



Review of the sixth cycle of Andorra by ECRI.

Report of the NGO Stop Violències.



March 2023

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

- Introduction

Throughout the entire ECRI report, we find recommendations that are repeated and that the Andorran government does not heed, such as the need to carry out studies in all areas in which there may be discrimination and hate speech. There is also a lack of studies, in general, to talk about cross-discrimination, such as being a woman, a lesbian, and Moroccan, or being a victim of intimate partner violence and a woman. Note that the lack of knowledge also extends to the needs of the LGBT community, something that is shown in the fact that the masculine is still used as a universal generic in the drafting of laws, excluding women and/or a gender perspective.

We have retrieved some of the Committee's recommendations and we have expanded them, and at the same time we have included some discriminations that were not mentioned, but that seem important to us as an association.

Thus, the first part of the report collects some of the Committee's questions and we answer and expand on them. In the second part, we have collected samples of hate speech and incitement to violence by the press, which is spreading out of control. And finally, in section three of the report, we have collected a specific chapter on migrants and residents. We have taken the opportunity that the commission gives us by sending this report, to add at the end of it some recommendations that we think can help move our country forward.

We recommend that you use this link to translate everything you need from Catalan to English: <https://www.softcatala.org/traductor/>

- Organizations for the promotion of equality (Equality Bodies)

Despite the fact that there is no specific body in this matter, the office of the "Raonador del ciutadà" (Ombudsman) is granted the power to attend to vulnerable groups (people with functional diversity, refugees, victims of racism, minors, retirees, women and LGBTIQ people) and guarantee their rights. This office also collects complaints and referral cases. Even so, the only power that it indicates on its own website is persuasion and recommendation.¹

The Government itself acknowledges in its 2022 report that, for the majority of the population, it is an organization whose competencies are unknown.² For example, in 2021, only one case concerning minors was dealt with.

In our opinion, it is not a sufficiently proactive or resolving body in the cases it deals with, since while we are unaware of most cases, we consider that it does not engage with NGOs or competent bodies for each case. On the other hand, we consider there is no impartiality in the way of appointing the person who holds the position of "Raonador del Ciutadà", since he is appointed by the General Council with the favorable vote of two-thirds of its members. Therefore we consider that if the majority of the General Council is made up of the same political party, this directly influences the election of this position as it is in tune with the vision of the selecting party.

¹ <https://www.raonadordelciutadada.ad/preguntes-frequents/#1542551748171-1f749be7-e670>

² <https://www.consellgeneral.ad/fitxers/documents/raonador-del-ciutadada/informe-anual-2022>

To conclude, it should be noted that complaints cannot be anonymous, so we consider that many complaints do not reach this office for fear of subsequent reprisals, since Andorra is a very small country and there are many connections, especially within the Andorran institutions.

- Law for equal treatment and non-discrimination

We celebrate that Andorra has implemented the recommendation of the ECRI Commission and that in the law for equal treatment and non-discrimination there is a reversal of the burden of proof.

On the other hand, this law³ names women as a vulnerable group and subject to discrimination. Our organization is the only one that has expert psychological care in violence against women, whether in the private or public sphere, and not only weren't we able to make any collaboration agreement with the state, but because of our work we have been denounced by the same government for our participation in the 74th session of CEDAW at the UN in 2019. We are directly subject to discrimination and state violence for fighting for human rights such as abortion, so we consider that everything related to this law in terms of helping women and the violations we suffer is a dead letter.

As we have said publicly, we regret that in a law that talks about promoting equality and non-discrimination, the opportunity to legalize abortion has been lost. Without the right to decide over one's own body, there is no possible equality.

It should be noted that there are no care protocols for women in the Andorran state that take into account the double or triple-fold violations that we can suffer. For example, if you are a woman and you have a physical or psychological functional diversity, or a woman and a lesbian, and a victim of intimate partner violence. Likewise, there are no action protocols in services that are not from the equality department. For example, Andorra's addiction care service (UCA) has not incorporated a gender perspective into its action protocol, therefore women who have generated an addiction after being subject to a sexual assault or intimate couple violence are revictimized by this unit because it does not have professional experts in this matter. We do not want to imagine what happens to Filipino, Moroccan, and sub-Saharan⁴ women who are mistreated and become addicted.

- Inclusive education

³ Law for equal treatment and non-discrimination: <https://www.consellgeneral.ad/fitxers/documents/lleis-2019/llei-13-2019-per-a-la-igualtat-de-tracte-i-la-no-discriminacio/view>

⁴ African associations in Andorra <https://associacions.andorralavella.ad/africanad>

Not only is inclusive education not guaranteed but it is also repressed, since religious expression other than Catholic practice is not encouraged, we suppose this is due to the influence of one of the heads of state, thus delimiting the expression of other religions.

An example this year has been the case of the complaint of a Muslim family against the Lycée Comte de Foix educational center (French educational system) for prohibiting their daughter from wearing the hijab to school in September 2021. In Andorra, nothing similar had ever been reported, and that committed the Government beyond the Ministry of Education. Finally, the court agreed with the minor.⁵

However, as a result of this situation, the Andorran government modified the Education Law of December 3, 1993, and Law 17/2018 of the Andorran educational system, of July 26th⁶ so that the Andorran educational system prohibited the use of ostentatious religious signs and symbols. We attach in the annex the original article and the modification.

Article 17 (original) Compulsory education includes the educational levels of primary and secondary education and generally welcomes children and young people between six and sixteen years of age.

Addition to the education article

Article 17 bis (April 2022)

1. In order to guarantee the values and purposes of the Andorran educational system in its public centers, except in centers dedicated to higher education and lifelong training, the ostensible use of religious signs and symbols by staff or by the workers who intervene in the educational centers, and by the students, during school hours, teaching activities and complementary activities that are part of the educational program is prohibited. This prohibition will not apply when the use of the signs or symbols is inherent or necessary in the activity in which they are used.

The statements made by Ester Vilarrubla, the Minister of Education, in relation to this issue are noteworthy. *"We defend that it is important to regulate the use of these ostentatious symbols because one of the functions of the state is to guarantee coexistence among its citizens and especially in schools and we think that this neutrality facilitates coexistence, and we want to bet that it is so. We do not veto religious freedom in any case nor that it can be manifested, we are talking about reducing the manifestation of religious symbols"⁷*

According to our lawyers, all these actions violate both the constitutional right of freedom to manifest one's religion (Art.11.2)⁸ of teachers and students, as well as Article 1 of the Convention on the fight against discrimination in the field of education of the General Conference of the UN for Education, Science, and Culture of December 14, 1960, that Andorra approved in 2017⁹

After the ban on her wearing the veil at the school where she had exercised all her education, an attempt was made to change the girl's school to respect her freedom of belief and religious

⁵ Related news <https://www.andorradifusio.ad/noticies/justicia-dona-rao-vena-vol-portar-vel>

⁶ Law modification statement: <https://www.consellgeneral.ad/fitxers/documents/lleis-2022/llei-10-2022-del-7-d2019abril-qualificada-de-modificacio-de-la-llei-qualificada-deducacio-del-3-de-setembre-de-1993-i-de-la-llei-17-2018-dordenament-del-sistema-educatiu-andorra-del-26-de-juliol>

⁷ Related news with Minister of Education statements

<https://www.diariandorra.ad/noticies/nacional/2022/03/09/govern-aprova-llei-que-prohibeix-els-simbols-religiosos-ostentosos-escola-196704-1125.html>

⁸ Constitution of the Principality of Andorra

<https://www.consellgeneral.ad/fitxers/documents/constitucio/const-en/view>

⁹ Convention against discrimination in the field of education.

https://www.bopa.ad/bopa/029073/Pagines/CGI20171114_09_52_49.aspx

expression. After the change in the law mentioned above, and after speaking with her mother, we were informed that the girl had been prohibited from entering the public school in Andorra with her veil. The girl strongly refused to take it off. And the education ministry ruled that the girl and her twin brother were to receive online classes, thus segregating and isolating the girl because of her determination to wear the veil and her brother for fear of going back to school after seeing the coercion done to her sister. (As her mother tells us in a telephone conversation).

We think that the outcome of this story is heartbreaking and that it clearly shows what is happening in Andorra in relation to discrimination and the institutional work that still remains to be done.

In February 2023, after a call from the neighbors reporting a situation of violence by the father of this same girl, the social services decided to withdraw custody of the two minors from the family environment. At a social level, the mother is clearly blamed for this situation and is also held responsible for the withdrawal with phrases like the ones we can read in the translated text below: "She was witnessing the fight, and she did nothing." There is a worrisome lack of understanding of the vulnerable situation of women and children when suffering violence is involved and it is also possible to see how institutional racism is present.

We regret that this type of measure generates problems with the Arab community in the country, and may cause an outbreak of violence on the part of this community, caused by the state's inability to dialogue and not discriminate against them. We do not know what other problems the Arab community in Andorra faces. What we can say is that the Moroccan community is never named in any statistics nor is it invited to the many cultural days that the country celebrates.

Finally, we also deeply regret the tragic end of this situation. Both the minor who wanted to wear the veil to school and her twin brother were removed from the family home. The state used a situation of intimate partner violence as an excuse to make its withdrawal. Likewise, it did not take any responsibility for the situation of intimate partner violence that seems to exist within this family.

We also do not know if the woman is being treated by the Department of Equality to prevent this violence from continuing to be exercised against her.

Find below the news related to the text above.

No custody in the 'veil series'.¹⁰

¹⁰ https://www.altaveu.com/reportatges/sense-custodia-en-serial-vel_45562_102.html

Social Affairs has been monitoring the girl, who wears the veil and, therefore, following the legislation that was promoted in the General Council for her case, cannot go to school in person. She must follow compulsory education at home. And if everything was already complex enough, the situation was precipitated last week. On Monday afternoon, the 42-year-old father was arrested, accused of abusing his son. The screams and the noise were not the first time they had been at that address. In fact, on several occasions, the presence of the police had been required, and the justification in many cases was that the minor was aggressive.

The man went to court last Tuesday and did not accept the sentence due to the fast trial that was held but charges were pressed against him and also against the mother — in no case was she arrested— for having allowed the aggression to which the family, at least the couple, have always played down its importance.

But Social Affairs and also the judicial authorities were being suspicious. **Even more with the woman — who wears a practically integral veil, the so-called 'chador' —** who considers that, as strange as it may seem, she is the one who carries the singing voice of the family. Be that as it may, that episode with detention included would have accelerated the whole process relating to the custody of the minors — there is a third daughter, not yet a couple of years old, who will continue with the parents — although the couple, the parents, have always justified their behavior, they have minimized the situation and they have even asked for support to manage the two older children who they consider that, as a result of the 'case of the veil' they suffer emotional effects.

This Tuesday, a trial of minors was held at the Headquarters of Justice. Since before 10 in the morning, the five members of the family were in the court. The mother with the 'chador', the daughter with the veil, the assaulted son, the youngest girl, and the father. Without there apparently being any abnormal behavior, not even when the three minors were left alone in the care of the father. The mother was required in the room where the procedure was carried out. According to the sources consulted, and despite the frontal opposition of the parents, it ended up being decided that, at least as a precaution, **the best way to avoid risks and dangers was to separate the two older minors from the family nucleus.** Therefore, withdraw custody from the parents. And send the children — a dozen years old — to the juvenile center, in La Gavernera, to see if at least this is how the situation can be redirected. Since the decision to withdraw custody — which is a measure that can be appealed against — has occurred before the end of the hearing, there has been a great uproar.

• LGBT equality

We see in the report of the fifth cycle that they recommend on several points that the country collects data and carry out surveys of some kind to find out the reality of the country. No type of data or information has been collected about the problems and/or needs of LGBT groups. If it has been done, we have no record. The country's hegemony is heteronormative and patriarchal logic, when talking about tolerance it is done from the privilege of not needing it. The only measure that the country has taken to make the LGBT community visible is to paint a pedestrian crossing with the collective's flag¹¹ and it has only included one association dedicated to the rights of trans people, which we helped to constitute, and it has made a series of talks with them¹². It seems to us that it is not enough.

¹¹ Link painted zebra crossing 2021:

https://www.altaveu.com/actualitat/afers-socials/primer-pas-vianants-lgtbi-andorra_30352_102.html

¹² Link news cycle of talks 2022:: https://www.altaveu.com/actualitat/societat/campanya-sensibilitzacio-lluitar-contra-lgtbi-fobia_38891_102.html

In relation to the LGBT community in general, we can point out that there are no services with qualified personnel in attention to all diversity. Also in a general way, we can say that if they are done, we have not seen campaigns against lesbophobia or for affective diversity. Nor have we seen that there are specialized services for LGBT people suffering from partner violence. If there are, we don't see them, a factor that seems discriminatory to us. The government service for attention to violence only gives figures on violence in heterosexual couples every year, in our association we have dealt with cases of violence in same-sex/gender couples, so we can affirm that it is a necessary service in Andorra.

We proceed to summarize the lack of specific services in this matter:

- 1- There is a lack of shelter and emergency services for violence in LGBT couples
- 2- There is a lack of a public psychology service specializing in violence against LGBT couples
- 3- There is a lack of specialized courts in the field of hate crimes and violence against LGBT couples

Public institutions and services are still permeated by the logic of patriarchal, misogynist, and sexist hegemony.

In relation to discrimination for being lesbian women, specifically, we are going to name two aspects that seem discriminatory to us.

In the first place, there is a structural problem in the drafting of laws that can lead to discrimination, since most laws are drafted in the gender masculine¹³, the country has not adopted enough of a gender perspective to stop discriminating with the language used at the legal level. This is the case of the registration in the civil registry of a baby by a lesbian couple. Because of this law, written in the generic masculine, when the mother who has not gestated is going to register as a second mother, she is told that it is not possible because the law does not contemplate it, if this has not changed, lesbian women who have not gestated a baby but are couples and mothers are also discriminated against by the law itself and forced to pay for a lawyer to be included and recognized as mothers. When making this law they did not take into account lesbian couples. This law only excludes family units where there are only women, which we think is highly discriminatory.

Secondly, patriarchal logic and heteronormative hegemony are sometimes imposed with more virulence, as is the case with the law on human assisted reproduction approved in 2019¹⁴. Where we find that the state will only pay for assisted reproduction techniques to lesbian couples when one of them has a fertility problem. We find this exception highly insulting and somewhat phallogentric, openly discriminating against lesbian women who don't have any kind of fertility issues. Lesbian couples are not freely given access to maternity, imposing heteronormative hegemony without taking into account, analyzing or studying the problems of lesbian women.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

We agree with ECRI recommendation 23, which states that defamation against groups of people is not effectively collected and where ECRI understands hate speech to be the act of

¹³ law written in the masculine gender that affects and discriminates against lesbian women who give birth.
<https://www.bopa.ad/bopa/025002/Pagines/7C2AA.aspx>

¹⁴ link law: www.consellgeneral.ad/fixers/documents/lleis-2019/llei-12-2019-qualificada-de-tecniques-de-reproduccio-humana-assistida/view

advocating, promoting or encouraging in any way denigration, hatred or the defamation of a person or a group of persons, as well as the harassment, insults, negative stereotyping, stigmatization or threat towards a person or a group of persons and the justification of all the above types of expression for reasons of "race", color, origin, national or ethnicity, language, religion or belief, gender identity, and sexual orientation.

Because our situation as an association sets a clear example of this recommendation, as well as recommendation 29.

We have structured this second part in two sections. In the first place, in a general way, we have answered some questions from the commission, and we expose the complaint of the Andorran government against our institution for our participation in the 74th session of the UN as an act of discrimination and state violence against us for being women, activists and citizens who dare to disagree and fight for human rights that make them uncomfortable.

The second section offers three examples of the hundreds that we have, where it can be seen how the speech that incites hatred and discrimination in the press does not have any type of filter and not only cannot be stopped from civil law, but we must endure it day after day.

· Hate speech

We regret not being able to highlight significant progress in the fight against hate speech, even online. The Andorran state in 2022 congratulated itself because the police service had not registered any hate crime complaints, therefore assuming that without complaints, this type of crime does not exist. We are extremely concerned that there are no studies in relation to this, and that more public mechanisms are not put in place to facilitate complaints or places to express situations of discrimination and hate speech against the LGBT community and feminist groups of women who fight for rights and think differently from the government.

We have not found any internal decalogue regarding good treatment or good practices to eradicate hate speech or discrimination from public institutions. If it exists, we are not aware of it. Nor is there any binding complaint channel for discriminatory or racist treatment made available to users of public services. We have not found any sanctioning regime in the public administration for degrading, vexatious or discriminatory treatment.

At this point in the report, we want to express the discrimination, state violence and hate speech that the Andorran state consents and favors in the media that it dominates. Our association is the subject of a public smear campaign incited by pro-government media. Amnesty International has already asked for the campaign to end, and it has not been possible. There is nowhere we can go as an association and/or as citizens to denounce what they are doing to us or to stop it.

Currently the president of our association, Vanessa Mendoza Cortés, will be tried for a crime of defamation of the Andorran institutions, applying article 325 of the penal code. This law contradicts international human rights laws, where honor belongs to individuals and not to institutions. Also, with the existence of this law, the state makes sure to crush anyone who dares to disagree or have a different opinion. This is our case: while we battle the human rights of women, discriminated against in many areas in Andorra, the government decides to denounce us as an exemplary punishment, as women and as citizens.

In our case, we consider that the “Raonador del ciutadà” is not an independent or trustworthy figure to whom we can report our situation, since the person who currently holds this position was a minister in 2011 of the same party that elected him (Democrates per Andorra).

He was also the Justice and Home Affairs Minister for this party, in 2012 he resigned this position and nominated one of his trusted men as his successor, Mr. Xavier Espot y Zamora, current head of government¹⁵. This is also the person who initiated the prosecution against us in 2019. Additionally, he does not have any valid mechanisms to interrupt everything that is being done to us.

Structural and institutional violence can be observed in the public sphere endorsed by a government that does not hesitate to denounce its citizens when we do something they do not like. Freedom of expression is kidnapped in this country and we are openly discriminated against for being women. Our president is of Gypsi ethnicity, the public administration knows it, and although she has never said anything directly to us, we have received rumors that insults are being spread about her origin by high-ranking leaders in informal meetings.

- Hate speech example and discrimination towards our association

We have hundreds of sheets, without exaggeration, of news where hate speech is praised, the truth is untold and we are openly slandered. We are only going to present some examples, since the maximum space of this report would be exceeded. If the commission wants a more extensive dossier, we can send it to them. There you will find more insults towards our association, towards the president and the delegitimization of the work we do.

1. Examples of incitement to hate in the Andorran press. Homophobic and hate speech comment in this article from one of the national newspapers controlled by the government.

Link of the news after the participation of Andorra and Stop Violències in CEDAW in 2019:

https://www.diariandorra.ad/noticies/nacional/2019/10/23/el_govern_deixa_clar_onu_que_mantiendra_llei_sobre_avortament_152387_1125.html

Some comments to highlight from the more than 30 ones that the news has:

#1

Hetero cristià

(23/10/19 08:00)

M'alegro, de moment les tendències progressistes de fora com el matrimoni homosexual i l'avortament no han traspasat les nostres fronteres, co conservant així la nostra cultura, patrons morals i idiosincràsia.

Respondre

#1 Christian hetero says: *I am glad that the progressive trend from abroad (from outside Andorra) such as homosexual marriage and abortion have not crossed our borders, thus preserving our culture, moral standards and our idiosyncrasies.*

¹⁵ <https://www.elperiodic.ad/noticia/24554/marc-vila-dimiteix-i-posa-espot-al-front-per-donar-continuisme>

#16

Tonet

(23/10/19 13:41)

La Mendosa busca carregar-se el país per alguna raó desconeguda. Voldria saber d'on li ve aquest impetu per considerar-se tant víctima de no poder avortar a Andorra. Jo li tallaria les subvencions... I si aquestes han estat donades per deixar de volta i mitja al país, li faria retornar. Que es deixi d'espectacles sensacionalistes que això no és Spain.

Respondre

#16 Tonet says: *La Mendosa (making direct mockery of the last name of the president of Stop Violències, which is Mendoza) seeks to destroy the country for some unknown reason. I would like to know where this impetus comes from for considering herself such a victim of being unable to have an abortion in Andorra. I would cut their subsidies... and if they have been used to put the country in a bad light, I would make them return. Stop sensationalism, this is not Spain.*

2. News where you can see the abuse of power and authority of the press related to the government of Andorra. Someone called the president of Stop Violències with a Spanish telephone number saying that it was from the Andorran press. That day, Vanessa, the president, exploded because of the harassment and not only did she not attend the journalist, but also asked her to leave her alone. And the result was this devastating news inciting hatred, discrediting and humiliating the work we do and inciting insults:

News headline: Stop Violències grants itself the exclusivity of feminism in Andorra

Link:

<https://www.diariandorra.ad/noticies/nacional/2021/11/16/stop-violencias-atorga-exclusivitat-del-feminisme-pais-190358-1125.html>

#1

Cavall de Troia.

(16/11/21 06:10)

Quina credibilitat tenen les afirmacions de Mendoza quan se l'acusa de quatre delictes? calúmnia, difamació, delictes contra el prestigi de les institucions i l'honor?

Respondre

#1 Troy horse says: *What credibility do Mendoza's statements have when she is accused of four crimes? Slander, defamation, crime against the prestige of institutions and honor?*

#26

Isard

(16/11/21 11:36)

Associació plena de residents (caldrà veure el número total d'integrants), que vol imposar els seus criteris radicals en un país estranger per viure de les ajudes públiques del país d'acollida i, que aquest, li dona incomprensiblement. Potser els andorrans hauríem de mobilitzar-nos per la comarca de l'Alt Urgell perquè s'annexionés a Andorra. A veure què pensaria Espanya.

Respondre

#26 Isard says: *It is an association full of residents (it would be necessary to see the total number of members) who want to impose their radical criteria in a foreign country to live on public aid from the host country, and that this one incomprehensibly gives them. Perhaps the Andorrans would have to mobilize around the Alt Urgell region (Catalan region that borders Andorra) so that it could be annexed by Andorra to see what Spain would think.*

3. The 3rd example of media defamation and a smear campaign and exaltation of hate is the invention of the news media that can discredit our work.

In 2022 we attended the HLPF of the UN in NY. They invented the following news:

"The pro-abortion leader Vanessa Mendoza Cortés starts working for the government." ¹⁶

In Vanessa's private conversations with the journalist who signs the article, she acknowledges that the editor of the newspaper has written the news on her behalf and that she doesn't know if what they say is completely true. We have screenshots with this journalist that show that what we say is true.

We have expressed our anger publicly and this means of communication has decided to continue with the public discredit towards us.

There is no institution in Andorra to which we can go, there is no public institution that watches over us, nor that can stop the lynching, smear campaign and defamation to which they have subjected us.

We find this type of news especially dangerous for inciting hate speech, for defamation, and it is a clear example of how the professional dignity of the president of the association and the public image are totally damaged. Many comments in this news¹⁷ report that parents will not take their children to school so that we cannot give them these supposed workshops, and reproduce the defamatory discourse that we have been enduring for years about our work and the professionalism of the president of the association due to the impunity that reigns in the media and the effectiveness of the smear campaign by the country's media. This same outlet, with the same editor, wrote an article in which it defamed, lied and sentenced Vanessa guilty without a trial having been held and in the absence of evidence that she had committed defamation.

This type of article deeply damages the image of the association, the work we do and of our president as the only psychologist expert in intimate partner violence and sexual violence.

Title of the news: If Vanessa Mendoza were not the pro-abortion leader, perhaps abortion would already be decriminalized.¹⁸

Throughout these years we have had to put up with constant exposure, a smear campaign and media lynching that the government has not only not stopped, but has favored either with its public silence, or by making statements along the same lines as its media.

III. INTEGRATION AND INCLUSION

- Social integration programs for residents and seasonal workers

¹⁶ https://www.ara.ad/societat/vanesa-mendoza-entra-treballar-govern_1_4432604.html

¹⁷ Same news by the same editor in another media related to the government <https://pobleandorra.com/societat/la-lider-proavortista-vanesa-mendoza-cortes-entra-a-treballar-per-govern/>

¹⁸ <https://pobleandorra.com/opinio/si-vanessa-mendoza-no-fos-la-lider-proavortista-igual-ja-estava-despenalitzat/>

The Ministry of Culture facilitates the learning of the Catalan language through face-to-face and virtual courses and free self-learning centers.

<https://www.cultura.ad/aprendre-catala>

It also offers free Catalan classes during working hours. In the ECRI Report we have also read that the staff of a company can go during working hours to receive these classes. The Andorran state says in its report that there were few people interested in the classes. We notice a certain tone of guilt towards the citizens since it seems that the state is facilitating things. So we have asked the seasonal workers that we have around us (about 15 women) and we have found diversity in their responses.

It is true that the course is free. And it is done two days a week: Tuesday and Thursday from 7:00pm to 9:00 pm. We find this schedule is difficult to reconcile with personal life, in addition, it does not take into account the needs to rest, or responsibilities such as family duties. For example, a Moroccan woman who wants to learn Catalan to integrate will not be able to attend. A migrant worker who has to be at her workplace at six or seven in the morning will not attend these classes either.

Perhaps the state could propose several schedules for these courses, in relation to being able to be absent from the workplace to attend classes, we do not see clearly how. How does the Andorran state guarantee that people who are absent to go to learn Catalan do not have any repercussions?

We do not know how many companies with foreign workers have joined this option and offered it to their employees, and how many people attend these courses on average, and whether they are seasonal or permanent residents.

Although we applaud this service, we believe that the integration of people in a country should not only be based on learning the language, it is also welcoming people and helping them with their needs. There is a lack of social integration programs for newcomers and even residents who have been in Andorra for many years.

Integration into the country should be facilitated, through campaigns against racism directed at the people of the country, specialized services, and above all, implement strict control measures to ensure that the rights of migrants are not violated and that they feel protected. The most minority groups in Andorra are invisible, and we find few people, much less women of different origins in political or public life.

Even in the statistics of the “social observatory”, very numerous communities are made invisible by grouping all of them in “others.”¹⁹

Population in Andorra by nationality

¹⁹ <https://observatorisocial.ad/observatoris/146-observatori-immigracio/776-dades-demografiques>

Població d'Andorra per nacionalitat

	Andorrana	Espanyola	Francesa	Portuguesa	Altres	Total
2010	33.702	17.679	2.937	10.832	5.140	70.290
2011	34.349	17.215	2.788	10.284	5.136	69.772
2012	34.205	17.139	2.728	9.956	5.730	69.758
2013	34.789	17.165	2.675	9.614	5.723	69.966
2014	35.424	17.227	2.731	9.360	5.828	70.570
2015	36.132	17.512	2.834	9.261	5.993	71.732
2016	36.575	18.064	2.968	9.196	6.302	73.105
2017	36.697	18.737	3.199	9.193	6.968	74.794
2018	37.144	19.131	3.339	9.175	7.388	76.177
2019	37.749	19.231	3.391	9.212	7.960	77.543
2020	37.999	19.211	3.423	9.083	8.299	78.015
2021	38.429	19.716	3.549	8.885	8.956	79.535

Font: Departament d'Estadística.

In the graph above, 8,956 people are considered "others", 11.26% of the total population, a group that is even much larger than the population of French nationality. We have tried to find in official statistical pages which nationalities are included in this "other" category, but we have only found information in a press article, where some information was available²⁰.

In this additional statistic IMMIGRATION AUTHORIZATIONS IN FORCE BY NATIONALITY²¹

Període: 09/2022 ▾ 09/2022 ▾ COLUMNES LÍNIES XLS CSV METADEDES

Cap M-1 M-12 M-12-1 M-12-12 Ma-12 A-1 Total Mes Total Any Conversió del valor a anual

✓	Descripció	2022/09
✓	AUTORITZACIONS D'IMMIGRACIÓ EN VIGOR PER NACIONALITAT: 2 ESPANYOLA 0101060200040001	24.313
✓	AUTORITZACIONS D'IMMIGRACIÓ EN VIGOR PER NACIONALITAT: 3 FRANCESA 0101060200040002	3.989
✓	AUTORITZACIONS D'IMMIGRACIÓ EN VIGOR PER NACIONALITAT: 133 PORTUGUESA 0101060200040003	9.783
✓	AUTORITZACIONS D'IMMIGRACIÓ EN VIGOR PER NACIONALITAT: 9999 ALTRES NACIONALITATS 0101060200040004	11.978

We see that the population in Andorra in September 2022 with a valid residence and work permit of other nationalities that are not Spanish, French or Portuguese, are a total of 11,978 people, but still not important enough to grant a more detailed classification.

Access to nationality or dual nationality

In relation to nationality or dual nationality, even in the middle of the current electoral campaign, the government only mentions the following: "We will review the Qualified Nationality Law to update it, correct iniquities and clarify the different procedures, requirements and deadlines." Being totally ambiguous in their intentions, if in the last 8 years they have not made any changes, having a majority in the general council and with sufficient support from other parties

²⁰ https://www.altaveu.com/reportatges/ramada-en-la-intimitat_12902_102.html

²¹ <https://www.estadistica.ad/portal/apps/sites/#/estadistica-ca/pages/estadistiques-i-dades-detall?lidioma=ca&N2=605&N3=606&DV=1100>

to modify this law, we do not believe that they intend to make any changes in this aspect in the coming years unless they are pressured.

As the following survey indicates, 85.3% of residents would vote in an election if they were able to.²²

Non-Andorran residents who would vote in the Andorran elections. What percentage would vote in the Andorran elections if they could?

Residents no andorrans que votarien a les eleccions d'Andorra.

Percentatge Votaria a les eleccions andorranes si pogués?

	Sí	No	Ns/Nc
2013	80,0	12,6	7,4
2014	76,6	15,2	8,2
2015	77,0	17,8	5,2
2016	79,8	13,6	6,6
2017	80,9	12,5	6,6
2018	81,5	12,3	6,2
2019	81,0	13,7	5,2
2020	89,6	8,6	1,8
2021	85,3	12,0	2,7

Font: CRES. Enquesta política

*Eleccions generals

We consider that the current government, and the most conservative parties in the country have no interest in getting the resident population more involved in Andorran politics, since that could result in an increase in the vote of the middle class, which would surely fall on more progressive parties.

In the last elections, only 29,958 people out of approximately 69,022 inhabitants (of legal age) according to the population of 2022 had the right to vote.

Migrants in a temporary or irregular situation

People in an irregular situation do not have the right to any public service, in case of need for health care they will be assisted, but they generate a debt with the public health service. Which they will pay when they have a job in Andorra.

There are entities that help people in an irregular situation, such as the Red Cross through its food bank. This organization in Andorra does not work like in other countries where it has been seen that it has more independence and many more powers. The people who run this NGO in Andorra have family ties to people who work in the government. Perpetuating and entrenching some institutional practices that can make the user feel bad, such as causing secondary victimization or guilt due to their situation of vulnerability and/or need.

The Caritas Andorra service is linked to social services, therefore to public services to which migrants in an irregular situation cannot access.

People who work during the winter season have to sign a certificate stating that once their work permit has expired they have a period of 8 days to leave the country. This document is mandatory to obtain the temporary permit.²³

We have witnessed some violations of rights with migrants. Some of them are:

²² <https://observatorisocial.ad/observatoris/146-observatori-immigracio/779-participacio-social-i-politica>

²³ <https://www.immigracio.ad/images/stories/Docs/T2G014.pdf>

Throughout the post-confinement period, the expulsion from the country of a woman without resources and with the airspace of her country closed. We do not know to what extent there were expulsions of this type during COVID.

The case of a woman who had been coming to Andorra for 6 years to work in the winter seasons and was summoned to the police station because they had found something false in her CV, as a result of which she spent a night in jail and ended up being expelled from the country. We suspected that there was some other interest behind it, and the treatment received was not fair.

Another common practice in Andorra is to offer residents who have committed a crime, to accept an expulsion from the country for a certain period of time (approximately 5 years) instead of a sentence that can be a of few months in prison. This is usually done through quick trials (in 24-48 hours), and if the person requests it, they can request free legal assistance.

If the ECRI commission wants to know more about these issues, we recommend:

- Request from the Immigration department the number of people expelled from the country, family situation, reasons and nationality of origin in the last 3 years, and how much time they have been given to leave the country since the communication of the expulsion order.
- Request from the Department of Justice and the Interior the number of people who in the last 3 years have commuted a sentence for expulsion from the country, how much time they have been given to leave the country since the communication of the expulsion execution.²⁴

We found that a good measure of social integration would be if public institutions would facilitate access to translation and cultural mediation services in the country, to make public services more accessible to citizens.

We do not know the exact population, but we have communities of Russian, Ukrainian, Moroccan, Filipino, Chinese and Japanese women who, if they do not speak Catalan or Spanish or have a son/daughter who translates, they have no way to understand their rights or communicating with the institutions and public services, since everything is in Catalan.

We are very concerned about this issue. Apart from this, we have not seen public campaigns aimed at informing non Catalan speaking populations of their rights. So we find temporary people paying for their green cards to companies, which is totally illegal.

In recent months, and as a result of a peak in the need for construction employees, the violation of the rights of employees brought from Peru by an Andorran company has been detected.

- The Government first recognized that there could have been irregularities due to voids on the current legislation.²⁵
- They later denied all the wrong doing.²⁶
- The businessman has been prosecuted²⁷

²⁴ <https://www.elperiodic.ad/noticia/94123/expulsen-del-pais-mes-de-2.000-persones-en-vuit-anys>

²⁵ https://www.altaveu.com/actualitat/afers-socials/espot-admet-problemes-generen-algunes-subcontractacions-construccio_42435_102.html

²⁶ https://www.altaveu.com/actualitat/economia/govern-considera-ara-no-hi-ha-cap-problema-legal-subcontractacio-assalariats-forans_44071_102.html

²⁷

https://www.altaveu.com/actualitat/successos/acusat-tenir-tretze-persones-allotjades-en-males-condicions-en-espai-180-metres-quadrats_45935_102.html

- It was also detected that the salaries for these employees were lower than the average of the other employees in the sector, taking advantage of the economic conditions of their country of origin.²⁸

Recommendations for Andorra. Improvement proposals for our country:

1. As recommended throughout the report of the fifth cycle of ECRI, we also urge our government to create an independent body with sufficient funding to freely carry out studies on issues that have to do with discrimination, hate speech and diversity in the country.
2. More initiatives and projects for social inclusion are needed, teaching Catalan is necessary but not enough. However, we think it is a good measure that can be improved and it will be more motivating for people if it is done at a time that does not impede work and personal life. Currently, the proposed schedule is very late and prevents mothers with family responsibilities, for example, from going to these courses. On the other hand, we would like to know if they exist and what are the measures that guarantee that the person will not be fired from their job since in Andorra, employment is at will.
3. We recommend as a social integration policy that the state has a pool of translators in the languages of the communities that exist in the country so that women can be attended, guaranteeing their privacy and rights. The integration of the new communities is not only that the new people embrace our customs and language, it is also that the country welcomes, understands and helps them.
4. Following what is said in the law of equality and non-discriminatory treatment approved in 2019, we recommend that the country legalizes abortion and guarantees its accessibility in Andorran territory. One of the worst discriminations and violence that women suffer is not having the right to decide over their own bodies.
5. We urge the country to review the structural racism that may exist, especially towards the Arab community, unconsciously in the system of laws, public services and the people who work in the, as well as an in-depth review of the intolerance towards the Arab community in a country where a bishop of the Catholic Church is a head of state. We think that it would be positive for the country's progress and not to create problems and respect the right to creed and religious practice of other communities.
6. In relation to the LGBT collective, we find it urgent and necessary for the country to open up the perspective and carry out studies on violence in the same-sex/gender couples and that violence care services be extended to LGBT couples as well. We also recommend an internal review of our country to deconstruct the lesbophobia that we detect in some laws and services.

²⁸ https://www.altaveu.com/actualitat/societat/ma-obra-peruana_44097_102.html

7. In relation to Lesbophobia, we recommend that our country gives access to assisted reproductive techniques to lesbian couples without fertility problems, since it is a measure that discriminates against them. Likewise, we also recommend reviewing the structure in the drafting of laws and that the gender perspective be included in them to avoid what happens with the adoption law.
8. We urge our government to remove from the penal code article 325 where freedom of expression is condemned and penalized and return that right to people and citizens. There is no place in the country that protects us from defamation, smear campaigns and/or against state violence for exercising our freedom of expression.
9. We recommend that a totally independent and qualified department or a binding observatory be created to ensure against abuse, lynching and hate speech by the press towards citizens and associations that make them uncomfortable (also for associations that bother civilians or other groups that may feel violated by these means).

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