



**Centro de Derechos de Mujeres and Human Rights Watch Submission
to the United Nations Committee on the Rights of the Child
Review of Honduras
97th Pre-Sessional Working Group
November 2023**

We write in advance of the 97th Pre-Sessional Working Group Session of the Committee on the Rights of the Child and its review of Honduras to highlight areas of concern regarding the government of Honduras' compliance with the Convention on the Rights of the Child. This submission addresses articles 3, 6, 24, 28 and 29 of the Convention and covers access to abortion and emergency contraceptives, and access to education.

Access to abortion and emergency contraception (articles 3, 6, 24, and 29)

Abortion remains illegal under all circumstances in Honduras, including when the life of the girl or the pregnant person is in danger and when the pregnancy is a result of sexual violence. Girls and pregnant people who undergo abortions, and those who provide them, face up to six years in prison. In January 2021, Congress passed a constitutional amendment increasing the majority needed to amend the provision banning abortion from two-thirds to three-quarters, complicating future reform. In March 2023, the newly appointed Supreme Court justices confirmed a previous ruling rejecting the argument that the ban is unconstitutional.¹

On March 8, 2023, President Xiomara Castro signed an executive order ending the country's ban on the use and sale of emergency contraception, a step forward in a country with a total ban on abortion.² Emergency contraception, or the "morning-after pill," is used to prevent pregnancy.

Also on March 8, Congress approved a law mandating comprehensive sexual education to help prevent teenage pregnancies. After backlash from conservative groups,³ President Castro vetoed the law.⁴

¹ "Una Corte Suprema de Justicia insensible a los derechos humanos de las mujeres somos muchas por la libertad y vida de las mujeres," Somos Muchas, 28 de agosto de 2023, <https://somosmuchas.hn/csj-honduras-aborto-recurso/> (accessed October 31, 2023)

² Honduras: Attack on Reproductive Rights, Marriage Equality," Human Rights Watch news release, January 23, 2021, <https://www.hrw.org/news/2021/01/23/honduras-attack-reproductive-rights-marriage-equality>; Tatiana Arias, "How lawmakers made it nearly impossible to legalize abortion in Honduras," CNN News, January 31, 2021. (accessed October 30, 2023).

³ "Así se arruinó en Honduras la posibilidad de tener una ley para proteger derechos de adolescentes," September 12, 2023, Expediente Público. <https://www.expedientepublico.org/asi-se-arruino-en-honduras-la-posibilidad-de-tener-una-ley/> (Accessed October 30, 2023).

⁴ Castro de Zelaya, Xiomara. (2023, July 29). Con la fórmula "VUELVA AL CONGRESO" veté esta Ley, por no cumplir su finalidad de ser integral y prevenir los embarazos en adolescentes de acuerdo a las razones expuestas en los fundamentos del veto.. Twitter. <https://twitter.com/XiomaraCastroZ/status/1685363148889485313?s=20> (Accessed October 30, 2023).

In Honduras, 56 percent of pregnancies between 2015 and 2019 were unintended.⁵ Unintended pregnancies can be caused by rape. In 2022, prosecutors received 2,944 reports of sexual violence against women and girls, a report by The Observatory of Women's Human Rights said.⁶ Based on this data, girls between the ages of 10 and 14 are the most impacted, representing 64 percent of cases of sexual violence.⁷

From January to December 2022, there were 2,359 cases of medical-legal assessments for reports of sexual assault, averaging 197 cases per month.⁸ Women and girls comprised 90 percent (2,122) of the cases. Notably, 65.9 percent of the survivors were between the ages of 10 and 19. Additionally, 57.5 percent of the survivors of sexual violence were between the ages of 5 and 14.

According to Honduran law, any sexual activity involving children under the age of 15 is considered abuse, and in most cases, the perpetrators are adult men, particularly relatives or acquaintances of the survivors.⁹ As a result of this form of violence, many girls become pregnant against their will. According to data from the Ministry of Health, there were 4,495 births among girls aged 10 to 14 and 123,115 births among those aged 15 to 19 between 2018 and 2022.¹⁰ In 2022 alone, 1,061 girls between the ages of 10 and 14 became mothers as a result of sexual violence.¹¹ This accounts for 4.5 percent of all births among adolescents.

Human Rights Watch research worldwide shows that criminalizing abortion not only undermines the ability of women and girls to access essential reproductive health services, but also exacerbates inequalities and discrimination.¹²

Human Rights Watch recommends that the Committee ask the government of Honduras:

- What measures are being taken to prevent and address unwanted pregnancies, particularly of girl survivors of sexual violence?
- What measures are being taken to decriminalize abortion and ensure that the health system is prepared to provide comprehensive care, including safe abortion care, without discrimination, stigma, or revictimization?
- What measures are being taken to ensure children access to comprehensive sexuality education?
- What measures are being taken to ensure children access to emergency contraception in Honduras, not only for survivors of sexual violence, but for everyone who requires it?

⁵ Human Rights Watch, Submission to the United Nations Committee on the Elimination of Discrimination Against Women: Review of Honduras, 83rd Session, September 2022.

https://www.hrw.org/sites/default/files/media_2022/09/HRW%20Submission%20to%20the%20Committee%20on%20the%20Elimination%20of%20Discrimination%20Against%20Women%20Review%20of%20Honduras.pdf (Accessed October 30, 2023).

⁶ Centro de Derechos de Mujeres (CDM), Observatorio de Derechos Humanos de las Mujeres, Unidad de Investigación Feminista, "Violencia contra las mujeres en Honduras 2022," March 2023, <https://derechosdelamujer.org/wp-content/uploads/2023/04/Boletin-violencia-2022-ODHM.pdf> (accessed October 30, 2023).

⁷ Ibid.

⁸ Observatorio de la Violencia, "Mortalidad y otros," No. 68 (August 2023), <https://iudpas.unah.edu.hn/dmsdocument/15168-boletin-nacional-ene-dic-2022-ed-68> (Accessed October 30, 2023)

⁹ Ibid., p. 11.

¹⁰ Ministry of Health, Health Statistics Department. Hospital Discharges for Childbirth in Girls. 2022.

¹¹ Ibid.

¹² Human Rights Watch Submission to the United Nations Committee on the Elimination of Discrimination Against Women, Review of Honduras, 83rd Session, September 2022.

https://www.hrw.org/sites/default/files/media_2022/09/HRW%20Submission%20to%20the%20Committee%20on%20the%20Elimination%20of%20Discrimination%20Against%20Women%20Review%20of%20Honduras.pdf (Accessed October 30, 2023).

- How is Honduras guaranteeing children access to comprehensive sexual and reproductive health information?

Human Rights Watch recommends that the Committee call on the government of Honduras to:

- Decriminalize abortion as a matter of urgency by removing all criminal penalties for abortion from the penal code.
- Strengthen medical services for women and girls who are survivors of sexual violence by ensuring medical personnel is qualified to deliver compassionate and non-stigmatizing care.
- Implement a mandatory comprehensive sexuality education curriculum in primary and secondary schools that complies with international standards and is scientifically accurate, rights-based, and age-appropriate.

Access to Education for LGBT Children (Article 28)

Discrimination and violence against lesbian, gay, bisexual, and transgender (LGBT) people are pervasive in Honduras. In 2020, Human Rights Watch released a report documenting abuses against Honduran LGBT people.¹³

Interviewees told Human Rights Watch that they had experienced bullying and discrimination in educational settings. This was especially true for those who were visibly gender non-conforming. They described being targeted by peers, teachers, and administrators. Some said they felt compelled to leave school as a result, reducing their opportunities in life and placing them on a path to heightened economic insecurity, particularly those who had no family support and had to leave home.

Anabel H., a trans woman from Tegucigalpa, said that from age 10, she stopped attending school halfway through every year because of bullying. In high school, she said her classmates threatened to rape her and threw water bottles at her. When she complained to the school director, she was told she should act like a boy if she did not want to be bothered.¹⁴

Human Rights Watch recommends that the Committee call on the government of Honduras to:

- Pass comprehensive civil non-discrimination legislation that explicitly includes sexual orientation and gender identity as protected classes and that covers sectors including, inter alia, education, employment, health, and housing.
- Adopt an anti-discrimination policy that requires all schools not to discriminate against students on the basis of sexual orientation, gender identity, or gender expression.
- Ensure that all curricula, including comprehensive sexuality education curricula, include and reinforce acceptance of sexual and gender diversity.
- Adopt an anti-bullying policy that requires all schools to take measures to prevent and respond to instances of bullying based on sexual orientation, gender identity and gender expression.
- Establish support services for young people, including both children and young adults, who are expelled from their homes for reasons related to their sexual orientation or gender identity, including shelter, counseling services, educational services, and job training.

¹³ Human Rights Watch, “Every Day I Live in Fear”: Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States (New York: Human Rights Watch, 2020), <https://www.hrw.org/report/2020/10/07/every-day-i-live-fear/violence-and-discrimination-against-lgbt-people-el-salvador>.

¹⁴ Human Rights Watch interview with A. H., Tegucigalpa, May 16, 2019.