



Communique Committee of Experts

Committee of Experts expresses its concern over the approval of the amendment to the Constitution of the Republic of Honduras that limits, among others, the rights of women, girls, and adolescents

Washington DC, January 25, 2021. The [Committee of Experts of the Follow-up Mechanism to the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women "Convention of Belém do Pará"](#) (MESECVI), expresses its concern about the constitutional modification approved on January 21st by the National Congress of Honduras to reform article 67 of the Constitution of the Republic.

Currently, the Constitution establishes in such article that "whom is about to be born will be considered born for everything that favors him within the limits established by the law."

If the amendment approved by Congress is ratified, the constitutional text would read as follows:

It is considered prohibited and illegal to practice any form of interruption of the life of the unborn, whose life must be always respected. The legal provisions that establish otherwise will be null and void. The provisions of this Article may only be amended by a majority of three-quarters of the members of the Plenary of the National Congress, its provisions will not lose force or cease to be fulfilled when it is supposedly repealed or modified by another constitutional provision. In case a new Constitution is approved, its provisions will be incorporated into it, unless the Constituent Assembly unanimously establishes otherwise.

In this regard, the Committee considers that this modification implies a violation of the general principle of non-retroactivity and progressiveness of human rights and that it entails a violation of international standards on the matter and of the right to reproductive health of women, adolescents, and girls.

In this sense, if this amendment is ratified today, the highest international standards on the matter would be contravened by denying the possibility of reforming laws and secondary regulations to ensure the access of women, adolescents, and girls to a life free of violence and the guarantee of the right to reproductive health.

In this regard, this Committee, as well as the Committee for the Elimination of Discrimination against Women (CEDAW) and the Office of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment of the United Nations, together with various international

organizations, regional and universal, have established that this type of prohibition generates irreparable consequences for women and may constitute a form of torture and ill-treatment by the State.¹

In this regard, the Committee requests the Honduran State to take the necessary measures to avoid the ratification of said regulations and thus comply with its international obligations regarding the human rights protection, ensuring the right of women to a life free of violence and discrimination.

The Committee of Experts is at the disposal of the State of Honduras to grant technical collaboration on this, or any other matter related to gender-based violence against women, adolescents, and girls.

The Committee of Experts is the technical body of the MESECVI, responsible for the analysis and evaluation of the implementation process of the Convention of Belém do Pará. It is composed by independent experts, appointed by each of the States Parties from among their nationals, who exercise their functions in a personal capacity.

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¹ See, for example, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, January 5, 2016, paragraph 43, available at: <https://www.acnur.org/fileadmin/Documentos/BDL/2016/10361.pdf>