

QUESTIONNAIRE TO STATES ON ANTI-MUSLIM HATRED AND DISCRIMINATION

1. Muslims within the State. What part of the population within the jurisdiction identify as Muslim? Are there multiple Muslim groups within your State?

According to data provided by the CRES (Centre for Statistical Research of Andorra) there are approximately 2000¹ Muslims living in Andorra in 2020. The biggest group is of Moroccan origin, but there are different groups based on their origin (South-Saharan Africa, Middle East, ...). No specific data on Muslim groups is registered.

2. The right of freedom of thought, conscience and religion or belief.

The Andorran constitution in its Title II states that “human dignity is intangible, and in consequence, assures the unbreachable unrescriptive rights of the People”. Its article 5 states the Universal Declaration of Human Rights is in force in Andorra.

Article 11 of the Andorran Constitution assures freedom of religion and cult within the country. Only restrictions to the freedom of religions are those that may be stated by Law in order to protect security, public order, health or public moral, as well as fundamental rights and freedoms of our citizens. Furthermore, article 12 recognises freedom of speech, communication and expression. No censorship is allowed from public powers.

Regarding the places of cult, the Muslim groups of Andorra have one or two places where they can pray and practice their religion. No official demands on building a mosque have been received by Andorran authorities. On the other hand, no specific Muslim schools or madrasas are constituted in Andorra.

3. Equality and non-discrimination.

The Andorran laws guarantee equal rights regardless of religion and belief. No differences are made, as crimes are prosecuted the same way for all citizens. The 2nd July 2020 the Court in charge of Criminal offenses confirmed the sentence for an individual that in 2016 had gravely offended and menaced of death a man of Muslim faith in the course of a strong argument in a Commercial area. This is the only specific case related to crimes against Muslims in the records of the Public Prosecutor in 2020.

Article 30 of the Andorran Criminal Code includes the religion factor as an aggravating issue for criminal responsibility. Furthermore, all chapter 5 of the Criminal Code includes dispositions for discrimination crimes. Article 338 punishes hate crimes and crimes with a discriminatory basis and article 339 contains the crime of “group offence” which states

¹ https://www.diariandorra.ad/noticies/nacional/2020/04/25/ramada_covid_19_160179_1125.html

criminal responsibility for offences carried against a religious group, affecting all religions, including Muslims.

Furthermore, the 13/2019 Law for Equality and non-discrimination covers, as well, all kinds of discrimination, including against religious groups. Its article 4 specifically mentions religion as one of the causes of discrimination the Law is preventing from happening.

Finally, our Immigration and Nationality Laws do not focus on religious factors in order to award citizenship or residence permits.

All discrimination issues are widely protected and covered by the Ombudsman, the Public prosecutors and our Police service. The low ratio of hate crimes monitored in the country (only 2 in 2019) shows clear effectiveness of the system.

4. State practices to promote tolerance and understanding, including with private and public actors.

Andorra is well known for its strong social cohesion. Tolerance and understanding are values covered since young ages in Andorran schools. We also work on prevention of discrimination of all kinds through Education for democratic citizenship, which is oriented precisely to promote social cohesion and integration with democratic values and respect of human rights.

The Andorran society is diverse and therefore is widely concerned about issues regarding discrimination and shows great union and response to those breaching this status quo that envisages tolerance and respect.