



Govern d'Andorra
La ministra d'Afers Exteriors

Special Procedures Services

Ms Mary Iawlor

Ms Irene Khan

Ms Dubravka Simonovic

Ms Elizabeth Broderick

Andorra la Vella, 26 February 2021

Dear Madams,

With regard to your letter of 7 January, I would like to shed some light on the events that have developed before and after the presentation of Andorra's country report during its fourth periodic review session before the United Nations Committee on the Elimination of Discrimination against Women (UN CEDAW) on 23 October 2019.

Let me first inform you that the Andorran Government has collaborated with the *Associació Stop Violències* since its creation, in particular by conceding numerous grants in 2016, 2017 and 2018. Moreover, the Ministry of Social Affairs, Housing and Youth has always invited this association, along with the two other women associations of Andorra, to participate in various round tables and conferences, including the meetings that the Specialized Service on women's rights organizes regularly with those organizations in Andorra. Besides, the Government has continuously authorized different activities and events organized by *Stop Violències*, even if the aim of the demonstration was the decriminalization of the abortion, as it was the case on 28 September 2019, when *Stop Violències* was permitted to organize a march on the occasion of the World Day for the Right to Abortion.

I would also like to emphasize that the Ministry of Social Affairs and the Secretary of State for Equality and Citizen Participation maintain an on-going dialogue with

those three associations and that all three, including *Stop Violències*, have been invited to participate in the drafting of the Law on effective equality between women and men, which will be submitted to our Parliament in few weeks' time.

Indeed, as a matter of principle, the Andorran Government accepts and promotes fully the participation of civil society, through all non-governmental organisations and their representatives, in the examination of all country reports that Andorra regularly submits to the numerous Human Rights monitoring mechanisms, from United Nations or the Council of Europe. In our view, this healthy interaction allows Governments to better understand the reality of their countries in order to plan future policies and strategies in any given subject. In the present case, to improve the level of protection and fulfilment of the Human Rights of woman and girls in Andorra.

Hence, Ms Vanessa Mendoza Cortés participated in the CEDAW session and informed, according to her opinion, of the situation of women and girls in our country with regards to their Human Rights, and more specifically, as you described, on the impact of the full ban of abortion in Andorra.

The Government of Andorra assumes the criminalisation of abortion and does not avoid any discussion on the subject. Yet, Ms Mendoza Cortés used this opportunity as well to accuse different government services of violating women's and girl's rights by supposedly forcing the abandonment of children, given later on adoption, and other extremely serious practices, which, if proven right, would constitute severe criminal offences according to our Penal Code. Several experts, members of the CEDAW based their questions on Ms Mendoza's accusations concerning the supposedly forced abandonment of children.

I would like to express our frustration not to be able to convince our interlocutors that these very serious accusations were completely false even if no proof at all has even been provided by Ms Mendoza Cortés. The numbers of national adoption were given during the presentation. They oscillate between 0 and 2 children per year which is in complete contradiction with Ms Mendoza Cortés's accusations. But even concrete figures did not seem to convince the CEDAW despite no proof had been brought on the other side.

As a consequence of Ms Mendoza Cortés various accusations, it seemed essential and urgent to my Government to **verify the accuracy of those allegations** and, consequently, the Public Prosecutor's Office was informed. Let me, therefore, emphasize that the Government of Andorra did not make any preliminary assessment of the accusations, but just informed the competent judicial authorities and **it never undertook direct judicial proceedings** against Ms Mendoza Cortés.

Later on, on 16 July 2020, the General Prosecutor's Office determined that Ms Mendoza Cortés allegations of criminal acts committed by Government officials

were unfounded but, it also concluded that the accusations made by Ms Mendoza Cortés were very serious and it existed, according to the General Prosecutor's Office, some grounds that might justify the need to open judicial proceedings. Currently, a judge of First Instance is considering the grounds submitted by the General Prosecutor's Office, ordering the practice of evidence, as well as analysing all the documentation. On 2 December 2020, the judge rejected the demand of Ms Mendoza Cortés to close the proceedings simply because the judge did not have time yet to practice all the needed evidence to resolve the case. Just recently, Ms Mendoza Cortés has been summoned to appear before the judge on 17 February 2021 to provide her testimony of the facts. After the practice of this last evidence, the judge will decide soon whether to continue or not the case.

The Government of Andorra has already stated that it will not be part in these judicial proceedings since it fully respects the independence of the judicial system and in no way will interfere in its findings or procedures.

On the other hand, it is true that the Police, in relation to the public demonstration held on 28 September 2019, summoned Ms Mendoza Cortés on 11 November 2019. However I can assure you that, in the present case, **it is not a second criminal complaint** before the Andorran tribunals. The demonstration had been duly authorised however the participants did not comply with the directions given by the police and Ms Mendoza Cortés was legally responsible of the security of the participants during the demonstration. According to Police records, she was asked to explain why the participants did not follow the safety instructions provided during the march, why they changed the foreseen itinerary, and why they decided to interrupt the traffic thus causing serious cuts in the circulation of the only road that connects the capital with the city of Encamp. The aim of the meeting in the Police Station was to learn more about the infringements, to remind Ms Mendoza Cortés of her responsibilities and to exhort Ms Mendoza to be more vigilant next time. **She was also informed that no further actions were derived.**

We consider that the defamation campaign that Ms Mendoza Cortés has organised against the Government and against Government civil servants is completely unfounded. She provides no evidence neither concrete information to elaborate on the comments she presented in the reports submitted to the CEDAW, her comments in the social networks and her media appearances.

Furthermore, Ms Mendoza Cortés declares before international organisms that she is a victim of surveillance and computer manipulation but she has never appeared to the Police or the Prosecutor's Office neither to the Ombudsman to denounce those facts.

Lastly, I can assure you that Andorra fully respects freedom of expression and we never had a similar case in the long history of our country. Andorra respects its

compromises as a State party to the International Covenant on Civil and Political Rights and to the European Convention on Human Rights, and fully respects article 12 of the Andorra Constitution that guarantees freedom of expression, of communication and of information.

Finally, I can also confirm that Andorra has engaged itself, since November 2019, in a close communication with the Chairperson of the Committee on the Elimination of Discrimination Against Women, and will continue to cooperate with the Committee in anything deemed necessary.

Please be assured that the Government of Andorra will continue to work with the association "Stop Violències" as it has continuously done, while recognizing and affirming the legitimacy of women Human Rights defenders and will strongly support the role of all institutions in the advancement of Human Rights of women and girls in Andorra.

I avail myself of this opportunity to renew to you all the assurances of my high appreciation.



Maria UBACH FONT
Minister for Foreign Affairs