

SOMOS MUCHAS HONDURAS: International Statement against the Proposed Reform of the Constitution (Article 67) on the “Absolute and Eternal Prohibition of Abortion”

Versión en español en éste vínculo: <http://bit.ly/HONA67ESP>

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On 10 January 2021, the Deputy for the National Party, Mario Pérez, presented a bill to the National Congress that would create a Constitutional “shield that makes it impossible to legalize the practice of abortion on the grounds that this practice is against human nature”.

In response, we the following international organizations, in support of all the girls, adolescents and women of Honduras, state the following:

I. The National Congress of the Republic of Honduras has the constitutional obligation to legislate within the institutional framework of the rule of law and with the guarantee of the full democratic rights and sovereignty of the Honduran people.

II. In addition to creating more obstacles to accessing legal and safe termination of pregnancy, the bill as presented includes a clause that would prevent future generations and a national constituent assembly from exercising the rights and powers of citizenship. In particular, this constitutional reform is intended to permanently deny women and girls the right to advocate for a procedure (abortion) that concerns and affects them exclusively.

III. We want to remind Señor Mario Pérez that, according to the judgments SCO-406-2013 of 28 June 2013, SCO-1343-2014 and 0243-2015 of 22 April 2015, and SCO-1165-2014 of 23 June 2017 of the Constitutional Chamber of the Supreme Court of Justice of Honduras – as well as Article 4 of the American Convention on Human Rights and the interpretations of Article 4 by the Inter-American Court – these judgments acquire juridical validity as a source of domestic law and have constitutional hierarchy since they are part of the so-called “constitutionality block”.

IV. We also want to remind him that any law, reform, regulation or judicial or administrative resolution cannot contravene recognized rights, particularly those recognized in international treaties such as the American Convention, since by virtue of Article 27 of the Vienna Convention on the Law of Treaties 1969, a State "may not invoke the provisions of its domestic law as justification for the breach of a treaty".

V. We call on the Honduran State to comply with its obligation to observe the legal and social standards established by international human rights law and to suspend a debate that is contrary to the exercise of citizenship by women.

VI. We demand that the National Congress of Honduras fulfil its responsibility to guarantee the enjoyment of justice, freedom, well-being and human dignity of women and girls in line with its global commitments to gender equality and human rights. We further demand that the National Congress of Honduras eliminates the practice of promoting bills based on moral arguments that ignore international standards. This would allow them to direct their decisions not towards the absurdity of comparing abortion with murder and of conceiving of women as mere instruments of procreation, but towards the effective protection of the health, lives and freedom of women and girls.

15 January 2021