



Office for Democratic Institutions and Human Rights

PRINCIPALITY OF ANDORRA

PARLIAMENTARY ELECTIONS

2 April 2023

ODIHR NEEDS ASSESSMENT MISSION REPORT

17-18 January 2023



Warsaw
14 March 2023

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an official invitation to observe the 2 April 2023 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Andorra from 17 to 18 January 2023.¹ The NAM included Alexey Gromov, ODIHR Senior Election Adviser, and Kakha Inaishvili, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as representatives of political parties, media, civil society and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Permanent Mission of the Principality of Andorra to the OSCE and Ministry of Foreign Affairs for their assistance and co-operation in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

On 2 April 2023, voters will elect members to the unicameral parliament for a four-year term. Of the 28 members, 14 are elected from a single national constituency under a proportional, closed-list system, while 2 members are elected from each of the seven parishes (municipalities) through a majoritarian system of party block voting. Some ODIHR NAM interlocutors noted that considerable variations in the numbers of voters per constituency would affect the equality of the vote. Women are well represented in public life, holding 13 out of 28 seats in parliament and 6 out of 12 ministerial posts.

Since the 2019 elections, a number of amendments have been introduced in the legal framework for parliamentary elections. Among others, amendments grant voting rights to persons with intellectual disabilities under guardianship, adjust voting methods, provide for accessibility of campaign materials for voters with special needs and introduce a 40 per cent gender quota for candidate lists. The legal framework does not provide for international or citizen election observers and provides for proxy voting, which is not in line with OSCE commitments. Overall, ODIHR NAM interlocutors expressed confidence in the legal framework as a sound basis for the conduct of democratic elections.

The elections are administered by the Electoral Board, the government, and the parish authorities. Voters have several options to exercise their right to vote, including in-person at their polling stations, by proxy and by postal ballot as well as through early and mobile voting. The Electoral Board meets on an *ad hoc* basis and its meetings are closed to the public. The ODIHR NAM was

¹ On 8 February 2023, ODIHR received an official invitation to observe the parliamentary elections.

informed about ongoing activities to facilitate suffrage rights of different categories of voters and improve accessibility of the electoral process. All ODIHR NAM interlocutors expressed confidence in the professionalism, impartiality and transparency in the activities of the election administration, and raised no concerns regarding the conduct of elections.

Citizens aged 18 years or older on election day are entitled to vote. There are around 86,600 residents in Andorra, of whom only some 27,800 are registered voters. Voter registration is passive and decentralized, and lists are compiled by parishes. Voter lists are regularly revised and subject to public scrutiny. All ODIHR NAM interlocutors expressed confidence in the accuracy of voter lists.

Candidate lists at the national and parish levels have to be supported by at least 0.5 per cent of the voters registered in the corresponding constituency. For the first time, candidate lists should respect the 40 per cent gender quota. ODIHR NAM interlocutors did not express any concerns regarding the inclusiveness of the registration process; however, some noted that the five-day nomination period was too short for new contestants to collect the necessary signatures.

The official election campaign will last 12 days and end 24 hours prior to election day; equal campaign opportunities are guaranteed to all contestants for this period. The campaign is expected to focus mainly on housing, cost of living and the negotiation of the Association Agreement with the European Union. Campaigning is expected to be based largely on personal door-to-door contacts with voters and substantial debates in the media. No ODIHR NAM interlocutor raised concerns about the ability to campaign freely.

Election campaigns may be financed from political parties and candidates' own funds, loans, as well as private monetary and in-kind donations. Anonymous and foreign donations, as well as those from legal and state-affiliated entities and parliamentary groups are prohibited. The law provides for campaign expenditure ceilings as well as disclosure and reporting requirements and a gradual range of sanctions for the potential financial infringements. Candidate lists that obtain seats are entitled to reimbursement of campaign expenses by the state. Most ODIHR NAM interlocutors expressed overall satisfaction with the level of the accountability and transparency of campaign finance.

The media landscape is limited and influenced by large businesses. Some ODIHR NAM interlocutors raised concerns that the editorial policies of some print media outlets are dependent on the interests of their owners. The Constitution provides for freedom of expression; however, defamation and insult are considered criminal offenses punishable with imprisonment, contrary to international standards. Nonetheless, many ODIHR NAM media interlocutors considered that they were able to work with a high degree of freedom. The public broadcaster is obliged to provide equal access and equal free airtime to all contestants. Private media are largely self-regulated and provide paid space for campaign purposes. The majority of ODIHR NAM interlocutors expressed overall satisfaction with access to media and expected sufficient coverage of elections.

The Electoral Board is the first instance for most election disputes while the parish authorities consider voter registration complaints. Citizens may further appeal election-related decisions to the High Court of Justice. According to all ODIHR NAM interlocutors, the election dispute resolution mechanism provides for effective and timely redress.

All ODIHR NAM interlocutors expressed a high level of confidence in the electoral process as well as the ability of the election administration to manage the elections in a professional, impartial and transparent manner. No significant concerns were expressed relating to the respect for fundamental

freedoms, voter registration, candidate registration, campaign environment, election dispute resolution and election day procedures. While acknowledging the potential usefulness of an external assessment, most ODIHR NAM interlocutors noted the lack of necessity for ODIHR to observe the upcoming elections. Based on these findings, the ODIHR NAM does not recommend an election-related activity for the 2 April 2023 parliamentary elections. ODIHR, however, reiterates that it stands ready to offer its assistance upon request in a post-election process.

III. FINDINGS

A. BACKGROUND

Andorra is a parliamentary co-principality comprised of seven administrative districts (parishes). The two co-princes, the President of France and the Bishop of Urgell, jointly serve as heads of state. Legislative power is vested in the unicameral General Council (parliament) which is composed of 28 members (MPs) elected for four-year terms. Parliament elects the prime minister, who, in turn, appoints the other members of the government. The prime minister holds most executive powers. On 6 February 2023, in line with his authority under the Constitution, Prime Minister Xavier Espot Zamora called the parliamentary elections for 2 April.

Negotiations regarding an association agreement between the European Union (EU) and the Principality of Andorra, have continued for several years due to complexity and country specific peculiarities, highlighting the country's commitment to closer political and economic ties with the EU. The authorities plan to conclude the negotiations by the end of 2023 to allow Andorra to become an associated member of the EU.

The last parliamentary elections took place in 2019 and resulted in a government formed by the Democrats for Andorra. The ruling party obtained 11 seats, Social Democratic Party – 5 seats, coalitions of Terceravia and Unió Laurediana as well as of Social Democratic Party and Liberal Party gained 4 mandates each, and the political parties Committed Citizens and Liberals of Andorra - 2 seats each. Following the changes in party affiliation, the outgoing parliament currently had five parliamentary groups, with 10 MPs in the ruling Democratic Group, 7 in the Social-Democratic group, 4 - in a group of Independents, 3 - in the group of Terceravia, Unió Laurediana and Independents, 3 - in the Committed Citizens group, and 1 non-affiliated MP. Women held 13 out of 28 seats in the outgoing parliament, including positions of the speaker and the deputy speaker, 6 of the 12 ministerial posts and 3 of the 7 mayoral posts.

ODIHR undertook Needs Assessment Missions before the 2011, 2015 and 2019 parliamentary elections, which did not recommend deploying any election observation activity.²

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework regulating parliamentary elections includes the 1993 Constitution and the 1993 Law on the Electoral System and Referendum (Electoral Law, last amended in 2022). Elections are further regulated by the 2014 Law on Political Parties and Campaign Finance (LPPCF, last amended in 2021), the 2000 Law on the Public Radio and Television Broadcasting (last amended in 2012), as well as by governmental decrees and Electoral Board regulations.

² In 2011, while considering deployment of Election Assessment Mission, due to time constraints and because limited resources were already committed, ODIHR was not in a position to undertake an election-related activity for the early parliamentary elections. See all previous [ODIHR election reports on Andorra](#).

Andorra is party to international and regional instruments related to the holding of democratic elections.³

The legal amendments in 2021 and 2022, among others, recognised the right to vote for persons with disabilities under guardianship, introduced the possibility of proxy voting, provided for improved accessibility of campaign materials for voters with special needs, and required all candidate lists to have at least 40 per cent of candidates of each gender. In addition, the 2021 amendments to the LPPCF require political party members, as well as MPs and other public officials, standing for parliamentary or local elections, to declare their assets. Amendments were also introduced to the Criminal Code regarding illegal financing of political parties. Overall, ODIHR NAM interlocutors expressed confidence in the legal framework as a sound basis for the conduct of democratic elections.

The electoral legislation does not provide for citizen and international observation of the election process, despite OSCE commitments on election observation.⁴ All registered candidate lists have the right to appoint up to two representatives to every polling station.

According to the Constitution, parliament “expresses the mixed and apportioned representation of the national population and the seven parishes”. In line with this principle, the Electoral Law stipulates that 14 MPs are elected from a single national constituency under a proportional closed-list system,⁵ while 2 MPs are elected from each parish through a majoritarian system of party block voting.⁶

The number of eligible voters varies significantly between the seven parishes. Several ODIHR NAM interlocutors noted that those variations affect the equality of the vote since the number of votes required to be elected in some parishes significantly deviates from the nationwide average.⁷

C. ELECTION ADMINISTRATION

The elections are administered by three administrative structures: the Electoral Board, the government, and the parish authorities. All ODIHR NAM interlocutors expressed confidence in the professionalism, impartiality and transparency in the activities of the election administration, and no concerns were raised regarding the conduct of elections.

³ Including 1948 Universal Declaration of Human Rights, the 1950 European Convention on Human Rights, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention on the Elimination of All Forms of Discrimination against Women, and 2006 Convention on the Rights of Persons with Disabilities (CRPD). Andorra is not a party to the 2003 UN Convention against Corruption. Andorra is a member of the Council of Europe’s Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

⁴ Paragraph 8 of [the 1990 OSCE Copenhagen Document](#) provides that “the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

⁵ Candidate lists obtain seats in the national contest if they reach the electoral quotient which is one fourteenth of all valid votes (or some 7 per cent).

⁶ In party block voting, voters select one candidate list. The list receiving a majority of votes wins both seats in the constituency.

⁷ Section 2.2.iv of the [2002 Venice Commission’s Code of Good Practice in Electoral Matters](#) recommends that “the permissible departure from the norm should not be more than 10% and should certainly not exceed 15%, except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)”.

The Electoral Board is formed anew by each incoming parliament for four-year terms and is in charge of supervising elections. It consists of six members.⁸ The current composition was appointed in 2019 and includes five women and one man. The High Council of Justice appoints the chairperson of the Electoral Board and her/his deputy from among its appointees. The Secretary General of parliament serves as the Secretary of the Electoral Board, with an advisory role. The Electoral Board regulates and clarifies different aspects of elections, reviews complaints, applies sanctions and ensures that candidates can compete on an equal basis. The Electoral Board meets on an *ad hoc* basis and its meetings are closed to the public according to the Rules of Procedures, which is not in line with the principle of transparency. The Electoral Board does not have its own website, but its decisions are published in the official gazette.

The government administers several aspects of the electoral process, including the registration of national candidate lists, dissemination of voter information, production of ballot papers and envelopes, postal voting and the tabulation and announcement of election results. The government interlocutors informed the ODIHR NAM of their ongoing efforts to facilitate the suffrage rights of different categories of voters and improve the accessibility of voter information, including in audio, Braille and easy-to-understand formats.

The parish authorities are in charge of voter registration, registration of parish candidate lists, formation of polling commissions and setting up polling stations. In polling stations, one or more polling commissions may be established, which administer voting and counting. By law, the polling commissions are composed of at least two members of the parish council and representatives of each candidate list registered in the parish. A member of the parish council acts as the chairperson of the polling commission. The ODIHR NAM was informed that no special training is provided for the members of polling commissions, but some printed manuals would be available for them.

D. ALTERNATIVE VOTING METHODS

Voters have several options to exercise their right to vote besides casting their ballots in-person at their respective polling station. Early voting, also called “judicial voting”, is administered by judges and takes place at the court of first instance in Andorra la Vella from 19 March until 1 p.m. on 1 April. There is no need for voters to justify a reason for early voting. Those who vote in advance are marked as such in the voter lists to prevent multiple voting. These voters can alter their vote before the election day, with all previous ballots invalidated. Judicial voting may be carried out in person or by post. Voters who are permanently or temporarily residing abroad may apply for postal voting in writing or online. The government sends those voters ballot papers, envelopes, and electoral information by registered mail.

Following the recent amendments, voters with disabilities, those at detention centres, care homes and hospitals, as well as homebound voters will now be able to vote by proxy. For this, voters with disabilities and those temporarily unable to vote independently or in-person, must provide the relevant medical certificate.⁹ Requests for proxy voting must be certified by a notary public. One person (an eligible voter) may vote on behalf of only one other voter. ODIHR has previously recommended in other countries that the practice of proxy voting be reviewed due to the potential

⁸ Three members, judges of the court of first instance, are appointed by the High Council of Justice, and three others, jurists or experts, - by the Office of General Syndic of the General Council (Sindicatura) based on the joint proposal of parliamentary groups and non-affiliated MPs.

⁹ Persons with disabilities can also be assisted in the polling stations in casting their vote by a person of their choice or by the presiding officer.

risks for the secrecy of the vote as provided for by OSCE commitments and other international obligations for democratic elections.¹⁰

Almost all ODIHR NAM interlocutors considered the available range of alternative voting methods as providing for reasonable opportunities for all to vote and expressed full confidence in the integrity of the voting processes. However, some interlocutors were of the opinion that rules for postal voting could be further reviewed to ensure transparency and accountability of the process, and more efficient management of postal ballots as previously some of those ballots were reportedly either lost or delivered with significant delays.

E. VOTER REGISTRATION

All citizens over the age of 18 years on election day have the right to vote. As a result of the 2021 legal amendments and in line with Articles 12 and 29 of the CRPD, the right to vote for persons with disabilities under guardianship has been recognized. Imprisoned voters may be disenfranchised based on individual court decisions.

There are approximately 27,800 registered voters. Voter registration is passive, and voters are automatically included in the voter lists by parish authorities according to their main place of residence. Each parish maintains its own permanent voter register updated on a continuous basis. These registers are connected into a centralized government database where all voter records may be verified. Voter lists are revised and published twice a year, on 30 March and 30 September, listing separately new voters. In case of elections, the voter lists are published three days after the announcement of the election date. During the following 15-day scrutiny period, voters are able to request changes or inclusions, if needed, and appeal parish decisions regarding errors in voter lists to the court. Contestants may obtain a paper or electronic copy of the voter lists upon request.

While the overall accuracy and inclusiveness of the voter lists was not questioned, several ODIHR NAM interlocutors raised concerns regarding restrictive rules concerning the acquisition of citizenship, which prevent a considerable number of residents from elections, including for the local elections.¹¹ Citizenship is an admissible restriction on suffrage for the national elections; however, there is an emerging trend to grant voting rights for the local elections to long-term residents.¹² Several political parties that the ODIHR NAM met with indicated that citizenship acquisition and lack of voting rights for many long-term residents have been a part of the political discussion for several years.

F. CANDIDATE REGISTRATION

Citizens with active suffrage rights may stand for elections, except those who are imprisoned. Members of parish councils, the High Council of Justice, Electoral Board and the Public Prosecutor office, as well as judges cannot be registered as candidates unless they resign.

¹⁰ Paragraph 7.4 of the 1990 OSCE Copenhagen Document commits participating States to “ensure that votes are cast by secret ballot or by equivalent free voting procedure”. See also Article 25 of the ICCPR and Paragraph 20 of the [1996 CCPR General Comment No. 25 to the ICCPR](#).

¹¹ According to the [Department of Statistics](#), there are approximately 86,600 residents in Andorra.

¹² See Paragraph 3 of the 1996 UN Human Rights Committee General Comment No. 25 to Article 25 of the ICCPR. Also, Section I.1.1.b of the 2002 [Venice Commission Code of Good Practice in Electoral Matters](#) recommends: “it would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence”.

National and parish candidate lists have to be submitted within five working days after the announcement of the elections to the government or parish authorities, respectively.¹³ Candidate lists for the national and parish constituencies have to be supported by at least 0.5 per cent of, but no less than 10, registered voters of the corresponding constituency. Each voter can sign only for one national and one parish list, which is not in line with international good practice and may unduly limit freedom of association.¹⁴ For the first time, prospective candidates must also declare their assets in line with the 2021 Law on Transparency, Access to Public Information and Open Government.

A list for the national constituency has to include 14 candidates and 3 substitutes, while a list for a parish constituency has to include 2 candidates and 3 substitutes. The 2021 legal amendments, in line with a previous CEDAW Committee recommendation, introduced a gender quota requirement whereby candidates of each gender must account for at least 40 per cent in each list.¹⁵ Most ODIHR NAM interlocutors positively assessed this legal amendment, but noted an already generally balanced representation of women in political life. Some ODIHR NAM interlocutors from political parties noted that it could be challenging to meet that requirement for parish level candidate lists as they would face difficulties in finding women willing and able to successfully run in the elections.

While the majority of ODIHR NAM interlocutors considered the nomination and registration processes as reasonable and transparent, others noted that the nomination period was too short for new parties or coalitions to decide upon candidates and collect supporting signatures. Overall, no concerns were raised regarding the inclusiveness of the candidate registration process.

G. ELECTION CAMPAIGN

By law, the official election campaign for these elections will start on 19 March and end 24 hours prior to election day. The campaign is expected to focus on issues related, among others, to the housing market, cost of living, association agreement with the EU, social policies, and diversification of the economy.

The Constitution guarantees freedoms of association, peaceful assembly and expression, and no ODIHR NAM interlocutors raised any issues regarding the ability to campaign freely. Placement of campaign posters is limited to designated areas provided by the parishes. According to many ODIHR NAM interlocutors, in addition to political debates in the media, much of the campaign will be held via the distribution of campaign posters, door-to-door contacts with voters as well as use of social networks. The latest legal amendments oblige candidate lists to ensure accessibility of their campaign materials in different formats.

Several representatives of ethnic communities that the ODIHR NAM met with confirmed that political parties reached out to voters from national minorities and invited their representatives to stand as candidates. Many ODIHR NAM interlocutors from political parties confirmed that they

¹³ The government and relevant parishes check the eligibility of the candidates, verify the nomination documents and rule on all nominations after the nomination period is over.

¹⁴ Paragraphs 96 and 196 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommend that “legislation should not limit a citizen [...] to signing a supporting list for only one party” and “a requirement that a citizen be allowed to sign in support of only one party should be avoided, as such a regulation would affect his/her right to freedom of association and could easily disqualify parties despite their attempts in good faith to fulfil this requirement”.

¹⁵ See CEDAW Committee 2019 [Concluding observations on the fourth periodic report of Andorra](#) (Paragraphs 29 and 30).

would appeal to different groups, including women, persons with disabilities and young voters, during their campaign. Further, stakeholders regretted that youth were voicing that they would not participate in the elections, referring, among other reasons, to a lack of reflection of the needs of young people in the campaign programmes and a low trust in political parties.

H. CAMPAIGN FINANCE

Campaign financing is regulated by the LPPCF which provides for public and private financing of the campaign, including loans, as well as disclosure and reporting requirements and gradual range of sanctions for financial infringements. The Court of Auditors oversees the political and campaign finances while the Electoral Board also ensures compliance with the campaign finance regulations.¹⁶

Contestants can finance their campaigns from party membership fees and budget allocations, as well as donations made by citizens and residents of Andorra.¹⁷ Anonymous and foreign donations, as well as those from legal and state-affiliated entities are prohibited. While the LPPCF does not regulate cash donations, banking rules exclude the possibility for cash deposits for campaign accounts.

Candidate lists are entitled to public funding through reimbursement of campaign expenses. After the elections, each winning candidate list receives a reimbursement of EUR 5 for every vote and EUR 150 for every mandate received. Candidate lists may also qualify for an advance payment of public funding if they obtained representation in the last parliamentary or local elections.¹⁸

The campaign expenditure limit for a national list is set at EUR 200,000 and for a parish list - EUR 30,000, plus EUR 0.3 for each voter registered in the corresponding constituency. Several ODIHR NAM interlocutors stated that those limits were reasonable.

Every candidate is obliged to appoint a financial administrator who manages a dedicated account for recording all campaign related incomes and expenditures.¹⁹ Each candidate list is required to report on donations, within eight days of their receipt, to the Court of Auditors which publishes this information within one month after the campaign. Some ODIHR NAM interlocutors noted certain difficulties for candidates to open the campaign bank accounts within a short time during the campaign and referred to a need to regulate the activities of banks in that regard.

All contestants also have to submit campaign finance reports between 60 and 80 days after election day.²⁰ Banks that issued loans for the campaign, as well as individuals and legal entities that provided any campaign-related services exceeding EUR 10,000, have to report these to the Court of Auditors. The Court of Auditors publishes an audit report, sends it to parliament within seven months after the elections and validates the right of contestants to receive public funding and reimbursement of campaign expenses.

¹⁶ According to the LPPCF, the Electoral Board may, at any time, request from the respective entities any additional information it deems necessary for its auditing purposes. In case of any identified irregularities, the case will be referred to the Public Prosecutor. The Electoral Board informs the Court of Auditors about the results of its auditing activities within two months following the elections.

¹⁷ Private donations, including monetary and in-kind, are limited to EUR 6,000 by one entity per candidate.

¹⁸ The advance payment may not exceed 30 per cent of the subsidy received by the candidate list in the last parliamentary or local elections.

¹⁹ Candidates within one list may jointly appoint a financial administrator. The Electoral Board has access to the campaign bank accounts and is obliged to report within two months after elections on whether the contestants complied with the rules.

²⁰ There is no requirement for contestants to report on campaign incomes and expenditures prior to election day.

The legislation provides for gradual sanctions for various types of campaign finance irregularities such as exceeding the expenditure ceiling, unlawful financing, failure to submit reports, as well as for false reporting. Exceeding the limit on campaign expenditures or use of illegal donations may be subject to a prison sentence of between three months and three years and a fine of up to three times the amount illegally received or donated. Violations of campaign finance rules may also result in reducing or revoking the reimbursement of campaign expenses. The ODIHR NAM interlocutors expressed overall satisfaction with the relevant regulations and the level of accountability and transparency of campaign finances.

I. MEDIA

Television and newspapers remain the main source of political information; however, online media, as a source of political news, continues to grow as well.²¹ The public broadcaster, *Ràdio i Televisió d'Andorra* (RTVA), runs the only Andorran television station, as well as two radio stations. There are several print and digital newspapers in Andorra while broadcast and print media from neighbouring Spain and France also provide some coverage of political developments in the country.

The media landscape is limited due to the small size of the market which is heavily influenced by the financial institutions and other big businesses. Several ODIHR NAM interlocutors noted that the private media, whose ownership is concentrated in the hands of few owners, refrain from criticising the government, while others also questioned the independence of the editorial policies of some print media outlets from their owners. Nonetheless, many ODIHR NAM media interlocutors considered that local media outlets were able to work with a high degree of freedom.

The Constitution provides for freedom of expression and the right to information, and prohibits censorship. Contrary to international standards, defamation and insult are considered as criminal offenses punishable with imprisonment for up to four years.²²

According to the Electoral Law, RTVA is obliged to provide equal access and equal free airtime to all national lists, with corresponding provisions for parish lists. The RTVA plans to organize several thematic live debates among the contestants. Some ODIHR NAM party interlocutors, while commending existing possibilities to reach to their voters, criticised the format of the simultaneous TV debates between all contesting parties, which, in their opinion, would result in rather formalistic campaign statements instead of genuine face-to-face discussions. Media interlocutors referred to limited human resources in most private media outlets and a lack of responsiveness from the political parties as difficulties they face when trying to ensure equally meaningful coverage of all contestants.

For the private media, the Electoral Law requires adherence to the general principle of non-discrimination in media advertising policies. Private media outlets that the ODIHR NAM met with plan to hold election debates, as well as publish paid political advertisements. There is no specific institution tasked with monitoring or supervising the media, including at the public broadcaster.

²¹ According to [Internet World Stats](#), in July 2022, Internet penetration reached 94.4 per cent of population.

²² Paragraph 47 of the [2011 UNHRC General Comment No.34 to the ICCPR](#) states that “defamation laws must be crafted with care to ensure [...] that they do not [...] stifle freedom of expression. States parties should consider the decriminalization of defamation”. In 2021, the [OSCE Representative on Freedom of Media](#) noted that “[...] decriminalization of defamation in Andorra would be a significant step in further upholding the right to free expression”.

Most interlocutors that the ODIHR NAM met with expressed overall confidence in the professionalism of and impartial campaign coverage by the RTVA, as well as overall satisfaction with access both to private and public media during elections. However, several ODIHR NAM interlocutors from among political parties and civil society noted a largely pro-government editorial policy of the public broadcaster, and some regretted the lack of clear criteria and transparency regarding the recent appointment of the management of the RTVA by the government.

J. ELECTION DISPUTE RESOLUTION

Election dispute resolution is primarily regulated by the Electoral Law and ensures the right for judicial review for all aspects of the electoral process. The Electoral Board serves as the first instance for most election-related disputes, in particular, regarding candidate registration, campaigning, including online, and the use of the media. Complaints regarding voter registration are made to parish authorities; complaints on election day are made to the polling commissions, and those about the election results are filed directly to the courts. All decisions of courts of first instance and of the Electoral Board can be appealed to the Administrative Chamber of the High Court of Justice.

Decisions of the courts on election-related matters are published. The law provides for expedient deadlines and written proceedings for adjudicating election-related disputes.²³ Should any aspect of a complaint relate to fundamental rights and freedoms, the decision of the High Court of Justice can be further appealed to the Constitutional Court. All ODIHR NAM interlocutors expressed their full trust in the impartiality and effectiveness of the election dispute resolution system.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors expressed a high level of confidence in the electoral process as well as the ability of the election administration to manage the elections in a professional, impartial and transparent manner. No significant concerns were expressed relating to the respect for fundamental freedoms, voter registration, candidate registration, campaign environment, election dispute resolution and election day procedures. While acknowledging the potential usefulness of an external assessment, most ODIHR NAM interlocutors noted the lack of necessity for ODIHR to observe the upcoming elections. Based on these findings, the ODIHR NAM does not recommend an election-related activity for the 2 April 2023 parliamentary elections. ODIHR, however, reiterates that it stands ready to offer its assistance upon request in a post-election process.

²³ Complaints related to candidate registration are decided upon within 48 hours; complaints related to campaigning and the media are decided upon within two working days, whereas complaints to the courts regarding inclusion in voter lists and against voting results should be dealt with as a matter of priority.

ANNEX: LIST OF MEETINGS

Public Administration

Maria Ubach Font, Minister of Foreign Affairs
Florència Aleix, Director, Multilateral Affairs and Co-operation, Ministry of Foreign Affairs
Gemma Raduan, Desk Officer, Multilateral Affairs and Co-operation, Ministry of Foreign Affairs
Ester Fenoll Garcia, Secretary General of the Government
Toni Vilà, Advisor to the Head of Government
Conxita Marsol, Mayor of Andorra la Vella
David Astrié, Deputy Mayor of Andorra la Vella

Electoral Board

Alexandra Terés, President
Josep Hinojosa Besolí, Secretary

Courts

Albert Andrés Pereira, President, Administrative Chamber of the High Court of Justice
Francesc d'Assís Pons Tomàs, President, the Court of Auditors

Political Parties

Judith Pallarés, President, *Acció per Andorra*
Carina Montaner, MP, President, *Andorra Endavant*
Joan Masjoan, President, *Agrupament encampadà*
Esther Vidal, Vice-President, *Agrupament encampadà*
Carles Naudí d'Areny-Plandolit Balsells, MP, President, *Ciutadans compromesos*
Cerni Escalé, Leader, *Concordia*
Cerni Cairat, Co-President, *Concordia*
Ramón Tena, Board member, International Relations, *Concordia*
Jordi Ribes, Communication Secretary, *Demòcrates per Andorra*
Gemma Miguel, Administrative Secretary, *Demòcrates per Andorra*
Ferran Costa Marimon, MP, Independent
Maribel Lafoz, Secretary General, *Liberals per Andorra*
Toni Puig, Secretary of International Relations, *Liberals per Andorra*
Pere López Agráz, MP, President, *Partit Socialdemòcrata-PS*
Gerard Alís, First Secretary, *Partit Socialdemòcrata-PS*
Jaume Bartumeu, President, *Progressistes SDP*
Marian Sanchiz Rego, Director of Communications, *Progressistes SDP*
Laia Moliné Cintas, Secretary, International Relations, *Progressistes SDP*
Josep Pintat, MP, *Terceravia, Unió Laurediana, Independents*
Joan Carles Camp, MP, *Terceravia, Unió Laurediana, Independents*
Oliver Alís Salguero, MP, *Terceravia, Unió Laurediana, Independents*

Media

Marta Fernández, Chief Editor, News Agency *Agència Andorrana de Notícies*
Lidia Raventós, Chief Editor, Newspaper *Diari d'Andorra*
Jaume Ramisa, Manager, *Fòrum d'Andorra*
Alfons Miralles, Director, *L'Altaveu Digital*
Imma Jiménez, Director General, *Ràdio i Televisió d'Andorra*
Gemma Rial, Head, Information Service, *Ràdio i Televisió d'Andorra*
Marisol Fuentes, Director, Radio Station *SER Andorra*

Civil Society

Montserrat Ronchera, Secretary General, Andorran Women Institution
Félix Zapatero, President, Federation of Elderly People
Elisa Muxella, President, Human Rights Institute
Madhu Jethani, President, Hindu Community Association
Isaac Benchluch, President, Jewish Cultural Association
Abderrahim El-Hamdaoui, Chair, Muslim Community
José Manuel da Costa, Portuguese Community Association
Claudia Cornella, Member, Women's Association of Andorra
Joan Toribio, President, Youth Forum
Anthony Francome, Director, Youth Forum

International and Diplomatic Community

Representatives of resident embassies of Norway, the Russian Federation, Switzerland and the United Kingdom²⁴

²⁴ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in the Principality of Andorra.