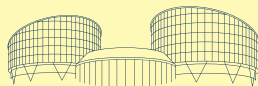


THE ECHR AND

ANDORRA

facts & figures



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

THE ECHR AND

ANDORRA

facts & figures

Council of Europe

Accession: 10 November 1994

European Convention on Human Rights

Signed: 10 November 1994

Ratified: 22 January 1996

ECHR judges

Pere Pastor Vilanova (since 2015)

Josep Casadevall (1996-2015)

ECHR and Andorra at 1 January 2020

1st judgment: Millan i Tornes v. Andorra (6 July 1999)

Total number of judgments: 8

Judgments finding a violation: 4

Judgments finding no violation: 2

Friendly settlements/strikeout: 1

Other judgments: 1

Applications pending: 1

Applications finished: 87

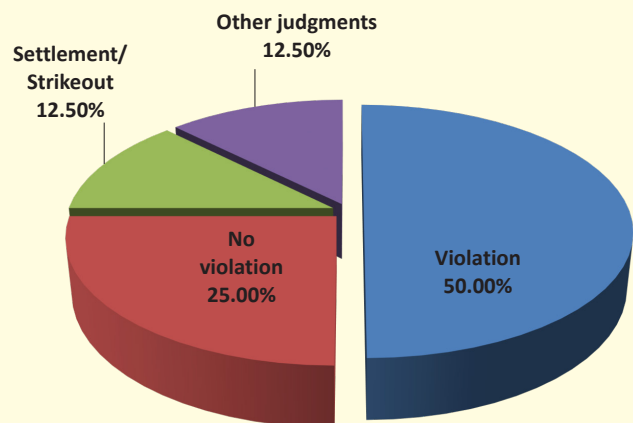
This document has been prepared by the Public Relations Unit and does not bind the Court. It is intended to provide basic general information about the way the Court works.

For more detailed information, please refer to documents issued by the Registry available on the Court's website www.echr.coe.int.

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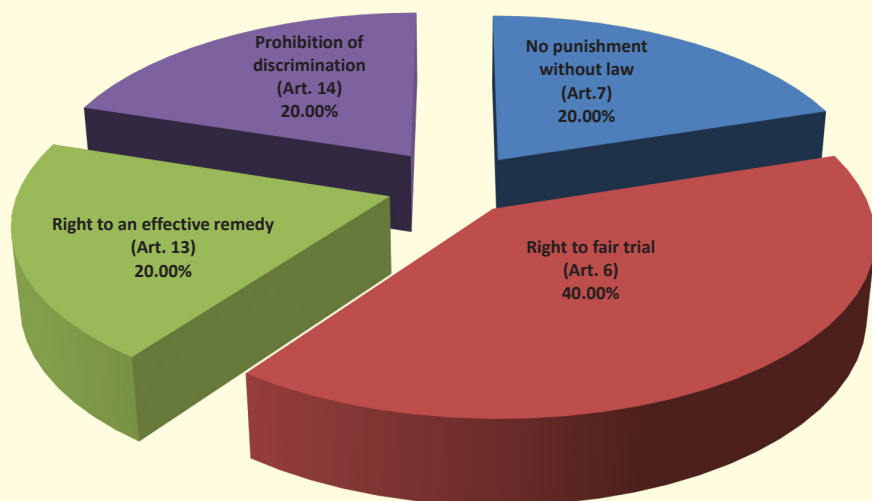
Types of judgments

In half of the judgments delivered concerning Andorra the Court has given judgment against the State, finding at least one violation of the Convention.



Subject-matter of judgments finding a violation

The Court found two violations of the right to a fair hearing, one violation of the prohibition of discrimination, one of the right to an effective remedy and one of the principle of no punishment without law.



Impact of the Court's judgments

The Committee of Ministers, the Council of Europe's executive organ, supervises compliance with the Court's judgments and adoption of the remedial measures required in order to prevent similar violations of the Convention in the future.

The Court's judgments have led to various reforms and improvements in Andorra, relating in particular to:

Access to a court

The requirement to obtain permission from Principal State Counsel before applying to the Constitutional Court was abolished.

Reopening of judicial proceedings

The law now provides for the reopening of domestic judicial proceedings in the wake of an ECHR judgment.

Selected cases

Case of Pla and Puncernau (13 July 2004)

The case concerned judicial rulings finding that Antoni Pla Puncernau, as an adopted child, could not claim an inheritance because he could not be considered “a child of a lawful and canonical marriage” as specified by the will in question.

Violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 8 (right to respect for private and family life)

Case of UTE Saur Vallnet (29 May 2012)

The applicant, a business consortium, appealed to the courts against the administrative penalties imposed on it by the Ministry for Regional Development. In the proceedings before the Court it alleged that the Administrative Division of the High Court of Justice had lacked impartiality and independence since the reporting judge had at the same time been a partner in a Spanish law firm providing legal services to the Andorran Government. The Court found that the applicant’s doubts as to the impartiality of the judge in question had been justified.

Violation of Article 6 (right to a fair hearing)

Case of Figueiredo Teixeira (8 November 2016)

In this case, Bruno Figueiredo Teixeira, who was prosecuted for drug trafficking, complained of the use by the investigating judge of data relating to his telephone calls.

The Court found that the authorities had respected the “proportionality between the effects of the use of special investigation techniques and the identified aim”, and that they had used an unintrusive method to “enable the offence to be detected, prevented or prosecuted with the requisite effectiveness”.

No violation of Article 8 (right to respect for private and family life)

Case of Gouarré Patte (12 January 2016)

In 1999 Gérard Gouarré Patte was sentenced to five years’ imprisonment, one year of which was to be served in prison, for three sexual offences committed while carrying out his duties as a doctor. He complained of his inability to obtain a revision of the ancillary penalty, namely a lifetime ban on practising his profession, by means of the retrospective application of more lenient legislation providing that the length of an ancillary sentence must not in any circumstances exceed that of the main sentence.

The Court noted that the Andorran courts had continued to apply the most severe penalty, even when the legislature had provided for a more lenient penalty as well as for its retrospective application. By failing to respect the fundamental principle of criminal law consisting in the retrospective application of the more lenient criminal legislation, they had breached the principle of the rule of law.

Violation of Article 7 (no punishment without law)

Violation of Article 13 (right to an effective remedy) taken in conjunction with Article 7

Selected measures to execute judgments

General measures

Case of Millan i Tornes (6 July 1999)

Inability of the applicant to apply to the Constitutional Court without the permission of State Counsel.

Extension of the right to appeal to the Constitutional Court without having to obtain State Counsel's permission.

Case of UTE Saur Vallnet (29 May 2012)

Lack of impartiality of a Supreme Court judge.

Legislative reform enabling domestic court proceedings to be reopened following an ECHR judgment.

Individual measures

Case of Pla and Puncernau (13 July 2004)

Inability of a child to inherit, through his adoptive father, the estate of his adoptive grandmother who had died before he was adopted.

The applicant, who had been unable to inherit because, as an adopted child, he was not considered to be the "son of a legitimate and canonical marriage", was awarded compensation for pecuniary and non-pecuniary damage.

Case of UTE Saur Vallnet (29 May 2012)

Lack of impartiality of a Supreme Court judge.

Leave was granted to reopen the proceedings, and the new administrative proceedings resulted in an order for the administrative fine to be repaid.



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