



Communique Committee of Experts

Committee of Experts expresses concern over Bill that jeopardizes access to therapeutic abortion in Peru

Washington, DC, April 27th, 2023. The [Committee of Experts of the Follow-up Mechanism to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women](#) "Belém do Pará Convention" (MESECVI) expresses its concern over the approval by the Peruvian Congress of Bill 785, which threatens the access of Peruvian women and adolescent girls to therapeutic abortion. The Bill, which proposes to amend the Civil Code to state that life begins at the moment of conception, represents a step backward in terms of the State's obligation to guarantee women's human rights, including their sexual and reproductive rights.

On April 13, the Plenary of Congress approved Bill 785, which recognizes the right to life, health, moral and physical integrity, identity, and free development of the conceived child. As mentioned by the Peruvian Ombudsman's Office, as well as various civil society organizations, women's organizations, human rights defenders and representatives of academia, this Bill seriously compromises women's and adolescent girls' access to the healthcare services necessary to guarantee their sexual and reproductive rights, their personal integrity, and their life, among other rights that may be affected.

The Committee of Experts notes with concern that the provisions of the Bill are incompatible with the current legislation of the country that recognizes the right of women to therapeutic abortion and the use of emergency oral contraception. This legislation has been endorsed by decisions of both the Supreme Court and the Constitutional Court of the country.

Against this background, Bill 785 goes against the rights of women recognized by various international human rights treaties and instruments, including the Belém do Pará Convention, to which Peru is a State party.

The Committee of Experts recalls that the States Parties to the Belém do Pará Convention have the obligation to guarantee the full enjoyment of the rights to life, health and physical and mental integrity of all women, as well as to guarantee their sexual and reproductive rights.

Also relevant to this issue is Article 7.a of the same instrument, by way of which, States undertake to refrain from any action or practice of violence against women and to adopt, by all appropriate means and without delay, policies aimed at preventing, punishing and eradicating such violence.

Therefore, in its [Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights](#), the Committee of Experts recommends to States: "Eliminating laws from the legal system that perpetuate the exercise of violence against women, girls, and adolescents; guaranteeing that abusive and humiliating behaviours are not replicated in institutional settings and that health practitioners do not re-victimize or deny access to health services to women that need them; and ensuring access to reproductive health information, which is vital for women to exercise their reproductive autonomy and rights to health and physical integrity."

In this Declaration, the Committee recalls that "the denial of public policies and exclusive sexual and reproductive health services for women, through discriminatory norms, practices and stereotypes, constitutes a systematic violation of their human rights and subjects them to the institutional violence of the State, causing them physical and psychological suffering."

Finally, the Committee of Experts notes that initiatives such as the aforementioned Bill, set a dangerous precedent in terms of respecting and guaranteeing the sexual and reproductive rights of women in the region and go against the principle of progressivity of women's human rights, which seeks to advance in the recognized rights for women.

For all of the above reasons, the Committee of Experts makes an emphatic appeal to the Executive Branch of the Republic of Peru to ensure that the law in question is withdrawn and returned to Congress, thus avoiding its automatic enactment. The Committee also urges the representatives of the Legislative Branch to reject legislation that jeopardizes women's rights and, instead, to continue working to adopt laws and policies aimed at preventing, punishing and eradicating violence against women.

The Follow-up Mechanism to the Belém do Pará Convention, through its Committee of Experts, makes itself available to the authorities of the Republic of Peru for any technical support they may require in this matter.

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 made up of independent Experts, appointed by each of the States Parties from among their nationals, who perform their duties in a personal capacity.