

I. BACKGROUND

Stop Violències Andorra's (SVA) goals. SVA strives to fight against violence against women, including sexual and obstetric violence, for women migrant rights and for the decriminalization of abortion, which is still illegal today, in all its circumstances, including attempt (articles 107, 108 and 109 of the Criminal Code).¹

Lawsuit. Following the presentation on 21 September 2019 of a shadow report before the CEDAW, the Andorra government itself filed a criminal lawsuit the day after against Vanessa Mendoza Cortés before the Public Prosecutor. First, for public statements made before the press, and on a televised documentary (TV3, minute 18.40'). Second, for the presentation of a shadow report to the UN Committee on the Elimination of Discrimination against Women (CEDAW) under the title “*Informe alternativo para la 74 sesión del Comité de la CEDAW*”.

Crimes investigated. At that point, the crimes investigated were: “defamation with publicity” against the Government (article 172 of the Andorra Criminal Code); “defamation against the co-princes” (article 320 of the Andorra Criminal Code); “crimes against the institutions” (article 325 of the Criminal Code), with penalties that carried prison time.

Prosecutor's legal qualification of the facts. On 25 of March 2021, the Prosecutor issued a report qualifying the statements made as a “minor continued crime against the honor (or prestige) of the institutions under article 325 of the Andorran Criminal Code”.

Judge's interim qualification of the facts. Minor and continued crime against the honor of the institutions under article 325 of the Criminal Code.² According to which, the penalties are: fine of up to 30,000 euros and disqualification from holding public office for up to four years, without prejudice to the penalties that, if applicable, correspond to attacks against honor of people.

International response. Since September 2020, the case has been monitored by the United Nations Secretary General in the 2020 report to the Human Rights Council on the Cooperation with the United Nations.³ On 22 October 2020, in a joint statement FIDH and OMCT published an urgent appeal⁴. Further, Amnesty International also asked charges to be dropped.⁵ Lastly, the authorities received letters by these Special Procedures regarding the case on 7 January 2021 (AL AND 1/2020)⁶. Followed by a reply by the authorities on 26 February 2021.⁷ In that letter, the

¹ https://leslleis.com/L2005009#Article_325_Delictes_contra_el_prestigi_de_les_institucions

² See attached linked to Criminal Code: https://leslleis.com/L2005009#Article_325_Delictes_contra_el_prestigi_de_les_institucions. Translation of Article 325 Criminal Code: Article 325. Offenses against the prestige of institutions. Anyone who, with knowledge of their falsity or reckless disregard for the truth, makes public accusations relating to the actions of the General Council, the Government, the Superior Council of Justice, the judicial bodies, the Public Prosecutor's Office or the commons that may harm his prestige, he must be punished with a fine of up to 30,000 euros and disqualification from holding public office for up to four years, without prejudice to the penalties that, if applicable, correspond to attacks against honor of people.

³ See Report of the United Nations Secretary General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, A/HRC/45/36, September 25, 2020, available at:

https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Documents/A_HRC_42_30.docx

⁴ <https://www.fidh.org/en/issues/human-rights-defenders/andorra-threats-and-judicial-harassment-against-ms-vanessa-mendoza> ; <https://www.omct.org/urgent-interventions/andorra/2020/10/d26136/>

⁵ <https://www.amnesty.org/es/latest/news/2021/02/andorra-defamation-charges-against-activist-who-raised-rights-concerns-before-un-committee-must-be-dropped-2/>

⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25833>

⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36025>

authorities admit that the criminal suit is to “verify the accuracy of those allegations” and that “she provides no evidence (...) in the reports submitted to the CEDAW (...)”.

II. Update on the legal case:

Indictment. On the 20th of October 2022, legal representative of Stop Violències received the formal indictment by the criminal investigation court (*Batllia d’Andorra, Secció d’Instrucció Especialitzada 2*). It considers there is sufficient evidence to commit the case for trial before court, for a “minor continued crime against the honor (or prestige) of the institutions under article 325 of the Andorran Criminal Code”. According to which, the penalties are: fine of up to 30,000 euros and disqualification from holding public office for up to four years, without prejudice to the penalties that, if applicable, correspond to attacks against honor of people.

Evidence presented by the judge. As evidence the indictment document clearly points at “report presented at the 74 session of the Committee of the CEDAW”, the document “Summary of shadow report to the Session of the Committee of the CEDAW”, declarations made in public media (i.e *Cadena Ser*), and the televised program on the Catalan channel “TV3”.

Personal measures and other responsibility, as decreed by the judge. The judge grants Vanessa Mendoza Cortés conditional release, but with the obligation to appear before the judge when considered appropriate. Further, the judge mentions that she faces also civil responsibility, under article 94 of the Criminal Code. Currently pending to receive date of the trial.

At personal level, she also faces defamation in public media (supporting information can be completed upon request).

Trial. Currently we are pending date for trial (before the *Tribunal de Corts*). We expect it to be relatively soon as the judges of the Court have already been appointed for this case.

Other positionings. Amnesty International issued on February 2023 an [URGENT ACTION](#) asking to “stop the prosecution against Vanessa Mendoza Cortés”

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