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**STATUS OF HUMAN RIGHTS IN THE PRINCIPALITY OF ANDORRA
FOR THE 50TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Principality of Andorra (Andorra) for the 50th session of the Universal Periodic Review (UPR).

Background

2. Andorra is an independent European co-principality located near France and Spain and has a population of approximately 86,600 people.¹ The population is predominantly Christian, with 90.8% of the population identifying as Christian and 6.8% as nonreligious.²

3. Andorra's last review was held on November 3, 2020.³ As a result of the review, Andorra received 104 recommendations, 60 of which it supported.⁴ It was recommended by the Netherlands, and supported by Andorra, that the government “[d]ecriminalize abortion by removing abortion from the Criminal Code, article 108.”⁵ It was also recommended by France, and noted by Andorra, that the government “[g]uarantee the access of women and girls to sexual and reproductive rights and health by decriminalizing abortion.”⁶ No recommendations were made regarding religious freedom.

Framework

4. Article 8 of the Constitution of Andorra states that “[t]he Constitution recognises the right to life and fully protects it in its different phases.”⁷

5. Under Article 108 of the Criminal Code of Andorra, “[w]hoever causes a woman to have an abortion with her consent shall be punished with imprisonment for three months to three years and a ban on practicing any health profession for a period of up to five years.”⁸

¹ Vicente Rodriguez, *Andorra*, BRITANNICA, <https://www.britannica.com/place/Andorra> (Mar. 15, 2025).

² *Andorra: Major World Religions (1900-2050)* (World Religion Database, 2020), THE ASSOCIATION OF RELIGION DATA ARCHIVES, <https://www.thearda.com/world-religion/national-profiles?u=6c> (last visited Apr. 2, 2025).

³ *Universal Periodic Review – Andorra*, OHCHR (Nov. 5, 2020), <https://www.ohchr.org/en/hr-bodies/upr/ad-index>.

⁴ *Andorra – Infographic*, OHCHR (May 5, 2021), <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/AD/InfographicAndorra.pdf>.

⁵ OHCHR, UPR of Andorra (3rd Cycle – 36th Session) Thematic List of Recommendations (Apr. 30, 2021), <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/AD/MatrixRecommendationsAndorra.docx>.

⁶ *Id.*

⁷ CONSTITUTION OF ANDORRA Apr. 28, 1993, art. 8(1), https://www.constituteproject.org/constitution/Andorra_1993.

⁸ NOUVEAU CODE PENAL [CRIM. CODE] art. 108, https://sherloc.unodc.org/cld/uploads/res/document/and/2005/penal_code_of_andorra_html/Andorra_Code_Penal_Fr.pdf (Andorra) (unofficial internal translation).

6. Additionally, Andorra is a party to the International Covenant on Civil and Political Rights (ICCPR).⁹ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁰ Further, Andorra is responsible for upholding pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

Abortion

7. Andorra is a principality located between Spain and France, with the Catholic Bishop of Urgell, Spain, and the President of France serving as co-heads of state.¹¹ Since 1994, Andorra’s own Constitution “recognises the right to life and fully protects it in its different phases.”¹² This right to life is also found in numerous fundamental human rights documents such as the ICCPR and the UDHR. Similar to Andorra’s Constitution, the ICCPR also states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹³ Likewise, the UDHR states that “[e]veryone has the right to life”¹⁴ and requires the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family [as] the foundation of freedom, justice and peace in the world.”¹⁵ Unfortunately, Andorra is exploring the possibility of allowing abortion and reversing its protections for life. In 2023, the government announced its plan to draft a bill to allow abortion, and it is expected to be implemented in 2025.¹⁶

8. The Catholic Church has also recognized the right to life and has affirmed the evils of abortion since the first century.¹⁷ Paragraph 2270 of the Catechism of the Catholic Church states that:

Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person—among which is the inviolable right of every innocent being to life.¹⁸

⁹ *Ratification Status for Andorra*, OHCHR,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=4&Lang=en (last visited Nov. 13, 2024).

¹⁰ International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹¹ *Andorra Country Profile*, BBC, <https://www.bbc.com/news/world-europe-17028050> (Oct. 4, 2023).

¹² CONSTITUTION OF ANDORRA Apr. 28, 1993, art. 8(1), *supra* note 7.

¹³ ICCPR art. 6, *supra* note 10.

¹⁴ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 3 (Dec. 10, 1948).

¹⁵ *Id.* pmbl.

¹⁶ *Freedom in the World 2024 – Andorra*, FREEDOM HOUSE, <https://freedomhouse.org/country/andorra/freedom-world/2024#:~:text=In%20September%202023%2C%20the%20government,to%20be%20ratified%20by%202025.&text=Andorran%20laws%20provide%20protections%20for%20most%20workers%2C%20including%20mi grant%20workers> (last visited Apr. 2, 2025).

¹⁷ *Respect for Unborn Human Life: The Church’s Constant Teaching*, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, <https://www.usccb.org/issues-and-action/human-life-and-dignity/abortion/respect-for-unborn-human-life> (last visited Apr. 2, 2025).

¹⁸ CATECHISM OF THE CATHOLIC CHURCH ¶ 2270, <https://www.usccb.org/sites/default/files/flipbooks/catechism/548/>.

9. Additionally, Pope Francis, the head of the Catholic Church, has stated that “[a]bortion is murder . . . Those who carry out abortions kill.”¹⁹ He elaborated further, saying that “[s]cientifically, it is a human life” and that “[a]t the third week after conception, often even before the mother is aware [of being pregnant], all the organs are already [starting to develop]. It is a human life. Period. And this human life has to be respected. It is very clear.”²⁰ Abortion is so antithetical to principles of the Catholic Church that the Holy See has warned that the Bishop of Urgell, Spain, would be required to step down as co-Prince of Andorra if abortion were to be legalized.²¹

10. Even though one of the co-heads of state of Andorra is a Catholic Bishop, the other is the President of France. Unlike the Catholic Church, France has been steadily undoing protections for preborn babies and incorporated the right to abortion in its constitution in 2024.²² However, it should be noted that France’s position on abortion is quite extreme, as it is the only country to constitutionally guarantee the right to an abortion.²³

11. If a law expanding access to abortion were to pass in parliament, there is not much the bishop would be able to do to stop it. This is because only one of the two co-princes must sign off on a law before it goes into effect.²⁴ While the President of France has largely stayed out of the abortion debate in Andorra, he has signaled that he would be willing to sign off on a law legalizing it, as he has previously expressed his desire to guarantee “freedom to abortion in the Charter of Fundamental Rights of the European Union.”²⁵

11. Andorra should not be pressured into legalizing abortion, especially by France, who holds an extreme position on abortion. In fact, out of the 193 U.N. Member States, a majority of them have strict limits on abortion, either through outlawing it altogether or only permitting it in cases to save the life or health of the mother.²⁶ Moreover, forty-nine of the sixty-nine U.N. Member States that have varying gestational limits for abortion, have imposed gestational limits of twelve weeks or less.²⁷ France currently permits abortion on demand up until the fourteenth week of pregnancy,²⁸ meaning that France’s laws are considered extreme even among the minority of U.N. Member States that permit on-demand abortion.

¹⁹ Philip Pullella, *Pope Says Abortion is “Murder” but U.S. Bishops Should not be Political*, REUTERS (Sep. 15, 2021), <https://www.reuters.com/world/europe/pope-says-abortion-is-murder-us-bishops-should-not-be-political-2021-09-15/>.

²⁰ *Id.*

²¹ Alan Ruiz Terol, *This Tiny Country is Home to Europe’s Toughest Abortion Ban*, THE WORLD (Nov. 6, 2023), <https://theworld.org/stories/2023/11/06/tiny-country-home-europe-s-toughest-abortion-ban>.

²² Eleanor Beardsley, *France Makes History by Enshrining Abortion Rights in its Constitution*, NPR (Mar. 4, 2024), <https://www.npr.org/2024/03/04/1235217454/france-abortion-rights-constitution>.

²³ *Id.*

²⁴ Meg Bernhard, *Andorra’s Abortion Rights Revolution*, POLITICO (Oct. 22, 2019), <https://www.politico.eu/article/andorras-abortion-rights-revolution/#:~:text=Most%20women%20travel%20to%20France,according%20Catalonia%27s%20ministry%20of%20health>.

²⁵ *France’s Macron Wants to Make Abortion a Right at EU Level*, REUTERS (Mar. 8, 2024), <https://www.reuters.com/world/europe/frances-macron-wants-make-abortion-right-eu-level-2024-03-08/>.

²⁶ *The World’s Abortion Laws*, CTR. FOR REPROD. RTS. (June 9, 2023), https://reproductiverights.org/wp-content/uploads/2023/12/WALM_2023-v3-Updated_12-20-23.pdf.

²⁷ *Id.*

²⁸ *France Modifies its Abortion Law, Extends Gestational Age Limits and Allows Midwives to Perform Surgical Abortion*, EUR. ABORTION ACCESS PROJECT (Mar. 15, 2022), <https://europeabortionaccessproject.org/france-modifies-its-abortion-law-extends-gestational-age-limits-and-allows-midwives-to-perform-surgical-abortions/>.

12. Andorra has a responsibility under its Constitution to recognize “the right to life and fully protects it in its different phases.”²⁹ This means that Andorra has a responsibility to protect both the life of preborn babies and mothers. As we will demonstrate below, if Andorra were to legalize abortion it will undoubtedly lead to the deaths of hundreds of preborn babies every year and result in serious harm to the mother.

13. As it stands now, more than one hundred women travel from Andorra to Catalonia every year to receive an abortion.³⁰ Unfortunately, the real number of women who travel abroad for an abortion every year is likely much higher, as there are no statistics for women who have traveled to France for an abortion.³¹ Even when taking into account the conservative estimate of just one hundred women traveling for an abortion, we can visualize how big a problem abortion is. In 2024, there were 764 babies born in Andorra.³² When you account for the one hundred abortions carried out abroad, that means that approximately 8.6% of preborn babies in Andorra were aborted. Even under the conservative estimate of just 100 abortions abroad, this percentage is disturbingly high. If Andorra were to legalize abortion, it would make it easier for women to get an abortion, leading to a significant increase in the number of preborn babies killed every year. Andorra has an obligation under the 1994 Cairo Conference on Population and Development to “reduce the recourse to abortion”³³ and “help women avoid abortion.”³⁴ If Andorra were to legalize abortion, it would be doing neither.

14. While abortion involves deliberately killing an innocent human life, it must also be noted that abortion can cause grave harm to the mother as well. Studies across the world have documented that abortion can have a severe impact on the physical and psychological health of the mother. In the Latin America and Caribbean region, abortion-related complications accounted for 9.9% of maternal deaths in the region.³⁵ Additionally, a study conducted in seven countries across Latin America and the Caribbean examined data from 7,983 women who had abortion-related complications and found that 49.5% of them had moderate complications (heavy bleeding, suspected intra-abdominal injury, or infection), 3.1% had life-threatening complications (severe hemorrhage, severe systemic infection, or suspected uterine perforation), and 0.2% of the women died as a result of abortion-related complications.³⁶ Similar results were also found in a study conducted in 2023 that examined data from women in hospitals across Nigeria and the Central African Republic who had complications related to abortions.³⁷ The study found that 47.1% of the women studied in Nigeria and 44.5% of the women studied in the Central African Republic were classified as having potentially life-threatening complications.³⁸ Even more troubling, 19.8% of women studied in Nigeria and 6.2% of women

²⁹ CONSTITUTION OF ANDORRA Apr. 28, 1993, art. 8(1), *supra* note 7.

³⁰ Terol, *supra* note 21.

³¹ *Id.*

³² *Andorra Population*, COUNTRY METERS, <https://countrysmeters.info/en/Andorra> (last visited Apr. 1, 2025).

³³ Rep. of the Int’l Conf. on Population & Dev., ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev. 1 (Sept. 5–13, 1994).

³⁴ *Id.*

³⁵ Mariana Romero et al., *Abortion-Related Morbidity in Six Latin American and Caribbean Countries: Findings of the WHO/HRP Multi-Country Survey on Abortion (MCS-A)*, BMJ GLOBAL HEALTH (2021) (Aug. 19, 2021), [https://gh.bmj.com/content/6/8/e005618#:~:text=From%207983%20women%20who%20had,totalling%2097%20cases%20\(1.2%25\)](https://gh.bmj.com/content/6/8/e005618#:~:text=From%207983%20women%20who%20had,totalling%2097%20cases%20(1.2%25)).

³⁶ *Id.*

³⁷ Estelle Pasquier et. al, *High Severity of Abortion Complications in Fragile and Conflict-Afflicted Settings: a Cross-Sectional Study in Two Referral Hospitals in Sub-Saharan Africa (AMoCo Study)*, BMC PREGNANCY & CHILDBIRTH (Mar. 4, 2023), <https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-023-05427-6>.

³⁸ *Id.*

studied in the Central African Republic were classified as having “severe maternal outcomes,” such as near-miss cases (cases where a woman nearly dies but survives a life-threatening complication that occurred during an abortion) and death.³⁹ Studies have also shown that women have experienced a range of negative psychological side effects as a result of having abortion. The negative side effects include experiencing shame and suicidal thoughts, and these have led women to abuse drugs.⁴⁰

15. It is clear that abortion is not healthcare, as it involves the killing of an innocent preborn baby and can result in serious harm to the mother. The harmful effects discussed above show why Andorra must reject efforts to expand abortion and continue to recognize the right to life, as enshrined in its Constitution.

Recommendations

16. Andorra must reject all efforts to allow and expand access to abortion, which will undoubtedly lead to the deaths of preborn babies and cause harm to the mothers. Andorra must uphold the principles enshrined in its Constitution that recognize and protect life at all phases. We want to remind Andorra that it is not alone in protecting the life of preborn babies and that there is no international right to an abortion. Because of all the reasons discussed above, Andorra would be justified to continue to protect life and not expand the harmful practice of abortion.

³⁹ *Id.*

⁴⁰ See, e.g., Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. AM. PHYSICIANS & SURGEONS 113, 116-117 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.