ANDORRA

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Directorate General
Human Rights and Rule of law

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I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Functioning of justice

- Access to court

The right to constitutional appeal was extended to allow appeals without prior agreement of the public prosecutor.

Millan i Tornes (35052/97)

Final Resolution CM/ResDH(1999)721

- Reopening of judicial proceedings

The possibility to reopen domestic civil, criminal or administrative proceedings in order to give effect to the judgments of the European Court of Human Rights was introduced by law in 2014 (amended in 2016).

UTE Saur Vallnet (16047/10)

Final resolution CM/ResDH(2017)73

No punishment without law

In order to prevent ancillary penalties (such as professional prohibitions) being maintained beyond the duration of the original penalty in cases where subsequent legislative amendments lead to more lenient sanctions, the law today clearly indicates that ancillary penalties cannot exceed the duration of the principal penalty. The same tribunal that issued the judgment automatically reviews the penalty according to the principle of retroactivity of the most favourable legislation.

Gouarré Patte (33427/10)

Final Resolution CM/ResDH(2017)226

II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

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No cases pending before the Committee of Ministers

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