



Office for Democratic Institutions and Human Rights

PRINCIPALITY OF ANDORRA

PARLIAMENTARY ELECTIONS

7 April 2019

ODIHR NEEDS ASSESSMENT MISSION REPORT

11-13 February 2019



Warsaw
13 March 2019

TABLE OF CONTENTS

I. INTRODUCTION	1
II. EXECUTIVE SUMMARY	1
III. FINDINGS.....	3
A. BACKGROUND.....	3
B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM.....	3
C. ELECTION ADMINISTRATION.....	4
D. ALTERNATIVE VOTING METHODS.....	5
E. VOTER REGISTRATION	6
F. CANDIDATE REGISTRATION	7
G. CAMPAIGN AND CAMPAIGN FINANCE	8
H. MEDIA.....	9
I. COMPLAINTS AND APPEALS	10
IV. CONCLUSIONS AND RECOMMENDATION.....	10
ANNEX: LIST OF MEETINGS.....	11

**PRINCIPALITY OF ANDORRA
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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Government of the Principality of Andorra to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 7 April 2019 parliamentary elections and in accordance with its mandate, ODIHR undertook a Needs Assessment Mission (NAM) to Andorra from 11 to 13 February. The NAM included Ana Rusu, ODIHR Senior Election Adviser, and Alexey Gromov, ODIHR Election Adviser.

The purpose of the NAM was to assess the pre-election environment and preparations for the upcoming parliamentary elections. Based on this assessment, the NAM should recommend 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 with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs and the Permanent Mission of the Principality of Andorra to the OSCE in Vienna 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 7 April, voters will elect members to the unicameral parliament, the General Council, 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 when a list that receives a majority of votes wins all seats in the constituency. Some ODIHR NAM interlocutors criticised the element of party block voting leading to a considerable imbalance between the voting results and effective representation of political forces in the parliament.

Parliamentary elections are primarily regulated by the Constitution and the Electoral Law (last amended in 2014). Overall, ODIHR NAM interlocutors assessed the electoral legislation as giving a sound basis for the conduct of democratic elections. However, the legal framework does not provide for international or citizen election observers, which is not in line with OSCE commitments.

Election administration is decentralized. The Electoral Board supervises the elections and deals primarily with election-related complaints. The government is in charge of the registration of national candidate lists, voter information, and the tabulation and announcement of election results. The parish authorities register voters and parish candidate lists, and organize voting and counting of votes at seven polling stations. Judges administer early, homebound, and postal voting. All ODIHR NAM interlocutors expressed full confidence in the election administration's ability to professionally and impartially manage the elections.

There are some 80,000 residents in Andorra of whom about half are citizens. Only citizens over the age of 18 on election day are eligible to vote, and their total number for these elections is around

27,000. Voter registration is decentralized and lists are compiled by parishes. ODIHR NAM interlocutors expressed confidence in the accuracy of voter lists.

Political parties, associations, and groups of citizens may nominate candidate lists at the national and parish levels and must support their nomination with signatures from 0.5 per cent of the voters registered in the corresponding constituency. According to many ODIHR NAM interlocutors, women are underrepresented in politics. There are no special legislative measures to enhance women participation in elections, but some political parties apply internal rules to promote women. Majority ODIHR NAM interlocutors considered the candidate nomination processes as reasonable, while some noted that five days was too short a period for new contestants to collect signatures.

The campaign will take place between 24 March and 5 April and is expected to focus on issues related to the housing market, association agreement with the European Union, social and fiscal policies, diversification of economy, and institutional system of the country. Campaign will be mainly held through multiple debates in the media, door-to-door visits to voters, as well as extensive use of social media. No ODIHR NAM interlocutors raised concerns about their ability to campaign freely.

Campaign finance is comprehensively regulated. ODIHR NAM interlocutors noted that public subsidies positively contribute to independence of the political parties from private business, but some considered the amount allocated not significant enough to launch a meaningful campaign. Legal amendments from 2017 tightened requirements for financial reporting, clarified regulation of campaign related in-kind donations and loans, strengthened campaign finance oversight mechanism. The Court of Auditors and Electoral Board are in charge of oversight of campaign finance.

The media environment is pluralistic and media work with a high degree of freedom. The public broadcaster running the only Andorran television station provides equal access and equal free airtime to all contestants during the official campaign period. The public and private media have developed policies and programmes to cover the elections, including through holding debates among electoral contestants. All ODIHR NAM interlocutors noted that sufficient impartial and diverse campaign coverage in both public and private media contributes to an informed choice of voters.

The complaints and appeals mechanism provides for judicial review for all aspects of the electoral process. The Electoral Board is the body of first instance for most complaints while the parishes consider voter registration complaints. All election-related decisions may be further appealed to the High Court of Justice. All ODIHR NAM interlocutors expressed their full trust in the impartiality and efficiency of the electoral dispute resolution system.

All ODIHR NAM interlocutors expressed a high level of confidence in the integrity of the electoral process. No concerns were expressed related to the functioning of democratic institutions, respect for fundamental freedoms, transparency of the electoral process, voter registration, campaign environment, and election day procedures. While some isolated concerns were raised on specific issues of constituency boundaries, candidate registration and election observation, these were not identified by electoral stakeholders as significantly affecting the upcoming elections.

Based on the findings of this report, the ODIHR NAM does not recommend an election-related activity for the 7 April parliamentary elections. ODIHR would, however, like to reiterate that a number of issues raised by interlocutors in discussions with the ODIHR NAM could be brought into public domain and taken into consideration during further efforts to refine the electoral legislation and practice. ODIHR stands ready to offer its assistance upon request in a post-election process.

III. FINDINGS

A. BACKGROUND

Andorra is a parliamentary co-principality comprising 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. The parliament elects the prime minister, who, in turn, appoints the other members of the government. The prime minister holds most executive powers. On 19 February, in line with his authority under the Constitution, Prime Minister Antoni Martí dissolved the parliament and called elections for 7 April.

Last parliamentary elections took place on 1 March 2015 and resulted in a government formed by the *Demòcrates per Andorra*. Following changes in political affiliation of many MPs, the parliament, before its dissolution, had three parliamentary groups, with 15 MPs in the governing Democratic Group (led by *Demòcrates per Andorra*), 3 MPs in Liberal Group (led by *Liberals d'Andorra*) and 10 MPs in the *Group Mixt*.¹ Women hold 9 out of 28 seats in the outgoing parliament, 4 of the 12 ministerial posts and 2 of the 7 mayoral posts before the call of elections. Several ODIHR NAM interlocutors noted that more rigorous efforts could be undertaken to achieve *de facto* equality of women in politics.

ODIHR undertook Needs Assessment Missions before the 2011 and 2015 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 November 2014). Elections are further regulated by the 2014 Law on Political Parties and Campaign Finance (last amended in 2017), the 2000 Law on the Public Radio and Television Broadcasting (last amended in 2012), as well as by governmental decrees and Electoral Board regulations. Andorra is party to international and regional instruments related to the holding of democratic elections and a member of the Council of Europe's Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).³

All ODIHR NAM interlocutors expressed overall satisfaction with the legal framework and considered it a comprehensive basis for the conduct of democratic elections. Several ODIHR NAM interlocutors acknowledged the lack of specific provisions for international or citizen election observation, which is not fully in line with paragraph 8 of the 1990 OSCE Copenhagen Document, and noted that this could be addressed by future legal amendments.⁴ In addition, some interlocutors

¹ According to the results of 2015 parliamentary elections, *Demòcrates per Andorra* received 15 seats in the parliament and *Liberals d'Andorra* 8 seats. In addition, *Socialdemocràcia i Progrés d'Andorra*, with two seats, and coalition led by *Partit Socialdemòcrata*, with three seats, formed *Group Mixt*.

² See all previous [ODIHR reports on Andorra](#).

³ This includes the 1948 Universal Declaration of Human Rights, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1966 International Covenant on Civil and Political Rights, 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 2006 UN Convention on the Rights of Persons with Disabilities (CRPD), 1950 European Convention on Human Rights. Andorra is not a party to the 1994 Council of Europe Framework Convention on the Protection of National Minorities and 2003 UN Convention against Corruption.

⁴ Paragraph 8 of the 1990 OSCE Copenhagen Document states that participating States “consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

informed the ODIHR NAM that discussions on potential introduction of new voting technologies as well as changing of electoral system have been a part of political discourse in recent years.

According to the Constitution, the 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 be elected from a single national constituency under a proportional closed-list system,⁵ while 2 MPs are elected from each of the seven parishes through a majoritarian system of party block voting.⁶ Many ODIHR NAM interlocutors criticized current electoral system according to which the ‘winner takes all’ principle applied for allocation of the parish seats creates a considerable imbalance between the voting results and effective representation of political forces in the parliament.⁷

The number of eligible voters varies significantly between the seven parishes, ranging from 1,003 in Canillo to 8,097 in Andorra la Vella. Several ODIHR NAM interlocutors noted that these variations affect the equality of the vote since the number of votes required to be elected deviates by up to some 108 per cent from the nationwide average. In only two municipalities is the deviation within the maximum 15 per cent range recommended by the Venice Commission.⁸ Nevertheless, ODIHR NAM party interlocutors did not consider this as a critical or urgent issue referring to the need for a lengthy and proper discussion of the issue within a potential electoral reform process.

C. ELECTION ADMINISTRATION

The election administration is decentralised and managed by three administrative structures: the Electoral Board, the government, and the parish authorities.

The Electoral Board supervises the elections, including regulation of different aspects of the elections, and ensures that candidates can compete on an equal basis. The Electoral Board is formed anew by each incoming parliament and consists of six members appointed for four-year terms, currently comprising four women and two men. Three members are randomly chosen by the High Council of Justice from among the judges of the first instance court,⁹ and three others are appointed by the speaker of the parliament based on the joint proposal of parliamentary groups. The High Council of Justice appoints the chairperson of the Electoral Board and her/his deputy from among the judicial appointees. The Secretary General of the parliament serves as the Secretary of the Electoral Board with an advisory role.

The Electoral Board meets on an *ad hoc* basis and its meetings are closed to the public as, according to the Rules of Procedures, its members shall make decisions behind closed doors and reach a decision by a majority of votes. The Electoral Board does not have its own website but its decisions are published in the official gazette.

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 all seats in the constituency.

⁷ Some ODIHR NAM interlocutors highlighted that in a situation with more than three contestants in a parish, a winner with some 30 or less per cent of votes takes all the seats for this parish, while the remaining 70 or more per cent of votes at local level are completely disregarded.

⁸ 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)”.

⁹ The High Council of Justice consists of five members nominated by the co-princes, the prime minister, the speaker of parliament, and judges.

The prime-minister calls the election and defines the official campaign period. The government administers several aspects of the electoral process, including the registration of national candidate lists, voter information, production of ballot papers and envelopes, administration of postal voting and the tabulation and announcement of election results. On 22 February, the government published the calendar of election-related activities and clarification of main procedures for the upcoming elections, including on verification of nomination documents for contesting parties, campaign finance rules and voting modalities.

The parish authorities are in charge of voter registration, registration of parish candidate lists, forming polling bureaus and setting up polling stations. Each of the seven parishes operates one polling station on election day. In polling stations, one or more polling bureaus are established, which administer voting and counting.¹⁰ The polling bureaus 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 bureau. The ODIHR NAM was informed that members of polling bureaus are usually trained by municipal authorities on the eve of the election day.

All ODIHR NAM interlocutors expressed full confidence in the efficiency and impartiality of the election administration, and raised no concerns about preparations and conduct of the elections.

D. ALTERNATIVE VOTING METHODS

In order to promote inclusive participation, the law and election administration provide different categories of voters with specific arrangements for voting, including early, homebound and postal voting. Persons with disabilities can be assisted in the polling stations in casting their vote by a person of their choice or by the presiding officer.¹¹ According to the authorities, all polling stations are set in municipal or court premises and are barrier-free.

Early voting administered by judges, also called “judicial voting”, will take place between 25 March and 6 April at the court of first instance in Andorra la Vella. 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. In 2015 parliamentary elections, approximately 36 per cent of those who voted cast their ballots in advance.

Within the same time, homebound, imprisoned and hospitalized voters may also request to vote at their place of stay. A judge of the court of first instance, accompanied by a court secretary, travels to the requested locations with the necessary materials. A medical certificate is needed for homebound voting.

Voters who are permanently or temporarily residing abroad may apply for postal voting by 26 February by post or online, and 149 voters did so. The government sends to the voters voting packs (comprising ballot papers, envelopes, and electoral information) by registered mail. All postal ballots should be delivered to the court of first instance by 13:00 on 6 April.

Before the start of voting on election day, judges visit polling stations to deposit early, homebound and postal votes. Although alternative voting is administered without observation by interested

¹⁰ In the biggest parishes Andorra la Vella and Escaldes-Engordany, with 8,097 and 5,401 registered voters respectively, two bureaus per polling station will be established.

¹¹ In November 2017, Andorra adopted a Law on Urgent Measures for Implementation of the CRPD, including provisions related to effective participation in political life.

parties, all ODIHR NAM interlocutors considered multiple methods as reasonable opportunities for all to vote and expressed full confidence in the integrity of the voting processes. Meanwhile, *Liberals d'Andorra* and *Partit Socialdemòcrata*, shortly before the ODIHR NAM visit, publicly requested the government to consider additional measures to secure the sensitive voting materials related to the 'judicial voting' and to enhance transparency, especially outside of working hours of the court. The government informed the political parties that the procedure of early voting and security of voting materials is within the competence of the court.

E. VOTER REGISTRATION

All citizens over the age of 18 on election day have the right to vote. The only exceptions are those imprisoned or declared mentally incapable; both categories can be deprived of their voting rights by a final court decision. The CRPD prescribes that there should be no restriction on the suffrage rights of persons with disabilities irrespective of the type of disability.¹²

The total population of Andorra is estimated at some 80,000 inhabitants, of whom about half are citizens.¹³ Long-term residents of voting age do not have the right to vote at national or local elections.¹⁴ Several political parties that the ODIHR NAM met with indicated that issues concerning citizenship acquisition and lack of voting rights for long-term residents have been a part of the political discussion for several years.¹⁵ Some 27,000 voters are registered for the upcoming elections.

Voter registration is passive and is administered by parish authorities, while those applying to vote by post from overseas should actively register. Citizens are included in the voter lists according to their place of residence or origin. Permanent 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 (22 February for these elections). Following this publication, voters are able to request changes or inclusions by 22 March and, if needed, appeal parish decisions regarding errors in voter lists to the court. Upon request, digital and hard copies of the voter lists can be issued to electoral contestants and are shared with the parliament. The government also receives copies of voter lists and with the help of special software ensures cross-checking of the nationwide data, including for the purpose of administering early, homebound and postal voting.

ODIHR NAM interlocutors raised no concerns over the accuracy and inclusiveness of the voter lists and confirmed that the authorities routinely undertake a national awareness campaign ahead of elections to encourage voters to verify their voter details and clarify the rules of voting modalities.

¹² See Articles 12 and 29 of the 2006 CRPD. See also, paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011 (*Zsolt Bujdosó and five others v. Hungary*) which stated that "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability". Paragraph 41.1 of the 1991 OSCE Moscow Document commits participating States "to ensure protection of the human rights of persons with disabilities".

¹³ According to [the data of the Department of Statistics](#), Andorrans make some 45.6 per cent of population, Spanish – some 29.6 per cent, Portuguese – 12.6 per cent, French – 5.1 per cent, British – 1.1 per cent, and other nationalities not exceeding 1 per cent of population.

¹⁴ Only persons permanently residing in Andorra for 20 years may apply for Andorran citizenship; dual citizenship is not allowed.

¹⁵ While citizenship is widely recognized as an admissible restriction on suffrage for national elections, there is an emerging trend to grant voting rights for local elections to long-term residents who are not citizens. For example, see Paragraph 3 of the 1996 UN Human Rights Committee General Comment 25 to the ICCPR.

F. CANDIDATE REGISTRATION

All citizens who are eligible to vote have the right to stand for parliamentary elections, except those who are imprisoned.¹⁶ 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.

Any party, association, or group of citizens may nominate candidate lists for the national and parish constituencies. A list for the national constituency has to include 14 candidates and 3 substitutes, while a list for a parish constituency includes 2 candidates and 3 substitutes. All national and parish lists have to be supported by signatures from at least 0.5 per cent of, but no less than 10, registered voters of the corresponding constituency.¹⁷ Each voter can sign only for one national and one parish list, which is not in line with international good practice.¹⁸ A candidate may stand only on one list.

National and parish candidate lists have to be submitted by 26 February, within five working days after the announcement of the elections, to the government or parish authorities respectively. All party interlocutors that the ODIHR NAM met with informed that they would nominate the national as well as several parish lists. Some ODIHR NAM interlocutors mentioned a new approach expected from several political groups to form parish lists in coalition with other contesting parties in order to counteract the negative effect of the ‘winner-takes-all’ principle in allocation of the parish seats.

While majority ODIHR NAM interlocutors considered the nomination process as reasonable and transparent, others noted that five days was too short a period for new contestants to decide upon candidates and collect supporting signatures. Many ODIHR NAM interlocutors positively noted that the potential date for the upcoming elections had been designated well in advance of the official call, which gave fair opportunities to all to prepare for the elections, including with regard to nomination of candidates.

Many ODIHR NAM interlocutors expect a considerable increase in the number of contestants at the national level, which might pose challenges to election administration as well as to media in covering the electoral campaign. Such increase might also prompt established parties to change their electoral tactics. Some party representatives informed the ODIHR NAM of their intention to observe election day proceedings, the right provided for each registered candidate list.

There are no special legislative measures to enhance women’s political participation, leaving the 2013 CEDAW Committee’s recommendation to adopt temporary special measures aimed at advancing women in political life unaddressed.¹⁹ All political parties that the ODIHR NAM met with reported internal party policies, although often not formalized, to promote women candidates.

¹⁶ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that participating States will “guarantee universal and equal suffrage to adult citizens” while Paragraph 24 states that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law.” Paragraph I.1.1.1.d.iii of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters states that the deprivation of the right to vote must be subject to the proportionality principle. [Paragraph 14 of the 1996 UNHRC General Comment No. 25 to the ICCPR](#) states that grounds for the deprivation of voting rights should be “objective and reasonable”.

¹⁷ The government, together with the president of High Court, checks the eligibility of the candidate, verifies the nomination documents and must rule on all nominations on the last day of the nomination period.

¹⁸ Paragraph 77 of the 2010 ODIHR and Venice Commission [Guidelines on Political Party Regulation](#) states that “in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party”. Such a provision might also undermine voter confidence in the secrecy of their vote, as signing for a contestant could be potentially seen as supporting that contestant.

¹⁹ See CEDAW Committee [Concluding Observations on the combined second and third periodic reports of Andorra](#) (28 October 2013), CEDAW/C/AND/CO/2-3, paragraphs 25 and 26.

Some parties regretted difficulties they are facing in finding women candidates able to successfully run in the elections.

G. CAMPAIGN AND CAMPAIGN FINANCE

The campaign will start on 24 March and last until midnight on 5 April, leaving a 24-hour silence period before election day. The campaign is largely expected to focus on issues related, among others, to housing market, association agreement with the European Union, social and fiscal policies, diversification of economy, and institutional system of the country.²⁰

During the campaign period, the placement of campaign posters is limited to designated areas provided by the parishes. According to ODIHR NAM interlocutors, in addition to multiple informative political debates in the media, much of the campaign will be held via door-to-door visits to voters, distribution of campaign posters as well as extensive use of social media. No ODIHR NAM interlocutors raised concerns about the ability to campaign freely. Several representatives of ethnic communities that the ODIHR NAM met with confirmed that political parties do reach voters from national minorities, invite their representatives to stand as candidates, and sustain a tolerant tone of the campaign.

Campaign financing is regulated by the 2014 Law on Political Parties and Campaign Finance (LPPCF, last amended in 2017). All ODIHR NAM interlocutors welcomed the updated legislation. The GRECO reports related to transparency of party and campaign funding noted that Andorra has satisfactorily addressed relevant recommendations by GRECO.²¹ These include requirements for public disclosure of campaign related financial incomes and relevant donors, detailed and timely reporting on campaign expenditures, clear regulation of campaign related in-kind donations and loans, strengthening campaign finance oversight, as well as gradual and dissuasive range of sanctions for potential financial infringements.

Parliamentary political parties and groups are entitled to public funding based on the number of votes received and mandates won during last parliamentary and local elections. After parliamentary elections, the government partially reimburses campaign expenses of each winning candidate list, providing EUR 5 for every vote received and EUR 150 for each MP elected. In addition, each party or group receives an annual representation subsidy of EUR 5,000 if elected on national list, and EUR 1,400 if elected on parish list.²² ODIHR NAM interlocutors noted that public subsidies contribute to independence of the political parties from private business, but some considered the amount allocated not significant enough to launch a meaningful campaign.²³

Strict rules govern various types of private contributions and are comprehensive overall. Contestants can finance their campaigns from party membership fees and budget allocations, as well as donations made by citizens and residents of Andorra.²⁴ Anonymous and foreign donations, as well as those from legal and public entities and parliamentary groups are prohibited. While the

²⁰ Following the European Commission [report on EU Relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino](#), the European Council, on 16 December 2013, recommended for the opening of the negotiations with Andorra as well as one or more association agreements to be submitted before the end of April 2014. Currently, Andorra is working on the framework of its relations with the European Union.

²¹ See the 2015 GRECO [Second Compliance Report](#) and 2017 [Addendum to the Second Compliance Report](#).

²² According to the [Court of Auditor's statement](#), in 2016, parliamentary political groups jointly received some EUR 51,000 as a representation subsidy and some EUR 46,200 as a reimbursement of campaign expenses.

²³ Several parties informed the ODIHR NAM that they had just recently paid off the loans taken for the 2015 campaigns and intend to take loans for the upcoming campaign.

²⁴ Private donations, including monetary and in-kind, are limited to EUR 6,000 per person per year.

LPPCF does not regulate cash donations, banking rules exclude a possibility for cash depositing onto campaign accounts. Campaign spending for a national list cannot exceed EUR 200,000 plus EUR 0.3 for each voter registered for the elections (some EUR 208,200 for these elections). Campaign spending for a parish list is limited to EUR 30,000 plus EUR 0.3 for each voter registered in the corresponding parish. Several ODIHR NAM interlocutors stated that these limits are reasonable.

All lists are required to open an account through which all donations and expenditures must pass. Each candidate list is required to report on donations, within eight days of their receipt, to the Court of Auditors, the body in charge of finance oversight, which publishes this information within one month. All contestants have to submit campaign finance report between 60 and 80 days after the election day.²⁵ In parallel, banks that issued loans for the campaign, as well as entities that provided any campaign services exceeding EUR 10,000 have to report on these to the Court of Auditors. 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. The Court of Auditors publishes an audit report, sends it to the parliament within six months after the elections and validates the right of contestants to receive public funding and reimbursement for campaign expenses.²⁶

H. MEDIA

Freedoms of expression, communication and information are guaranteed by the Constitution. The media environment is pluralistic. Media from neighbouring Spain and France are also widely available. Media representatives informed the ODIHR NAM that the media work with a high degree of freedom, although a few regretted that self-censorship policies applied by some media prevent them from providing information related to big companies.

The public broadcaster, *Ràdio i Televisió d'Andorra* (RTVA), is the main electronic media source and runs the only Andorran television station, as well as two radio stations. RTVA operates in line with the 2000 Law on Public Broadcasting and Television (last amended in 2012) and its own code of journalistic ethics.²⁷ 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. RTVA is not providing political contestants with paid airtime but has planned several thematic live debates among representatives of national lists, as well as separate debates for each parish. Some ODIHR NAM party interlocutors, while commending existing possibilities to reach to their voters, criticised RTVA for lack of proper consultations with political parties both on the format and on the topics of the debates.

Most interlocutors that the ODIHR NAM met with expressed overall confidence in the professionalism of and impartial election coverage by the RTVA, as well as satisfaction with overall access both to private and public media during elections. A few ODIHR NAM party interlocutors raised some concerns about certain bias of RTVA towards the government in pre-election period, citing allegedly insufficient coverage of the opposition and increased amount of government inauguration events broadcasted shortly before the call for elections.

²⁵ There is no requirement for contestants to report on campaign incomes and expenditures prior to election day.

²⁶ The Court of Auditors found no campaign finance-related violations following the 2015 parliamentary elections.

²⁷ Some ODIHR NAM interlocutors noted a need for revising the legislation with the aim to clarify rights and responsibilities of the public broadcaster, including with regards to operating online.

For private media, the Electoral Law provides only a general principle of non-discrimination in the advertising policy. Private media outlets that the ODIHR NAM met with plan to hold electoral debates and extensively cover the campaign, as well as publish paid political advertisements. A number of ODIHR NAM interlocutors noted lack of a specific institution tasked with media monitoring and supervision of the media, potentially leaving the public broadcaster without proper control. Other interlocutors opined that a monitoring body is not needed referring to high professional standards and self-regulation mechanisms, including online. In addition, the Electoral Board is mandated to consider media-related complaints during the elections.

I. COMPLAINTS AND APPEALS

The complaints and appeals process is regulated in the Electoral Law, ensuring a right to judicial review for all aspects of the electoral process, provided that a complainant demonstrates her or his legitimate interest. The Electoral Board is the body of first instance for most election-related disputes, pertaining in particular to candidate registration, campaigning, including online, and the use of media. Complaints regarding voter registration are made to parish councils, complaints on election day are made to the polling bureaus, and those about the election results are filed directly to the courts. The law provides for expedient deadlines and public hearings for adjudicating election-related disputes.²⁸

All decisions of courts of first instance can be appealed to the Administrative Chamber of the High Court of Justice. 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 efficiency of the electoral dispute resolution system.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors expressed a high level of confidence in the integrity of the electoral process. No concerns were expressed related to the functioning of democratic institutions, respect for fundamental freedoms, transparency of the electoral process, voter registration, campaign environment, and election day procedures. While some isolated concerns were raised on specific issues of constituency boundaries, candidate registration and election observation, these were not identified by electoral stakeholders as significantly affecting the upcoming elections.

Based on the findings of this report, the ODIHR NAM does not recommend an election-related activity for the 7 April parliamentary elections. ODIHR would, however, like to reiterate that a number of issues raised by interlocutors in discussions with the ODIHR NAM could be brought into public domain and taken into consideration during further efforts to refine the electoral legislation and practice. ODIHR stands ready to offer its assistance upon request in a post-election process.

²⁸

Complaints related to candidate registration are decided upon within 48 hours; complaints related to campaigning and the media are decided upon in two working days, whereas complaints to the court 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, Minister of Foreign Affairs
Jordi Casadevall Touseil, Secretary General of the Government
Gemma Cano Berné, Director of Multilateral Affairs and Co-operation, Ministry of Foreign Affairs
Andreu Jordi, Desk Officer of Multilateral Affairs and Cooperation, Ministry of Foreign Affairs
Karina Nobre Madureira, OSCE Desk Officer, Ministry of Foreign Affairs
Trini Marín, Mayor of Escaldes-Engordany
Marc Calvet Sala, Deputy Mayor of Escaldes-Engordany
Àngel Grau, Secretary General of Escaldes-Engordany

Electoral Board

Xavier Colom, President
Josep Hinojosa Besolí, Secretary of Electoral Board and Secretary General of the Parliament

Courts

Albert Andrés Pereira, President, Administrative Chamber of the High Court of Justice
Jaume Tor Porta, Magistrate, Administrative Chamber of the High Court of Justice
Francesc d'Assís Pons Tomàs, President of the Court of Auditors
Montserrat Montes Echevarría, Member of the Court of Auditors
Carles Sansa Torm, Member of the Court of Auditors

Political Parties

Eric Jover, President, *Demòcrates per Andorra*
Esteve Vidal, Secretary, *Demòcrates per Andorra*
Ferran Costa, MP, *Liberals d'Andorra*
Pere López, MP, President, *Partit Socialdemòcrata*
Susana Vela, First Secretary, *Partit Socialdemòcrata*
Joan Seguí, President and Secretary General, *Podem Andorra*
Maria Lluïsa de Diego, Member of the Board, *Podem Andorra*
Joseba Imanol, Vice-Secretary, *Podem Andorra*
Jaume Bartumeu Cassany, President, *Socialdemocràcia i Progrés d'Andorra*
Victor Naudi, MP, *Socialdemocràcia i Progrés d'Andorra*
Josep Roig, *Socialdemocràcia i Progrés d'Andorra*
Carles Verdaguer, President, *Unió Laurediana*
Marc Pintat, Vice-President, *Unió Laurediana*
Josep Pintat Balta, *Unió Laurediana*
Joan Ramon Peralba, *Unió Laurediana*
Silvia Bonet, MP, Independent
Joan Carles Camp, MP, Independent
Carles Naudí, MP, Independent

Media

Joan Ramon Baiges, Director, News Agency *Agència Andorrana de Notícies*
Julià Rodriguez, Director, Newspaper *Bondia*
Francesc Alguacil, Information Chief, *Cadena Pirenaica*
Dolors Moreno, Journalist, Newspaper *Diari d'Andorra*
Mireia Aguilar, Director, Newspaper *Periòdic d'Andorra*
Xavier Mujal, Director General, *Ràdio i Televisió d'Andorra*
Marisol Fuentes, Director, Radio Station *SER Andorra*

Civil Society

Madhu Jethani, President, Hindu Community Association
Isaac Benchluch, President, Jewish Cultural Association
Abderrahim El-Hamdaoui, Chair, Muslim Community
José Manuel da Costa Gonçalves, Portuguese Community Association
Montserrat Nazzaro, President, Women's Association of Andorra
Regina Agramunt, Vice-President, Women's Association of Andorra
Elvira Geli, Social Mediator, Women's Association of Andorra