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ANDORRA: PROPOSED BILL FALLS FAR SHORT OF GUARANTEEING THE RIGHT TO ABORTION

Andorra is the only European country that upholds a total ban on abortion [1] On 28 October the Andorran government approved a long-awaited bill aimed at reforming the country's abortion legal framework.[2] The proposed bill decriminalizes women and girls seeking to terminate their pregnancy but retains criminal penalties -including prison sentences- for health professionals and others who perform abortions in Andorra.[3] While Amnesty International welcomes this first step to amend Andorra's outdated and harmful abortion laws, the bill falls far short of what international human rights law and standards, and current public health guidance, requires. In practice the bill maintains the status quo, as it retains penalties for health professionals and others who perform abortion and access to abortion remains unavailable under any circumstance in Andorra, in violation of the human rights of women, girls and people who can become pregnant.

As the bill undergoes parliamentary scrutiny Amnesty International urges the Andorran Parliament (*Consell General*) to seize this historic opportunity to adopt legislation that fully decriminalizes abortion, guarantees access to safe abortion services in Andorra, with respect to people's dignity and their reproductive autonomy. Failure to do so would leave Andorra in continuing breach of its international human rights obligations and would be inconsistent with the authorities' repeated commitments to upholding the human rights of women and girls in the country.[4]

FULL DECRIMINALISATION AS AN ESSENTIAL STEP TO ACCESS TO SAFE ABORTION AND IN LINE WITH INTERNATIONAL HUMAN RIGHTS LAW

The total ban on abortion in Andorra is regulated under Title II, *Offences against the prenatal human life* of the Criminal Code.[5] Article 117 (consented abortion) reads:

> "§1 Anyone who causes a woman's abortion with her consent must be punished with imprisonment from three months to three years and disqualification from practicing any health profession for a period of up to five years.
> §2 A woman who has an abortion or consents to another person causing her to have an abortion shall be punished with imprisonment.[6]"

The Criminal Code also punishes those who perform non-consensual abortions (Article 116) and reckless abortions (Article 118).[7]

In October the government submitted to parliament *The Qualified Bill amending Article 117 of the Penal Code*.[8] Under the proposed bill, Art. 117 §2 is replaced with another provision stating that - a "woman who consents to or requests her own abortion, or who collaborates to carry it out, is not punishable, given her personal, social, and emotional situation in this circumstance, and in accordance with the principle of not criminalizing a person in a specific situation of special

[1] Amnesty International, *When rights aren't real for all: the struggle for abortion access in Euro*pe, EUR 01/0275/2025, 6 November 2025, https://www.amnesty.org/en/documents/eur01/0275/2025/en/
[2] Government of Andorra, "*El Govern eximeix de responsabilitat penal la dona que interrompi voluntàriament el seu embaràs*", 28 October 2026, https://www.govern.ad/es/w/el-govern-eximeix-de-responsabilitat-penal-la-dona-que-interrompi-voluntariament-el-seu-embaras (in Catalan)
[3]Qualified bill amending article 117 of Law 18/2026, of July 15, qualified of the Penal Code, 30 October 2026, https://seu.consellgeneral.ad/normativaMilloradaAnunciPublic/categories/15 (in Catalan)
[4] See por instance, *La Valira, Espot assegura que presentarà la proposta de despenalització de l'avortament el pròxim mes de setembre* 30 July 2026, https://lavalira.eu/2026/07/30/espot-assegura-que-presentara-la-proposta-de-despenalitzacio-de-lavortament-el-proxim-mes-de-setembre/ (in Catalan)
[5] Penal Code, *Title II. C*rimes against prenatal human life, https://portaljuridicandorra.ad/L2026018#T_tol_II._Delictes_contra_la_vida_humana_prenatal
[6] Penal Code, *Title II. C*rimes against prenatal human life, Article 117, https://portaljuridicandorra.ad/L2026018#Article_117._Avortament_consentit
[7] Penal Code, *Title II. C*rimes against prenatal human life
[8] Qualified bill amending article 117 of Law 18/2026, of July 15, qualified of the Penal Code, 30 October 2026 (previously cited)

vulnerability".[9] The bill, however, maintains the criminal penalties as well as disqualification from practicing any healthcare profession for up to five years for those who provide abortion services.[10]

According to the government, the proposed legislation "allows progress in the decriminalization of women while preserving the current constitutional framework and makes clear that the reform does not consist of a general decriminalization of abortion, but rather the elimination of criminal punishment for women".[11]

Amnesty International reminds the government that, contrary to the proposed bill and the arguments put forward by the government, the full decriminalization of abortion is essential for the full realization of sexual and reproductive rights in Andorra. This includes ensuring that abortion providers do not face penalties when they provide this health care. In this regard, several UN human rights bodies, which monitor state compliance with international treaties, have clarified that states should decriminalize abortion in all circumstances. For instance, the Human Rights Committee (HRC), that monitors state compliance with the International Covenant on Civil and Political rights (ICCPR), has explicitly called on states not to "apply criminal sanctions against women and girls undergoing abortions, or against medical service providers assisting them in doing so."[12] Since 2015, the Committee on the Rights of the Child (CRC) has consistently recommended that states "decriminalize abortions in all circumstances and review its legislation with a view to ensuring children's access to safe abortion and post-abortion care services"[13] and guarantee "the best interests of pregnant adolescents and ensure that their views are always heard and respected in abortion-related decisions".[14] UN International human rights experts have also affirmed that decriminalization of abortion is a necessary step that states must take to comply with international human rights law.[15] The World Health Organization (WHO) authoritative 2022 Abortion Care Guideline also recommends that states fully decriminalize abortion.[16]

International human rights bodies and the WHO as well as human rights organizations such as Amnesty International, have reached this conclusion because laws that criminalize abortion - including through partial decriminalization (i.e. providing legal exception to abortion criminalization if in certain circumstances) - compel women, girls and people who can become pregnant to travel abroad to access abortion services or to seek unsafe, clandestine, and/or illegal abortion (particularly those who do not have the means to seek healthcare abroad), in violation of a wide range of human rights.[17] These include the rights to life, privacy, equality and non-discrimination, equal protection under the law, the highest attainable standard of physical and mental health, including sexual and reproductive health and the right to be free from torture or other cruel, inhuman or degrading treatment.[18]

Moreover, criminalizing health services that only women and people who can become pregnant need, such as abortion, is a form of gender-based discrimination.[19] Those who face multiple and intersecting forms of discrimination (i.e., based on their sex, gender, age, race, ethnicity, disability, etc.) can be disproportionately impacted by criminal or restrictive abortion laws. Violations of women's sexual and reproductive health and rights, including forced abortion, criminalization of abortion, denial, or delay of safe abortion and/or post-abortion care, forced continuation of pregnancy, and abuse and mistreatment

[9] Qualified bill amending article 117 of Law 18/2026, of July 15, qualified of the Penal Code, 30 October 2026, Article 117 (2)
[10] Qualified bill amending article 117 of Law 18/2026, of July 15, qualified of the Penal Code, 30 October 2026, Article 117 (1)
[11] Government of Andorra, "*El Govern eximeix de responsabilitat penal la dona que interrompi voluntàriament el seu embaràs*", 28 October 2026 (previously cited)
[12] HRC, General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, 30 October 2018, para. 8. See also, Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 26 July 2017 para 29 (i) and Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 22 on the right to sexual and reproductive health, E/C.12/GC/22, 2 May 2016
[13] CRC. Concluding Observations: Iraq, UN Doc. CRC/C/IRQ/CO/2-4, 2015, para 67(a)
[14] UN Committee on the Rights of the Child (CRC). General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence, 2016, CRC/C/GC/20, para. 60
[15] See Interim Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, A/66/254, August 2011; Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/31/57, 5 January 2016.
[16] WHO, *Abortion Care Guideline*, Law & Policy. Recommendation 1 reads: "[r]emoving abortion from all penal/criminal laws, not applying other criminal offences (e.g. murder, manslaughter) to abortion, and ensuring there are no criminal penalties for having, assisting with, providing information about, or providing abortion, for all relevant actors.", https://srhr.org/abortioncare/chapter-2/recommendations-relating-to-regulation-of-abortion-2-2/law-policy-recommendation-1-criminalization-2-2-1/
[17] Amnesty International's policy on abortion: explanatory note, (Index: POL 30/2846/2020), 28 September 2020, https://www.amnesty.org/en/documents/pol30/2846/2020/en/; WHO, Abortion Care Guideline. See also Erdman JN, Cook RJ. Decriminalization of abortion - A human rights imperative, 2020; 62:11–24
[18] Amnesty International, Amnesty International's Policy on Abortion (Index: POL 30/2846/2020), 28 September 2020, (previously cited) section 2
[19] CEDAW, General Recommendation 24 (Article 12: Women and Health), UN Doc. A/54/38/Rev.1, chap. 1 (1999), para 11. See also UN Working Group on the issue of discrimination against women in law and in practice, Report (previously cited), para. 78.

of women and girls and people who can become pregnant seeking sexual and reproductive health information, goods, and services, are forms of gender-based violence and may also amount to torture and other ill-treatment.[20] Retaining criminal penalties for abortion in any circumstances can also perpetuate the stigma abortion seekers and providers experience, and make people more reluctant to seek and provider abortions, even when legal.

Andorra has ratified several human rights treaties that require it to decriminalize abortion and ensure women, girls and all people who can become pregnant can access safe abortion care. These include the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child.[21]

UN human rights treaty monitoring bodies have expressed concerns at the current Andorran abortion legal framework. In March 2026, in response to arguments of the Andorran authorities that provisions of the criminal code were not applied in practice, the HRC stressed that the mere existence of provisions in the criminal code criminalizing abortion could encourage women to undertake unsafe abortions, thereby putting their lives and health at risk.[22] In November 2019, the Committee on the Elimination of Discrimination against Women (CEDAW) already alerted that health-care providers and pregnancy counsellors could not freely provide information on abortion for fear of being prosecuted in Andorra.[23] The proposed bill fails to adequately respond to the UN treaty monitoring bodies' concerns.

ACCESS TO ABORTION SHOULD BE AVAILABLE, ACCESSIBLE, ACCEPTABLE AND OF GOOD QUALITY IN ANDORRA

Due to the current abortion ban in Andorra, women, girls and people who can become pregnant are compelled to travel abroad, -primarily to Spain and France, to access abortion care. According to official data from the Catalan Health Department, 146 women and girls from Andorra obtained an abortion in Catalan hospitals in 2025.[24] However, the actual number of people residing in Andorra and seeking abortion care in Spain is likely higher as these figures do not include abortions performed in other regions or those that are not registered. France is also a destination for abortion care, but publicly available data do not specify the country of residence for people receiving abortion care, making it difficult to determine the number of people travelling there from Andorra.[25]

In 2020, the government established the *Servei Integral d'Atenció a la Dona* (SIAD), a sexual and reproductive health centre that provides information and support, including regarding access to abortion care abroad. Between 2020 and 2025, the service registered more than 200 information requests. [26] While this initiative offers support to those seeking information, it does not change the fact that people who need an abortion must still leave Andorra to obtain it. The need to seek abortion care abroad entails costs, additional stress and might not be an option for women and girls from marginalized groups that face multiple and intersecting barriers, including women and girls with disabilities, LGBTIQ+ or younger people. The CEDAW has also alerted Andorra that women and girls without the means to travel outside the country to obtain an abortion - particularly women living in poverty, migrant women and girls - may be compelled to carry their pregnancies to full term or to resort to unsafe abortions, which may lead to severe mental pain and suffering.[27]

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[20] CEDAW, General Recommendation 35, (previously cited) para. 18 Committee Against Torture (CAT), Concluding Observations: Poland, 29 August 2019, CAT/C/POL/CO/7, paras. 33(d), 34(e); CAT, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, 7 June 2019, CAT/C/GBR/CO/6 paras. 46 and 47

[21] See Andorra ratification status: tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=4&Lang=EN (last acceded on 20 November 2026)

[22] HRC, Andorra Concluding Observations, CCPR/C/AND/CO/1, 27 March 2027, para 19

[23] CEDAW, Andorra Concluding Observations, CEDAW/C/AND/CO/2-3, 13 November 2019, para. 35 (e)

[24] https://www.diariandorra.ad/nacional/261014/hospitals-catalans-registren-146-avortaments-dones-d-andorra_206431.html

[25] https://exportingabortion.com/

[26] Diari d'Andorra, *"El servei integral d'atenció a la dona ha atès 203 casos des de l'any 2020",* 21 November 2025 https://www.diariandorra.ad/nacional/251122/servei-integral-d-atencio-dona-ates-203-casos-des-l-any-2020_184536.html (in Catalan)

[27] CEDAW Andorra, Concluding Observations, CEDAW/C/AND/CO/4, 13 November 2019, para 35 (c). See also Stop Violencies and others, *Andorra. Stakeholders Report for the United Nations Universal Periodic Review*, https://stopviolencies.com/wp-content/uploads/2025/08/Andorra-UPRENG_-VF.pdf and Amnesty International, *When rights aren't real for all: the struggle for abortion access in Europe*, EUR 01/0275/2025, 6 November 2025 (previously cited)

As the proposed bill does not allow access to abortion under any circumstances, its adoption would leave the current situation unchanged, requiring those seeking abortion care to continue travelling abroad. The bill ignores specific recommendations to Andorra made by CEDAW and the HRC to fully decriminalize abortion and provide effective access to abortion at least where the life and health of the pregnant women or girl is at risk, where the pregnancy is the result of rape or incest or the pregnancy is not viable.[28] Moreover, the Committee on the Rights of Child (CRC) has called on Andorra to decriminalize abortion and "ensure the access of adolescent girls to safe abortion and post-abortion care services within the State party, ensuring that their views are always heard and given due consideration as part of the decision-making process, and with a view to ensuring that no adolescent girl has to travel outside of the State party to gain access to reproductive health care".[29]

Rather than maintaining a legal framework that continues to deny access to abortion in Andorra, the Andorran Parliament should seize this opportunity to align its legislation with international human rights law and standards, including the obligation of the State to uphold the right to sexual and reproductive health. In this regard, the Committee on Economic, Social and Cultural Rights (CESRC) has stressed that preventing unsafe abortions requires States to liberalize restrictive abortion laws, guarantee access to safe abortion services and quality post-abortion care, including by training health-care providers, and to respect the right of women to make autonomous decisions about their sexual and reproductive health. [30]

The WHO also recognizes that decriminalization is a necessary first step toward ensuring access to safe abortion services and have encouraged the liberalization of restrictive abortion laws.[31] The WHO further stresses that access to abortion services should include the creation of an enabling legal and policy environment where abortion is available, accessible, acceptable and of good quality so people who can become pregnant do not have to take unnecessary risks to terminate their pregnancies.[32] Indeed, the parliament should take into account a growing understanding that incremental approaches where abortion is only permitted in some circumstances fails to protect the human rights of all women, girls, and pregnant people, and that abortion care should be treated like any other healthcare service in the country, delivered with respect for the dignity, autonomy and human rights of women, girls and people who can become pregnant.[33]

REPRODUCTIVE AUTONOMY, ABORTION STIGMA AND GENDER STEREOTYPES

Amnesty International is concerned that the criminal approach maintained in the government bill and the fact that women and girls will remain compelled to travel abroad reinforces abortion stigma. UN human rights bodies have increasingly drawn attention to states' obligations to address stigma in the context of abortion regulation and provision.[34] In addition, the WHO has stated that "abortion services should be integrated into the health system … to acknowledge their status as legitimate health services and to protect against stigmatization and discrimination of women and health-care providers."[35]

The wording of the bill and the explanatory note contain stigmatizing language that perpetuates gender stereotypes. Specific references to women as "subjects especially vulnerable"[36], description of abortion causing "double victimization derived both from the moral pain caused to the woman by having to have an abortion to resolve her conflict and from what the criminal sanction inflicts on her"[37] and the implicit assumption of abortion as a measure of last resort reflect paternalistic

[28] CEDAW Andorra, Concluding Observations, CEDAW/C/AND/CO/4, 13 November 2019, para. 36 (a) and HRC, Andorra Concluding Observations, CCPR/C/AND/CO/1, 27 March 2027, para 20
[29] CRC, Andorra, Concluding Observations, CRC/C/AND/CO/3-5, 17 October 2023, para 33 (b)
[30] CESCR, General Comment No. 22 on the right to sexual and reproductive health, E/C.12/GC/22. 2 May 2016, para 28.
[31] WHO, *Abortion Care Guideline*, Law & Policy. Recommendation 1 (previously cited)
[32] WHO, *Abortion Care Guideline*, Law & Policy. Recommendation 2, https://srhr.org/abortioncare/chapter-2/recommendations-relating-to-regulation-of-abortion-2-2/law-policy-recommendation-2-grounds-based-approaches-2-2-2/
[33] Amnesty International, Policy on Abortion: Explanatory Note (previously cited) p. 33 and Amnesty International's updated policy on abortion: A resource for medical providers, 1 February 2021, https://obgyn.onlinelibrary.wiley.com/doi/10.1002/ijgo.13634
[34] CEDAW Committee. Concluding Observations: Hungary, UN Doc. CEDAW/C/HUN/CO/7-8, 2013, para. 31. See also CESCR Committee. Concluding Observations: Slovakia, UN Doc. E/C.12/SVK/CO/3, 2019, para. 42(b).
[35] WHO, 'Safe abortion: Technical and policy guidance for health systems' (2nd ed., 2012), p. 64.
[36] Qualified bill amending article 117 of Law 18/2026, of July 15, qualified of the Penal Code, 30 October 2026 (previously cited)
[37] Qualified bill amending article 117 of Law 18/2026, of July 15, qualified of the Penal Code, Explanatory note, economic and gender perspective report, 28 October 2026, https://seu.consellgeneral.ad/documentPublic/download/3464

and harmful gender stereotypes that undermine women's autonomy and deny their agency. [38]Such references contravene the duty of the state to address gender stereotypes in the context of reproductive health care. [39]

Amnesty International stresses that there is growing consensus among UN human rights bodies and independent experts that if states wish to regulate abortion provision, it should be done in a way that does not undermine pregnant persons' reproductive autonomy and human rights but rather empowers women, girls and people who can become pregnant to make the best decisions for their health and lives.[40]

UN rights bodies and independent experts are positioning abortion access as fundamental to achieving gender equality and social and economic justice and critiquing abortion laws that restrict and undermine pregnant persons' rights to make autonomous decisions about their pregnancies. To this end, the UN Committee on Economic, Social and Cultural Rights -that monitors states' compliance with UN Covenant on Economic, Social and Cultural Rights- has explicitly identified increased access to abortion, as well as other sexual and reproductive health services, as part of states' obligation to "respect the right of women to make autonomous decisions" about their health.[41]

Finally, Amnesty International stresses that neither Andorra's constitutional arrangements nor the country's unique institutional framework formed by two co-Princes -President of France and a Catholic Bishop- cannot serve as a justification[42] for denying or restricting the rights of women and girls. UN treaty bodies have made clear that traditional, historical, religious, or cultural considerations cannot be used to justify violations of women's and girls' rights. [43]

CONCLUSIONS AND RECOMMENDATIONS

Access to abortion is a human right. It is essential to ensuring bodily and reproductive autonomy, enabling women, girls, and all people who can become pregnant to have control over their own lives, health, and futures. The proposed bill, which seeks to remove penalties for people seeking an abortion, while welcome, falls short of Andorra's international human rights obligations and recommendations of UN treaty bodies. Under the bill -if passed- abortion services would remain unavailable in Andorra and women, girls and people who can become pregnant would continue to be compelled to travel abroad to access the care they need and are entitled.

Therefore, Amnesty International urges members of the Parliament and the Andorran Government to take the opportunity of the introduction of the *Qualified Bill amending Article 117 of the Penal Code* to:

- Fully decriminalize abortion, including by removing 117 from the Criminal Code, in line with international human rights law and standards, recommendations of UN treaty bodies and the WHO Abortion Care Guideline.
- Ensure equal and universal access to abortion care without discrimination, including by providing abortion services within the public health system, delivered with respect for the dignity, autonomy and human rights of women, girls and all people who can become pregnant...
- Remove stigmatizing and gender-stereotyping language from any proposed legislation and include provisions to reduce and eradicate stigma around abortion, to ensure that women, girls and pregnant people can make informed and autonomous decisions in line with their life aspirations and fully enjoy their human rights.

Amnesty International also calls on the Andorran authorities to develop this legislation in a consultative manner, ensuring the meaningful participation of people and organizations affected by it, including people seeking and providing abortions, and civil society actors advocating for abortion rights, including abortion rights groups that provide reliable information and practical support to women, girls and people who can become pregnant healthcare providers, and groups from marginalized communities, such as migrant rights, LGBTIQ+ and disability rights groups.

[38] The bill argues that the proposed reform "allows emphasizing social and institutional responsibility, opening the way to an active public policy supporting pregnancy, parenting, and work-life balance".
[39] Centre for Reproductive Rights, Breaking Ground 2020-2024, 2024, https://reproductiverights.org/wp-content/uploads/2024/12/CRR_BreakingGround_2024_EN_FINAL.pdf, p.23
[40] HRC, General Comment No. 36, Article 6 (Right to Life), 2019, CCPR/C/GC/35, para. 8. See also HRC, Concluding Observations: Jordan, UN Doc. CCPR/C/JOR/CO/5, 2017, para. 21
[41] CESCR, General Comment No. 22 on the right to sexual and reproductive health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), 2016, E/C.12/GC/22., para 28
[42] CRC, Combined third to fifth periodic reports submitted by Andorra under article 44 of the Convention, CRC/C/AND/3-5, February 2021, paras 195-197
[43] HRC, General Comment 28, para. 5