



Andorra: Threats and judicial harassment against Ms. Vanessa Mendoza Cortés

URGENT APPEAL - THE OBSERVATORY

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Judicial harassment /

Threats

Andorra

October 22, 2020

The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Andorra**.

Description of the situation:

The Observatory has been informed by reliable sources about the threats and judicial harassment against Ms. **Vanessa Mendoza Cortés**, a psychologist and therapist, expert in violence against women, and the President of Stop Violències (SV), a women's rights organisation which works on sexual and reproductive health rights and the decriminalisation of abortion[1]. Over the past months, Ms. Vanessa Mendoza Cortés has been judicially harassed and threatened due to her activities as a women's rights defender, and more particularly because of her position in favour of the decriminalisation of abortion, which is illegal under all circumstances in the Principality of Andorra.

According to the information received, on September 30, 2020, Mr. Joan Forner Rovira, Chargé d'affaires a.i. of the Principality of Andorra to the United Nations Office in Geneva, confirmed during the 45th session of the Human Rights Council that an investigation was opened against Ms. Vanessa Mendoza Cortés regarding statements

she made during a public assembly held on October 8, 2019. However, Ms. Mendoza Cortés' lawyers have still not received any formal notification of this investigation.

Previously, on October 28, 2019, the government of Andorra filed a first criminal lawsuit against Ms. Vanessa Mendoza Cortés before the Public Prosecutor following two actions undertaken by Ms. Mendoza Cortés: a public statement made on a televised documentary and the presentation of a shadow report to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) on October 19, 2019, in the context of the review of Andorra before the UN body. Her lawyers were not formally notified about the lawsuit until September 16, 2020. She has been charged with "defamation with publicity" against the Government (article 172 of the Andorra Criminal Code), "defamation against the co-princes" (article 320 of the same Code) and "crimes against the institutions" (article 325 of the same Code) and is facing up to four years in prison. On July 9, 2020, the government of Andorra reported that "due to the COVID-19 pandemic all judicial process were interrupted, and that the Public Prosecutor's Office" was "still carefully analyzing the different statements made by Ms. Mendoza Cortés"[2]. As of October 2020, the proceedings are still pending.

In addition, Stop Violències and Ms. Vanessa Mendoza Cortés are victims of a smear campaign by the Andorra Government conducted in the media as well as at the United Nations level, aimed at undermining the credibility of their work, in order to discourage women from contacting the association, and rendering its work unnecessary[3]. Ms. Vanessa Mendoza Cortés is regularly receiving phone calls with no one replying on the other side and has experienced remote tampering of her personal computer. She is also regularly followed by cars and randomly stopped by police officers in Andorra. Ms. Vanessa Mendoza Cortés fears for her well-being, physical integrity and the lack of guarantees in the framework of the criminal investigations and current proceedings.

The Observatory recalls that her situation has been monitored since last year by the United Nations Secretary General, who mentioned her case in his 2020 report to the Human Rights Council on the Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, referring to "disproportionate measures taken by the Government against Associació Stop Violències Andorra, (...) and its representative, Ms. Vanessa Mendoza Cortés"[4].

The Observatory expresses its utmost concern over the judicial harassment and threats against Ms. Vanessa Mendoza Cortés, which seem to be only aimed at punishing her for her legitimate human rights activities, in particular in relation with the defense of women's rights, and the exercise of her freedom of expression.

The Observatory urges the Andorran authorities to respect the free exercise of Ms. Vanessa Mendoza Cortés' basic human rights of freedom of expression and association as well as the legitimate activities of her association Stop Violències, to guarantee in all circumstances her physical integrity and psychological well-being and to put an end to any act of harassment, including at the judicial level, against her.

Actions requested:

Please write to the authorities of Andorra to urge them to:

- i. Guarantee in all circumstances the physical integrity and psychological well-being of Ms. Vanessa Mendoza Cortés, as well as of all other human rights defenders in Andorra;

- ii. Put an end to all acts of harassment - including at the judicial level - against Ms. Vanessa Mendoza Cortés and all other human rights defenders in Andorra who defend sexual and reproductive rights, and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance and fear of reprisals;

- iii. Conform in all circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular its Articles 1, 6 and 12.2;

- iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights instruments ratified by Andorra.

Addresses:

- Mr. Emmanuel Macron, Co-Prince of Andorra and President of France, Email via <http://www.elysee.fr/ecrire-au-president-de-la-republique/> ; Twitter : @EmmanuelMacron

- Mr. Joan-Enric Vives i Sicília, Co-Prince of Andorra and Bishop of Urgell, Email: secretariageneral@bisbaturgell.org;

- Mr. Xavier Espot Zamora, Prime Minister of Andorra, Tel.: +376 875 700 ;

- Mr. Josep Maria Rossell Pons, Minister of Justice and Interior of Andorra, Email: interior@govern.ad ;

- Ms. Maria Ubach Font, Minister of Foreign Affairs of Andorra, Email: exteriors@govern.ad ;
- H.E. Mr. Joan Forner Rovira, Permanent Mission of Andorra to the United Nations in Geneva, Switzerland, Email: joan_forner@govern.ad ;
- **H.E. Mrs. Esther Rabasa Grau**, Embassy of Andorra in Brussels, Email: Ambaixada_Belgica@govern.ad.

Please also write to the diplomatic representations of Andorra in your respective countries.

Geneva-Paris, October 22, 2020

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the World Organisation Against Torture (OMCT) and FIDH. The objective of this programme is to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

[1] Stop Violències' main goals are to fight for women's rights in Andorra, with particular attention to sexual and reproductive rights including decriminalisation of abortion in the Andorran Criminal Code as a starting point; to undertake projects to advocate and bring voice to violence by men upon women, including by public protests on the streets; to denounce - in Andorra and internationally - violence against women and the lack of appropriate services to take care of women facing this kind of violence; to raise awareness on feminism, gender perspective and everything related to this social movement by means of cultural actions, events, peaceful protests and other related activities.

[2] 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.

[3] See for example articles (in Catalan) here and here and a public survey in the media to discuss whether citizens see hints of crime in the conducts of Stop Violències.

[4] 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, p. 8.