workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment. The number of accidents at work has risen for a number of years; there were 4,626 accidents during the year.

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