



Open letter to the Andorran authorities regarding the case of woman human rights defender, Vanessa Mendoza Cortés

Brussels, 1 December 2023

Attorney General Mr Alfons Alberca Sanvicens

Seu de la Justícia

Baixada del Molí, núm 2-4

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<https://www.exteriors.ad/ca/representacions-diplomatiques>

Dear Attorney General,

As Members of the European Parliament and members of the pro-choice network All of Us, we are writing to express our deep concern about the ongoing criminal prosecution of Vanessa Mendoza Cortés, a woman human rights defender and the president of Stop Violence (Associació Stop Violències, in Catalan), who is due to go on trial on 4 December, solely for exercising her right to freedom of expression, defending women and girls' human rights in Andorra and criticising the full ban on abortion in the country.

While Vanessa Mendoza Cortés fights against gender-based violence and for women's human rights and sexual and reproductive rights, she is currently being targeted by her government, in retaliation for her work. Vanessa Mendoza Cortés is being prosecuted for speaking out on women's human rights and the lack of access to safe and legal abortion in Andorra, during the review by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) in October 2019. Yet, this framework is precisely meant to enable regular exchanges of information between this UN body and human rights defenders from around the world.

We are aware that in 2021 the prosecutor's office dropped two of the three charges initially brought against her, which carried potential prison sentences, thanks to international pressure. However, it is unacceptable that she remains accused of a crime 'against the prestige of the institutions' (article 325 of the Penal Code) and could be punished solely for exercising her right to freedom of expression. She risks a heavy fine of EUR 6,000 and an additional EUR 6,000 to compensate the Andorran government (civil damages).

State institutions should always be subject and open to scrutiny, comment, or criticism. Under international human rights law and standards, legal provisions to protect the right to honour and reputation should be designed to protect individuals, not abstract values, or state institutions. As such, article 325 of the penal code, which is being used against Vanessa Mendoza Cortés, should be repealed and, in the meantime, not used.

We are also extremely concerned that this protracted judicial process can have a chilling effect on her and other human rights defenders in Andorra.

We therefore urge you to immediately drop the charges against Vanessa Mendoza Cortés, who is being prosecuted solely for exercising her right to freedom of expression and must be allowed to continue her legitimate work defending the right to safe and legal abortions and other human rights of women and girls in Andorra, without fear of reprisals.

We also urge Andorran authorities to respect women's human rights, including sexual and reproductive rights, and take all necessary measures to ensure access to safe and legal abortion in Andorra.

Yours sincerely,

Alice Bah Kuhnke

Member of the European Parliament (Greens/EFA)

Malin Björk

Member of the European Parliament (The Left)

Maria Noichl

Member of the European Parliament (Socialists & Democrats)

Maria Eugenia Rodríguez Palop

Member of the European Parliament (The Left)

Samira Rafaela

Member of the European Parliament (Renew)