

Andorra 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Andorra during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who may have committed 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, including extrajudicial 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, and Other Related Abuses

The constitution and law prohibited such practices, and there were no credible 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.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted visits by independent human rights observers. There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law required a warrant for arrest. Police could legally detain persons for

48 hours without a hearing, and police generally observed this time limit. A judge had up to 24 hours to charge or release a detainee. Police promptly informed detainees of charges against them. A bail system existed. The law provided detainees the right to legal counsel from the moment of arrest. Persons charged with a crime could choose their own lawyers or accept ones designated by the government. Authorities respected these rights.

Pretrial Detention: The law provided that the duration of provisional detention could not exceed four months. A judge could, by means of a reasoned decision, extend its duration for the same amount of time. The duration of the provisional detention could not exceed half the maximum penalty prescribed by the criminal code for the offenses for which it had been ordered. According to the law, once a case had been sent to court, the duration of the pretrial detention could not exceed six months (minor offenses) or 12 months (serious offenses). As of August, prisoners were in pretrial detention on average for 390 days, or approximately 13 months. 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 provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited 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 provided 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.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

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 provided for freedom of internal movement, foreign travel,

emigration, and repatriation, and the government generally respected these rights.

e. 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 did not provide for the granting of asylum or refugee status, and the government did not establish a system for providing protection to refugees, preferring to deal with refugees on an ad hoc basis. The law, however, provided for the temporary and transitional protection of asylum seekers for humanitarian reasons and allowed their entry, stay, and right to work for a two-year period, renewable for six additional months.

The law established a cap on refugee admissions; 20 in the case of refugees arriving from Syria, and 285 for those coming from Ukraine.

As a result of the 2018 Syrian refugee crisis, 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, 18 Syrian refugees received legal, medical, psychological, social, and educational assistance.

Temporary Protection: The law provided for the temporary protection of asylum seekers for humanitarian reasons and allowed their entry, stay, and right to work for a two-year period, renewable for six additional months. After this period, the beneficiary could either return to the country of origin, go to a third country, or stay in Andorra if the individual complied with all immigration requirements. As of early December, 285 refugees from Ukraine and six from Syria were taking advantage of this protection.

Section 3. Freedom to Participate in the Political Process

The constitution and the law provided 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

Abuses or Irregularities in Recent Elections: National elections, held on April 2, were widely reported to be fair and free of abuses and irregularities.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials infrequently engaged in corrupt practices.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, to monitor or investigate human rights conditions or cases and publish their findings. Government officials were cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The main function of the Ombudsman's Office was to defend and oversee the fulfillment and application of the rights and liberties included in the constitution and to ensure the public sector adhered to constitutional principles. The office also covered 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, antisemitic, and intolerant attitudes.

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 prohibited rape regardless of gender, including spousal rape, punishable by up to 15 years' imprisonment. It penalized domestic physical or psychological violence with a prison sentence of up to three years. Authorities enforced the law effectively.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment under the provisions for other sexual aggressions, punishable by three months to three years' imprisonment. Labor unions reported an increase in the number of cases of sexual harassment in the workplace, especially targeting young immigrant women, but many were reluctant to file a complaint due to fear of reprisal.

Discrimination: The law provided the same legal status and rights for women as for men, and those laws were generally respected.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization by governmental authorities. The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception and postexposure prophylaxis were available as part of clinical management of rape. Individuals were informed and had access to safe, effective, and affordable methods of family

planning. The government's Comprehensive Care Service for Women and the hospital provided free emergency contraception. Access to emergency health care, including services for the management of complications arising from abortion, was available.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibited 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.

Children

Child Abuse: The law prohibited child abuse and punished perpetrators with three months to six years' imprisonment. The government's Specialized Child Protection Team intervened in situations where children and young persons were at risk or lacked protection, and it collected data on cases of child abuse. The law was enforced effectively.

Child, Early, and Forced Marriage: The minimum legal age of marriage was 16 for girls and boys, and as young as 14 with judicial authorization. The law was enforced effectively.

Sexual Exploitation of Children: Child pornography was illegal and carried a prison sentence of up to four years. The minimum age of sexual consent

was 14 years. Authorities enforced the law.

The law did not explicitly prohibit the sale of children, but the penal code prohibited child abduction; trafficking in children for the purpose of adoption; pimping; providing a child for prostitution; sexual acts with prostituted minors or persons with disabilities; child prostitution; the use of minors and persons with disabilities for pornography; and trafficking in human beings for the purpose of sexual exploitation.

The penalty for statutory rape was 15 years' imprisonment, the same as for rape in general. The law banned slavery and servitude with a maximum of 12 years' imprisonment. It also prohibited trafficking in persons for the purpose of slavery and servitude with a maximum of six years' imprisonment.

The law punished anyone who managed or financed premises used for prostitution; who aided, abetted, or fostered prostitution; or who incited through violence, intimidation, or exploitation another person to engage in prostitution.

Antisemitism

Unofficial estimates placed the size of the Jewish community at 100 persons. There were no reports of antisemitic incidents.

Trafficking in Persons

There were no confirmed reports that traffickers exploited domestic or foreign victims in the country or that traffickers exploited victims from the country abroad.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalized consensual same-sex sexual conduct between adults or cross-dressing, and there were no laws that were de facto discriminating, such as laws covering “debauchery.” There were no reports of authorities applying laws disproportionately to lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

Violence and Harassment: The law considered 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. In late 2022, a gay person was reportedly attacked and badly injured in front of a discotheque.

Discrimination: The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognized LGBTQI+ individuals, couples, and their

families. The government enforced the law. Some cases of discrimination against persons based on sexual orientation occurred with respect to employment or occupation.

The Ministry of Social Affairs received requests for psychological, social, and legal assistance from individuals based on their gender identity or expression.

NGOs called for appropriate training on transgender matters, especially for professionals working with children, including medical professionals, teachers, and civil servants. Complaints of discrimination on the grounds of sexual orientation and gender identity could be brought before the civil and administrative courts.

Throughout the year, the Ministry of Social Affairs, with the NGO Diversand launched several awareness campaigns, trainings, and workshops to promote diversity, equality, and nondiscrimination.

Availability of Legal Gender Recognition: The law, approved in 2022, allowed transgender individuals to change their name and gender through the judiciary without a medical examination. Adults, emancipated minors, and youth aged 12 with the consent of their parents or legal representatives, could request changes to the registration entry of their sex if it did not correspond to their gender identity and if they could prove they had been presenting themselves publicly for two or more years and had

been known with this identity among their close family, professional, or social contacts. The legal recognition of gender identity did not require an individual to have undergone sex reassignment surgery or to have been treated medically to accommodate their physical characteristics to their gender identity. The government added hormonal or surgical treatment for cases of gender dysphoria to the free health care system.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of so-called conversion therapy on adults or minors to try to change a person's sexual orientation or gender identity or expression. There were no reports of surgeries performed on nonconsenting intersex adults and minors.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no laws or other restrictions on individuals speaking about or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.

Persons with Disabilities

According to civil society representatives, the most significant challenge for persons with disabilities remained entry into the workforce. The Ministry of Social Affairs promoted the hiring of persons with disabilities through the Network of Inclusive Businesses, which provided participating companies

fiscal and social incentives. There was a low rate of employment offers, however, for persons with disabilities, and few persons with disabilities were hired.

National civil society organizations also identified among the primary concerns for persons with disabilities access to private and public spaces. Associations requested the government provide more resources to monitor accessibility barriers and ensure that sporting, recreational, and cultural venues were accessible for all persons with disabilities.

NGOs continued to call for effective implementation of an inclusive educational system.

The Service for Personal Autonomy within the Ministry of Social Affairs provided psychological, social, and legal assistance for persons with disabilities and their families.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provided for workers to form and join independent trade unions. The law also regulated relations between trade unions and employer associations as well as mechanisms of collective conflict. The law

provided for the rights to bargain collectively and to strike. Alternate dispute resolution mechanisms such as mediation and arbitration existed. The law neither prohibited antiunion discrimination nor required the reinstatement of workers fired for union activity.

While the government effectively enforced the law, the country's main union, Unio Sindical d'Andorra (USdA), continued to allege the law did not effectively protect workers, especially those with short-term contracts. Penalties for violations were commensurate with those for other laws involving the denial of civil liberties. Labor unions called on the government to increase wages, reform the pension system, and provide access to affordable housing. 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 antiunion discrimination. Workers were reluctant to admit to union membership due to fear of retaliation by their employers and arbitrary dismissal.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for

Employment

The law prohibited children younger than age 14 from working and prohibited all the worst forms of child labor. Children aged 14 or 15 could work up to two months per year during school holidays following strict regulations. The law provided for protection of children from exploitation in the workplace. Penalties were commensurate with those for other similar crimes. The government effectively enforced the law. There were no confirmed reports of the worst forms of child labor.

d. Discrimination (see section 6)

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 an increase in cases of individuals not having access to affordable housing, especially among vulnerable groups such as women, elderly, and migrants.

The law provided for a workweek of 40 hours. Employees could work up to 12 hours per week of overtime, 48 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, Economy, Labor, and Housing, had 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: Under the law, occupational safety and health (OSH) experts, rather than workers, were responsible for identifying unsafe situations. The law covered agricultural, domestic, and migrant workers.

As of the end of July, the Labor Inspection Office had received 54 occupational safety and health complaints. As of June, the Andorran Social Security Fund had registered 2,003 workplace accidents, which led to 913 persons on sick leave for an average 42 days. One death was registered.

Wage, Hour, and OSH Enforcement: The government generally enforced minimum wage and overtime laws effectively.

The government effectively enforced occupational safety and health laws, and the penalties for violations were commensurate with those for crimes such as negligence.

The Labor Inspection Office had the authority to levy sanctions and fines against companies violating standards and it enforced compliance. The office had enough inspectors and resources to enforce compliance. Inspectors had the authority to conduct unannounced inspections. The

informal sector was marginal, and the government enforced labor laws in that sector.