



## OPINION OF THE VENICE COMMISSION

# Europe calls for amending the Magna Carta to recognize the reasoner

He should also have more financial resources, immunity and access to confidential documents

The council admits that it is a «difficult» task, but necessary to align internationally

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The Council of Europe, through the Venice Commission, «seriously» recommends amending the Andorran Constitution so that the figure of the citizen's reasoner is recognized. A change that would mean «the guarantee of the institution's independence at the highest level» and would allow the mandate, election and resignation procedure to be collected. Also, the reasoner would have the power to challenge the constitutionality of laws and other rules before the Constitutional Court, an «indispensable» fact for the organization to issue a completely favorable opinion on Andorra. Although the Venice Commission «is aware that constitutional amendments are difficult to apply in the Principality», it asks that the measure must be taken into consideration if the country wants to align itself with international standards.

In this way, in the document passed Monday afternoon by Europe, of 19 pages and drafted by three members from Croatia, Sweden and Greece, it is pointed out that the modification of the Constitution must establish that the reasoner enjoys «an appropriate high degree, be endowed with sufficient financial resources and propose the institution's budget for the following year». It is also pointed out that the appointment and removal from office are better regulated in Andorran law, «facilitating superior majorities for their appointment and establishing clearer and more consistent procedures for removal». In this sense, it is considered that the reasoner should have «functional immunity», both during and after his mandate, in any action that encompasses his legal functions. Regarding the task of defending the interests of citizens, it is required that



► The citizen's reasoner, Marc Vila.

**Most of the cases** are related to housing, social benefits and labor issues

they have access to all relevant documents, «including confidential ones», as well as the possibility of access to «physical spaces of their interest», such as a detention. In this particular case – much more common in the surrounding countries than in Andorra – the counselor should be able to speak to a detainee without restrictions. Finally, the commission calls for «cooperation with civil society to be better regulated by law» and for «awareness of the institution's mandate and role» to be promoted.

All in all, and in general terms, those responsible for the evaluation - which was requested by the per-

manent representative to the Council of Europe, Joan Forner, on July 15th - recognized the «effort and will» of the Andorran authorities to «strengthen» the work of the reasoner and appealed to his recommendations to «identify the exact reforms» that must be undertaken for us to comply with the regulations and the criteria to become a member of the European Network of National Human Rights Institutions (NHRI, by its acronym in English).

It must be re-emembered that the «Constitution do's not recognize the citizen's reasoner, because while the Magna Carta was approved in 1993, this figure was born in 1998

## recommendations

- 1 The Constitution must establish that the reasoner enjoys an appropriate high degree, is endowed with financial resources and proposes the institution's budget.
- 2 The appointment and removal from office must be better regulated in Andorran law, with higher majorities than at present and clearer and more consistent procedures.
- 3 The reasoner must have «functional immunity», both during and after his mandate, in any action that encompasses his legal functions.
- 4 The reasoner must have access to relevant and confidential documents and physical spaces of his interest without limits, such as, for example, the detention of a person.
- 5 Cooperation with civil society must be better regulated by law and awareness of the mandate and role of the reasoner institution must be promoted.

through a specific law that, despite having undergone some modifications throughout the time, it has never been contemplated directly in the highest legislative body. Among its functions, it stands out the obligation to defend and protect the rights and freedoms recognized in the Constitution and to ensure compliance and defense of the rights recognized in the international agreements signed and ratified by the Principality, especially in cases of children and people with diversity functional. However, in recent years the consultations with the citizen ombudsman have focused almost exclusively on access to housing and abuses in rental prices, social benefits and different labor issues, especially linked to the CASS. ≡

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STATISTIC

# Electricity consumption increased by 0.3% in September

However, the global use of resources in equivalent tons of oil experiences a decline of 8.6%.

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Energy consumption in equivalent tons of oil (TOE) was 12,467.8 during the month of September, which represents a decrease of 8.6% compared to September of the previous year. In this sense, the groups with representative data that show positive variations compared to the same month in 2021 are propane, with 188%, and electricity, with 0.3%. On the other hand, the energy resources that show notable negative variations are: gasoline with 17.6% and diesel for locomotion with 12.1%, and domestic fuel oil with 3%.

Between the months of January and September there was an energy consumption in TEP of 143,145, that is to say, 12.1% more compared to the same period last year. Only domestic fuel shows a negative variation compared to the same interval in 2021, with 3.8% less. At the same time, there are significant positive variations in gasoline, with 21.2%, diesel, with 19.6%, and electricity, with 9.2%.

Regarding the data accumulated over the last 12 months, energy consumption was 201,877.4 TEP, which represents a positive percentage change of 16.7%. In the same line, the groups that show a considerable increase are gasoline, with 31.4%, diesel, with 26.1% and propane, with 25%, while electricity experienced a rise of 9.5% and domestic fuel of 2.5%.

On the other hand, according to the data provided by the Department of Statistics, the consumption of electrical energy during the month of September was 35,148.8 MWh. Of the sectors that show sig-



►► Photograph of the facade of the FEDA headquarters in Encamp.

**The industrial sector** is the economic area in which the increase stands out the most, which represents 16.9%

nificant positive variations, industries stand out, with 16.9%, hotels and restaurants, with 5.3%, and other distributors with 1.1%. With negative variations, stand out financial services, with 5.5% less, distribution, with 3.1%, and administration and domestic uses, both with 1.8% less compared to the same period of the previous year

Finally, it should be noted that

from January to September the Principality experienced a consumption of electrical energy of 393,857.8 MWh, that is to say, 9.2% more compared to the same months of 2021. The increases in consumption of energy in ski resorts, hotels and restaurants, industries and other distributors with 76.6%, 28.8%, 21.2% and 11.6% more respectively. ≡

## Up to 789 beneficiaries due to involuntary unemployment

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The number of requests for social benefits for involuntary unemployment registered in the Department of Social Affairs during 2021 was 684. Of the total, according to Statistics, 56.3% were resolved favorably (395), while the remaining 43.7% were declared unfavorable (299). Thus, the proportion of denied applications with respect to the total of those submitted has increased by 4.1% (1.7 points) in relation to 2020 (42%).

Going into detail, favorable requests during the past year were granted to a total of 336 households, 46 more than in 2020 (290,

**The proportion of total denied claims rises to around 4.1%**

+15.9%), with an average amount per household of 5,817.84 euros, 116.1% more if compared to the figures of two years ago. In this sense, the people who have benefited from this aid, including all the members of the household, have been 789. Regarding the type of housing that benefits from the aid, it should be noted that the majority are single-person homes (179) and next nuclear homes (84). ≡

# Requests for rental assistance increase by 22.3% in 2021

Most of the plaintiffs are Spanish and Andorran

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Demands for benefits to pay for housing rent submitted in 2021 have reached 1,778, which represents an increase of 22.3% compared to the previous year. Of these, according to Statistics data, 78.5% have been resolved favorably and the remain-

ing 21.5% unfavorably. The committed amount of benefits for the payment of housing rent in 2021 totaled 2,886,395.76 euros, while the average committed amount of this benefit was 2,069.10 euros per call and beneficiary.

Regarding the nationality of the applicants, Spanish and Andorran residents are the ones who have requested the most aid and represent 60.3% of the requests. It should be noted that around 25.2% of applications come from the group of

single-parent families. They are followed by the elderly, with 19% of requests, and young people, with 9.4%. Regarding the structure of applicant households, practically one in three requests (32.1%) comes from a household with one member. By parish, residents of Andorra la Vella applied for the majority of grants (37.4%). Regarding allocations by nationality, the beneficiaries were mainly Spaniards and Andorrans, with 61% of favorable resolutions. ≡



►► Archive image of a rental property.

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