



Honduras

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I. Protection of Prenatal Life in Honduras: a Token of Central America's Strong Pro-Life Identity

Both the Honduran Constitution and other national norms, recognize the rights of the unborn child, considering him as a human person and granting him the legal protection he deserves as such.

Article 67 of the Constitution of the Republic of Honduras establishes that “the one who is about to be born, shall be considered born for anything that favors him within the limits established by law”, recognizing the fundamental value of the unborn child’s life, his existence as a person and his patent state of defenselessness requiring special protection by the state.

Furthermore, the Constitution establishes that the right to life is inviolable and that this right belongs to all, without any distinction due to race, color, sex, religion, economic standing, health, or any other condition (article 60). Articles 61 and 65 also guarantee the inviolability of the right to life.

In addition, the Code of Childhood and Adolescence, in article 12 recognizes that the life of every person begins from the moment of conception: “Every human being has the right to life from the moment of its conception. The state will protect this right by means of the adoption of measures necessary to protect pregnancy, birth and later development of the person, so that they are carried out in conditions compatible with human dignity”. Also, article 13 establishes the obligation of the state to provide “specialized healthcare and, where necessary, food support for mother and child, in the prenatal, natal, and postnatal stage”.

For civil law purposes, like obtaining of a birth certificate or being the recipient of testamentary inheritance, article 51 of the Civil Code does not recognize the child as a legal person until birth.

However, for purposes of fundamental rights, like the right to life, the human being is recognized as a person from the moment of conception and abortion is penalized at any moment during pregnancy, according to the Code of Childhood

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and Adolescence and the current Criminal Code. In the same manner, the Criminal Code, in article 153, permits alimony for sexual assault victims and “the conceived” as a result thereof.

March 25 has been declared as the “Day of the Unborn Child” by Legislative Decree 267–2005. This holiday is celebrated every year in the National Congress.

There are reliable statistics by WHO regarding the fact that Honduras has reported a decrease of approximately 40% of its maternal mortality rate since 1990. This remarkable accomplishment from a public health perspective was achieved without legalizing abortion, as several international organizations recommended, but through an increase in the number of health professionals in rural areas, such as medical doctors (52%), skilled birth attendants and an overall greater availability of basic health services.²

The latter demonstrates that the greatest necessity in poor countries in the region regarding maternal health is for improvement of basic health services and obstetric care and not legalization of abortion. In addition, the fact that Honduras increased its penalty for abortion, removed legal exceptions permitting it, and granted greater legal protection for the unborn child illustrates that the existence of pro-life legislation is compatible with the reduction of high maternal mortality rates and may even contribute to the same, contrary to assertions by abortion lobbies that pro-life legislation increases maternal mortality.

A. Political and Legal Organization

The Republic of Honduras has existed as such since 1821. Its form of government is republican, democratic, and representative.³ It is exercised through three state powers: Legislative, Executive, and Judicial, complementary and independent and without relations of subordination.

The current Constitution dates back to January 1982. It establishes that the human person is the supreme end of society and of the state and the dignity of the human person is inviolable. In article 3 it establishes that family, marriage, motherhood and childhood are under the protection of the state.

The legislative process in the country takes place as follows:⁴

1. Legislative Initiative: congressmen and congresswomen, President, Secretaries of State (ministers), the Supreme Court and the National

2 The World Bank, *Reducing Maternal Mortality* 51–62 (Marjorie A. Koblinsky ed. 2003).

3 Honduran Constitution, Article 4

4 <http://www.congreso.gob.hn/proceso-legislativo/proceso-de-formacion-de-ley>

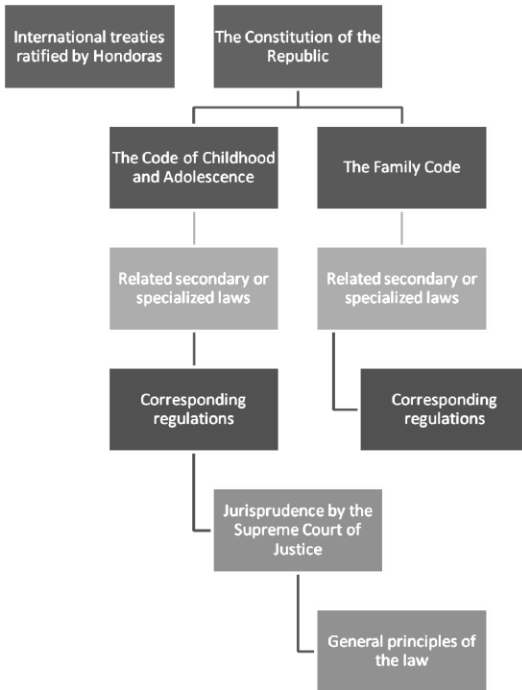


Electoral Tribunal (the latter, solely on matters of its jurisdiction) may propose legislation according to the Constitution.

2. Bills of Law include an exposition of the alleged need for the legislation and a draft Legislative Decree containing the proposed norm.
3. Once introduced, a Bill is delegated to a legislative commission.
4. If the bill involves the reform or derogation of articles contained in any Codes of the Republic, the commission needs to obtain an opinion from the Supreme Court of Justice prior to its approval.
5. The commission issues a recommendation on the approval of the proposed bill.
6. The bill is submitted for debate before Congress plenary.
7. The bill may be approved in 3 debates carried in the course of 3 different days, unless Congress votes in favor of approving the bill in a single debate.
8. When discussion is exhausted, Congress may approve the bill by simple majority rule (half plus one).
9. The Congress' president and secretaries issue a legislative decree approving the bill and submit it to the Executive branch for approval and promulgation within 3 days.
10. The President of the Republic can ratify the approved bill, return it to Congress for reconsideration or exercise his constitutional right to veto it.
11. The promulgation consists of publication in the official newspaper, La Gaceta, which renders a law effective and obligatory.

The hierarchy of Honduran law applicable to the unborn child can be illustrated as shown in the following Diagram.

The structure of the Judiciary in Honduras can be illustrated as shown in the next page:⁵

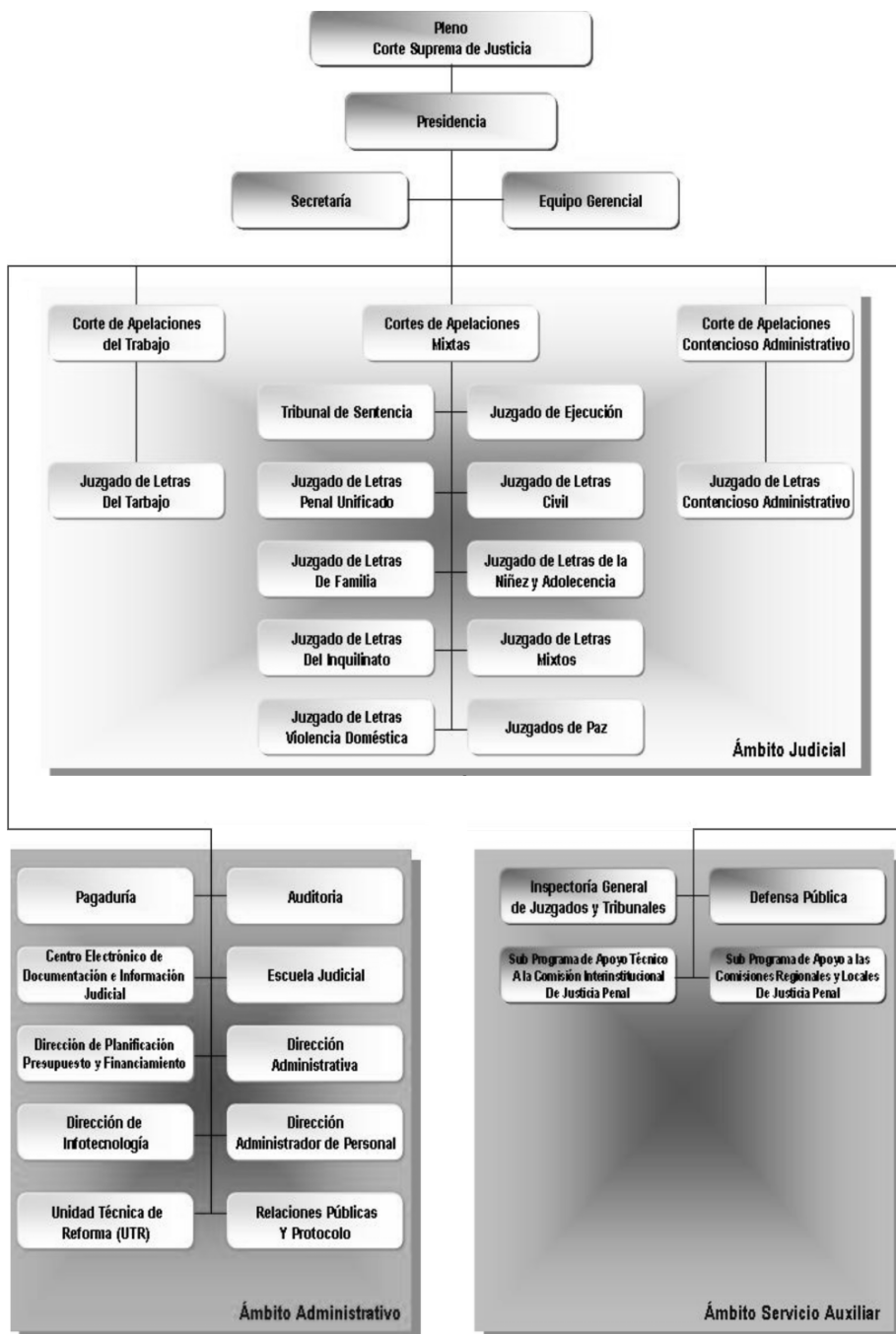


B. Legal Protection of the Unborn Child in National Laws and Honduran Declarations in International Conferences

Both the Honduran Constitution and other national norms, recognize the rights of the unborn child, considering him as a human person and granting him the legal protection he deserves as such.

Article 67 of the Constitution of the Republic of Honduras establishes that “the one who is about to be born, shall be considered born for anything that favors him within the limits established by law”, recognizing the fundamental

5 Source: <http://www.poderjudicial.gob.hn/>



value of the unborn child's life, his existence as a person and his patent state of defenselessness requiring special protection by the state.

Furthermore, the Constitution establishes that the right to life is inviolable and that this right belongs to all, without any distinction due to race, color, sex, religion, economic standing, health, or any other condition (article 60). Articles 61 and 65 also guarantee the inviolability of the right to life.

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For civil law purposes, like obtaining of a birth certificate or being the recipient of testamentary inheritance, article 51 of the Civil Code does not recognize the child as a legal person until birth.

However, for purposes of fundamental rights, like the right to life, the human being is recognized as a person from the moment of conception and abortion is penalized at any moment during pregnancy, according to the Code of Childhood and Adolescence and the current Criminal Code. In the same manner, the Criminal Code, in article 153, permits alimony for sexual assault victims and "the conceived" as a result thereof.

March 25 has been declared as the "Day of the Unborn Child" by Legislative Decree 267-2005. This holiday is celebrated every year in the National Congress.

In addition, various international instruments adopted by Honduras affirm the need to protect the life of the unborn child, such as the Convention on the Rights of the Child and the American Convention on Human Rights of 1969, which establishes in article 4, paragraph 1: "Every human has the right to have their life respected. This right shall be protected by the law, and in general, from the moment of conception. Nobody can be deprived of life arbitrarily".

Equally, the Declaration on the Rights of the Child, signed by Honduras, proclaims that childhood has rights to care and special assistance and "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth", which the Convention on the Rights of the Child, ratified by Honduras, reaffirms in its preamble.

At the international level, Honduras has had an active role in favor of life



and the family in the international conferences of Beijing and Cairo,⁶ where the Honduran delegation made specific declarations on the interpretation of words like “reproductive rights”, among others, affirming that in no case would it include abortion or interruption of pregnancy.

At the International Conference on Population and Development, held in Cairo, Egypt in 1994, the Representative from Honduras formulated a declaration expressing that by virtue of its national laws and the American Convention on Human Rights, it would accept “the concepts of ‘family planning, ‘sexual health’, ‘reproductive health’, ‘maternity without risk’, ‘regulation of fertility’, ‘reproductive rights’ and ‘sexual rights’, when those did not include abortion. Honduras does not accept these as arbitrary actions nor as regulation of fertility or as population control”.⁷

Equally, at the International Conference on Women, held in Beijing, China in 1995, the Honduran delegation declared that on the basis of its national laws protecting the unborn and on the basis of the American Convention on Human Rights, the government “reaffirms that every person has a right to life from the moment of conception, based on moral principles, ethics, religious principles, and cultural reasons that should govern humanity collectively. In this sense, Honduras shares concepts relative to reproductive health, sexual health, and family planning in the Platform of Action, always, and when it does not include abortion or abortion as a method of planning”.⁸

C. Full Abortion Ban and Criminalization of Abortion in Honduras

In Honduras, intentional and procured abortion is punishable under any circumstance. Currently, no legal exceptions to abortion exist in Honduran law.

The latest amendments to the Criminal Code of Honduras categorize abortion as a crime against life and bodily integrity, in the following words:

“Abortion is the death of a human being at any time during pregnancy or during birth.

Whoever intentionally causes an abortion shall be punished: 1) with three (3) to six (6) years imprisonment if the woman consented to it; 2)

6 Fourth World Conference on Women, Beijing, China (September 4–15, 1995) and International Conference on Population and Development, Cairo, Egypt (September, 1994).

7 Available at http://www.unfpa.org.py/download/pdf_cairo.pdf

8 See <http://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20S.pdf>

with six (6) to eight (8) years of imprisonment if the agent worked without the mother's consent and without using violence or intimidation; and 3) with eight (8) to ten (10) years of imprisonment if the agent used violence, intimidation, or deceit".⁹

Sanctions

Any individual, whether they are a health professional or not, can be subject to criminal responsibility for the crime of abortion, in accordance with article 126 of the Criminal Code. However, article 127 provides for additional civil penalties for health personnel who cooperate with an abortion: "The penalties referred to in the previous article will be imposed and a fine of fifteen thousand (L. 15,000.00) to thirty thousand Lempiras (L. 30,000.00)¹⁰ imposed upon the doctor who, abusing his profession causes or cooperates in an abortion. The same penalties shall apply to those who practice medicine, paramedics, nurses, or midwives who commit or participate in abortion".¹¹

Likewise the law provides for sanctions for the mother who aborts her unborn child. Article 128 of the Criminal Code establishes that "the woman who produces her abortion or consents for another to cause it will be sanctioned with 3 to 6 years imprisonment". The previous Code of 1985 established a lesser penalty: "the woman who produces or consents to her abortion will be penalized with 2 to 3 years imprisonment".¹²

The Criminal Code also punishes abortion that occurs as a result of other acts of violence against women. Article 132 indicates "whoever causes an abortion through acts of violence, even unintentionally, while being aware of the victim's state of pregnancy, will be sanctioned with 4 to 6 years imprisonment". The 1985 Code established a lesser penalty: "whomever causes an abortion through acts of violence, even if unintentionally, while knowing the victim's state of pregnancy, will be sanctioned with 1 to 2 years imprisonment."¹³

9 See article 126 of current Criminal Code, reformed through Decree 191-96 of October 31, 1996. The reforms were later published in the official journal *La Gaceta* on February 8, 1997 and became effective 20 days after its publication, on February 28, 1997.

10 The equivalent of around \$700 to \$1500 U.S. dollars.

11 Reformed through Decree 191-96 of October 31, 1996.

12 See article 128, Criminal Code of 1985, Decree n. 144-83. Available at http://www.oas.org/juridico/MLA/sp/hnd/sp_hnd-int-text-cp.pdf

13 See article 132, Criminal Code of 1985, Decree n. 144-83. Available at http://www.oas.org/juridico/MLA/sp/hnd/sp_hnd-int-text-cp.pdf



In addition, the new Criminal Procedure Code of Honduras, in article 25, stipulates that the crime may be subject to public prosecution, meaning without an individual's particular intervention through a complaint or lawsuit, the prosecutor's office may prosecute offenders at its own initiative.

However article 28 enables the prosecutor's office to place limits in prosecuting a crime when the applicable penalty does not exceed 5 years, public interest is minimally affected and the offender's level of dangerousness is minor, according to his or her background or personal circumstances. For this reason, the actual prosecution of voluntary abortion by law enforcement authorities has been relatively weak. Still, judicial discretion does not apply to all forms of abortion, since article 445 of the aforementioned code provides that crimes with penalties of over 5 years imprisonment are considered "serious", such as forced abortion.

Elimination of Exceptions to Legal Abortion

The last Criminal Code reforms, approved through decree number 191-96, eliminated a mitigating factor to criminal abortion known as *honoris causa* abortion, an antiquated disposition eliminated in the 1996 reform. The said article established that

"when a woman provokes her abortion or consents for another to cause it in order to hide her dishonor, she will be subject to 6 months to 1 year imprisonment".¹⁴

In addition derogated provisions in the former criminal code, articles 130 and 131, allowed for legal abortion in cases of rape, where the mother was mentally disabled or a minor under 15 years of age. It also allowed for therapeutic abortion and eugenic abortion, that is, the abortion aimed at "preventing the birth of a potentially defective being".¹⁵

14 See article 129, Criminal Code of 1985, Decree n. 144-83. Available at http://www.oas.org/juridico/MLA/sp/hnd/sp_hnd-int-text-cp.pdf

15 See article 130 (derogated): "The abortion practiced on a woman in order to eliminate, without her consent, the product of sexual assault, will be sanctioned with one to six years imprisonment. When performed with her husband or partner's consent, the consent of her parents or tutor when she was affected by mental illness or incomplete psychological development, all will be exempted from penalty.

Article 131 (derogated): "The abortion performed by a medical doctor with a woman's consent and the consent of the individuals mentioned in the previous article to save her life

However, those articles had never become effective because they were declared unconstitutional and derogated by the National Congress before their entry into force in 1985, during a period of *vacatio legis*, through decree number 13–85 of February 13, 1985, which stated:

“Given that article 130 and 131 of the Criminal Code that would become effective on March 13 of the current year are unconstitutional, because they flagrantly violate constitutional guarantees contained in articles 65, 67, and 68 of the Republic’s Constitution;

Given that the National Congress may, among others, create decree, interpret reform and derogate law;

Therefore

Decrees: Article 1– to derogate article 130 and 131 of the Criminal Code volume 2, specialized section, title 1, crimes against life and bodily integrity, chapter 2, abortion. Article 2– this decree will be published in the Official Journal “La Gaceta” and become effective on March 13, 1985”.¹⁶

Since then, all exceptions to criminal abortion were abolished in the Honduran Criminal Code, that is, all cases of legal abortion.

Subsidies

The State of Honduras does not subsidize induced abortion. For instance, the Social Security regulations provide in article 81 that

“no subsidies will be paid in cases of intentionally provoked abortion”.

Conscientious Objection

The Public Servants Code of Ethics, article 32, establishes a right to conscientious objection for public servants: “public servants are ensured an individual right to conscientious objection as a fundamental right, integral to

or to the benefit of her seriously affected state of health or threat to it caused by gestation, or that carried out to prevent the birth of a potentially defective being will not be penalized”.

¹⁶ Decree available at <http://www.angelfire.com/ca5/mas/HON/PEN/REF/r01.html>. Some of the constitutional articles that motivated the derogations of both articles were:

Article 65: “The right to life is inviolable”.

Article 68: “Everyone has a right to have his physical, psychic and moral integrity respected. No one shall be subject to torture nor cruel, inhumane or degrading treatment or penalty. [...]”



the right to freedom, respect for physical and moral integrity and the right to religious freedom”.

No such protections currently exist for employees in the private sector.

Pharmacological Abortion

The Ministry of Health initiated the “Emergency Contraception” Program in the year 2002, with the launching of the Handbook on regulations and procedures of integral healthcare for women. Chapter 6, specifically, denominated Regulations on “emergency contraception” is relevant here.

On April 2, 2009, the National Congress approved decree 54–2009, prohibiting the use of “emergency contraception” in the following terms:

“Article 1.– to forbid the promotion, use and any policy or program related to “emergency contraception”, as well as its distribution and sale in pharmacies, drugstores or through any other means.

Article 2. To forbid the dissemination of “emergency contraception” formulas through any means”.

However, former President Manuel Zelaya vetoed the legislative decree, returning it to the National Congress alleging its unconstitutionality. Honduran law provides that when the President’s veto to a legislative decree is given under reasons of unconstitutionality, the Supreme Court’s opinion must be heard before a new debate can begin in Congress. For that reason, the National Congress submitted decree 54–2009 to the Constitutional Chamber of the Supreme Court on May 20, 2009 for its verdict. Once the Chamber submits an opinion to the Congress plenary, the latter will debate it anew. Up to May 2011, the Constitutional Chamber had not yet issued an opinion on the matter.

Given the lack of response from the Supreme Court, the Health Minister, on October 24, 2009, issued Executive Agreement 2744 banning “emergency contraception” under the same terms as the legislative decree. The ban is thus effective in practice, but Congress awaits a final opinion from the Supreme Court.

D. Non-Governmental Organizations and Political Advocacy

The Catholic Church has strongly promoted the unborn child’s right to life for decades in Honduras.¹⁷ In 1984, the Honduran Bishops’ Conference issued a pastoral statement, where it supported the unborn child’s legal protection

17 Honduran Catholic Bishops Conference, Declaration on Abortion, January 19, 1974.

from abortion.¹⁸ In it, the Conference denounced the partial decriminalization of abortion in the 1985 Criminal Code, particularly its legalization of abortion where the mother's health or life is endangered, abortion where a congenital disease has been detected in the fetus, and abortion upon rape.

The Church condemned these exceptions and emphasized Church teaching in this regard. The Bishops explained that fetal disability or malformation was not a legitimate justification for abortion, since disabled children also enjoyed an inalienable right to life and possess equal dignity as human beings. Regarding "therapeutic abortion", they showed skepticism about the frequency of dramatic situations in which a choice between the fetus's or the mother's life must be made, given current advancements in modern medicine. They qualified medical or surgical interventions directed to intentionally terminate the child's life as "homicide". In addition, they condemned sexual assault as a sinful act, and expressed that the wrong perpetrated against the woman victimized by rape cannot be erased with a worse action.¹⁹

The Church's moral opposition had a significant influence on the adoption of the last reforms to the Criminal Code and the Code of Childhood and Adolescence, where former proposals favored clauses creating a pregnant young woman's right to abortion. These actions were based on article 67 of the Constitution, which establishes that the unborn will be considered born for everything that favors them within limits established by law.

As part of its life-promoting social activities, the Church provides a wide range of public health services, particularly in rural areas of the country. The Women's Ministry coordinates its work with the Health Ministry in providing medical consultations for mothers and children in rural communities, working with health personnel and health centers, emphasizing preventive medicine and community health (through the Health Ministry and the Health Vicariate of the Archdiocese). Other organizations affiliated to the Catholic Church work with women's and couples' sexual health, such as RENAFE-MOB, a center that instructs couples on natural regulation of fertility or Billings ovulation method, the Missionary Pontifical Works, the Aragua Clinic located in the village of Zambrano, which gives medical attention, health education and first aid drugs free of charge to women in the community.²⁰

18 Pastoral Declaration of the Honduran Catholic Bishops Conference on the Unborn's right to life, May 3, 1984.

19 Honduran Catholic Bishops Conference, Declaration on Abortion, January 19, 1974.

20 Ligia M. De Jesús, *La Iglesia Católica y los Derechos de la Mujer en Honduras* (The Catholic



Likewise, the Church's Social Ministry, Caritas, educates women of rural and marginal urban areas on cervical cancer prevention through periodic gynecological exams, on the importance of prenatal check-ups and natural methods of spacing pregnancies. In health centers, Caritas works in coordination with health care personnel, nurses and auxiliaries that help with patient care and statistics collection.

On the other hand, there are several non-governmental organizations, both national and international, that promote ideological agendas contrary to the natural family and the traditional values of Honduran people. Their efforts seek to achieve legalization of abortion, and other leftist causes, rejecting moral formation of children and adolescents.

One of their most recent initiatives was the surreptitious introduction of "emergency contraception" into the Honduran pharmaceutical market, promoted among adolescents and young women by the Health Ministry along with the Honduran Association for Family Planning (ASHONPLAFA), a national affiliate of the International Planned Parenthood Federation (IPPF) and Marie Stopes Honduras.

Another initiative has been the lobbying campaign currently directed by UNFPA and other pro-abortion NGOs in the National Congress in favor of the approval of the Optional Protocol to CEDAW. The Convention on the Eradication of Discrimination against Women (CEDAW) was ratified by Honduras through decree number 979 of July, 14 1980 by the military junta government at the time. The CEDAW Committee has exerted pressures over at least 58 nations, ordering them to legalize abortion according to the Convention, even though the treaty's text does not mention the word "abortion".

In August 2007, in the 14th round of ordinary sessions of the CEDAW committee in New York, where Honduras presented its report regarding compliance with the Convention, the CEDAW committee harshly criticized the country for its "pro-life laws", indicating to them that the total prohibition of abortion constituted "a crime".²¹ Commission member Silvia Pimentel argued that even though often times the reason that women look for an abortion is not because their life is in danger ("therapeutic abortion"), she didn't understand the position of Honduras in prohibiting abortion and "of putting the interests of a fetus above those of the woman"; she had to be reminded of the text of articles 65 and 67 in the Honduran

Church and Women's Rights in Honduras), Graduate program on Human Rights thesis, Universidad Nacional Autónoma de Honduras (2000).

21 News story available at http://www.c-fam.org/publications/id.525/pub_detail.asp

constitution. Another committee member, Heisoo Shin, a militant pro-abortion activist, indicated that women and girls were dying in Honduras “due to unsafe abortions”. She added that full abortion bans that prohibit abortion even in cases of rape or incest, or when pregnancy endangers a mother’s health allowed women to die, constituted a “crime that must be combated”.²²

Pro-life NGOs in Honduras

- Pro Life Committee of Honduras (Comité Pro Vida de Honduras), Tegucigalpa headquarters. President: Michelle Zacapa.
- Pro Life Committee of Honduras (Comité Pro Vida de Honduras), Comayagua headquarters. President: Marcela Alfaro-Stengel.

The Pro-life Committee of Honduras is a non-profit organization that defends human life from conception to natural death. It denounces abortion as contrary to the right to life and the dignity of the human person according to Catholic and Christian morals. The organization has carried out advocacy activities regarding Criminal Code reform, denouncing attempts to de-criminalize and accept abortion as a legitimate and legal practice. Its activities include education and promotion of the pro-life message in schools in urban and rural areas in Tegucigalpa, the capital city and in Comayagua, as well as in universities, credit union organizations, unions, law enforcement agencies, prisons, religious centers, and others through training courses, seminaries, conferences, congresses, informational stands, etc.

Pro Life also offers counseling and spiritual support for women with unwanted pregnancies or crisis pregnancies and provides assistance with material resources. Such assistance may include shelter, food, clothing or work, so that they may financially support their babies. Given that most women considering abortions are teenage mothers, minors who have been rejected by their families or boyfriends, and given social prejudices, they are offered shelter in a special home called “Donde María” where they stay both before and after pregnancy.

Pro Life also delivers at its offices and at public hospitals in the capital city baskets equipped with baby clothing, diapers and products for new mothers. On March 25 of every year, Pro Life publicly celebrates the day of the unborn child and holds a special Mass at the Cathedral Church, where special prayers are also offered for pregnant women and women who cannot become pregnant.

22 Ibid..



Pro-abortion NGOs in Honduras

- Women's Rights Center (Centro de Derechos de la Mujer, CDM)
- Marie Stopes Honduras
- Womens' Studies Center (Centro de Estudios de la Mujer – CEM–H) Studies and Actions for Development of Honduras (Centro de Estudios y Acción para el Desarrollo de Honduras, CESADEH)
- Young Women's Network, (Red de Mujeres Jóvenes, REDMUJ)
- Population Development Action (Acciones para el Desarrollo Poblacional, ADP)
- Adult Women's Network (Red de Mujeres Adultas, REDMUCR)
- University Women's Collective (Colectivo de Mujeres Universitarias, COFEMUN)
- Women's World March, Honduran National Committee
- Socialist Women's Movement, Las Lolos (Movimiento de Mujeres Socialistas, LAS LOLAS)
- Women's Population Commission (Comisión de Mujer Pobladora)
- Women's Convergence of Honduras (Convergencia de Mujeres de Honduras)
- Center for Prevention, Treatment and Rehabilitation of Tortured Victims (Centro de Prevención Tratamiento y Rehabilitación de Víctimas de la Tortura, CPTRT).

Unfortunately several international aid agencies, such as USAID, as well as UN agencies, such as UNFPA and PAHO (Pan American Health Organization), have also promoted the legalization of abortion in Honduras, both through political advocacy and development projects.

In addition, several national government agencies, such as the National Institute for Women (INAM), the Honduran Association for Family Planning, the Human Rights Defense Committee and the National Human Rights Commissioner, promote the recognition of abortion as a human right.

E. Statistics

Due to institutional fragility of the National Statistics Institute, there are no available official statistics on abortion in the country. The Pan American Health Organization (PAHO)²³ confirms the lack of available information.²⁴

23 Regional Office of the World Health Organization

24 PAHO, Regional Health Observatory, Country Statistics. Available at <http://new.paho.org/>

Nongovernmental pro-abortion lobbies have estimated high abortion rates in the country; however these have not been officially corroborated.²⁵ There are, however, reliable statistics by WHO regarding the fact that Honduras has reported a decrease of approximately 40% of its maternal mortality rate since 1990. This remarkable accomplishment from a public health perspective was achieved without legalizing abortion, as several international organizations recommended, but through an increase in the number of health professionals in rural areas, such as medical doctors (52%), skilled birth attendants and an overall greater availability of basic health services.²⁶

The latter demonstrates that the greatest necessity in poor countries in the region regarding maternal health is for improvement of basic health services and obstetric care and not legalization of abortion. In addition, the fact that Honduras increased its penalty for abortion, removed legal exceptions permitting it, and granted greater legal protection for the unborn child illustrates that the existence of pro-life legislation is compatible with the reduction of high maternal mortality rates and may even contribute to the same, contrary to assertions by abortion lobbies that pro-life legislation increases maternal mortality.

II. Reproductive Health Legislation

Sexual and Reproductive Health

Currently there is no reproductive health law in the country, in spite of several attempts by sexual and reproductive rights NGOs to get such legislation approved. There are, however, several reproductive health policies approved by the Executive:

- National Sexual and Reproductive Health Policy (financed by UNDP and directed by the Health Ministry):²⁷ the document diagnoses the sexual and reproductive health situation in Honduras in 2010 and establishes general guidelines and conceptual frameworks as well as sexual and

hq/index.php?option=com_content&task=blogcategory&id=2471&Itemid=2408

25 See CLADEM, Comparative study of legal regulation of abortion in Latin America and the Caribbean, September, 2009. Available at www.cladem.org

26 The World Bank, Reducing Maternal Mortality 51–62 (Marjorie A. Koblinsky ed. 2003).

27 National Policy on Sexual and Reproductive Health, General Bureau for Management of Population Risks, Department of Maternal/Child Health, National Commission for Healthy Motherhood (1999).



reproductive health principles. The said framework and principles emphasize family planning and information on human sexuality as well as maternal child health and the “prevention of abortion and treatment of its complications”.²⁸ It does not, however, contemplate abortion as a practice that should be legalized. The principles enumerated among their lines of action also indicate an emphasis on women’s health during labor, pregnancy, post-partum and integral health”.²⁹

- National Women’s Policy and II Gender Equality Plan (2010–2022), National Institute for Women, approved by the Health Ministry:³⁰ this long document essentially consists in a political agenda of the Honduran feminist movement, represented by the governmental institution known as the National Institute for Women (INAM). The document emphasizes the need to increase political participation quotas for feminists in government and decentralized agencies. It also stresses the importance of sexual and reproductive rights and refers to the existing abortion ban in the country’s criminal system as a threat to women’s security.³¹ Despite acknowledging that there are no current official statistics on abortion in the country, the document affirms voluntary abortion is the second largest cause of hospitalization after delivery since the 1980s, which they base on estimates by CLADEM, CDM and the Ministry of Health.³² The document establishes the promotion of sexual and reproductive rights as a strategic objective (policy number 6) through public information programs on responsible sexuality, including the promotion of the female condom and other contraceptives through the Health Secretariat.³³
- Maternal Child Health Policy (National Institute for Women): this document by INAM from the year 2002 mentions the main causes of maternal mortality in the country being uterine hemorrhage, hypertension disorders and sepsis during labor or post-partum, and do not mention abortion among the primary factors, perhaps because at the time, the maternal mortality argument was not proposed as a justification for legalization of abortion.³⁴

28 National Policy on Sexual and Reproductive Health at 17.

29 National Policy on Sexual and Reproductive Health at 24–26.

30 Approved by Executive Decree n. PCM-028-2010, La Gaceta journal, July 6, 2010.

31 *Id.* at 41.

32 *Id.*

33 *Id.* at 45

34 National Policy for Maternal/ Child Health, Social Bureau, Health Ministry at 10.

Among its main guidelines, it includes the goal of ensuring availability of contraceptives and applying a gender perspective to everything related to sexual and reproductive rights.³⁵ Ideologically neutral guidelines included in the document are the promotion of breastfeeding and skilled prenatal care, as well as care during labor and post-partum.

- Handbook on regulations and procedures on women's integral health (Health Ministry, 1999):³⁶ this handbook, approved through ministerial agreement number 0966 of April 13, 1999, was prepared by international organizations and the Population Counsel, an NGO that promotes population control. The handbook aims at giving general guidelines to healthcare personnel on women's reproductive health, in order to contribute to the reduction of maternal morbidity and mortality. The document contains typical rhetoric on reproductive rights commonly used by international organizations and reproductive rights NGOs. Throughout, the document also provides for other benign regulations on prenatal care, labor and post-partum care, as well as lactation among mothers.

The implementation of the above policies remains very weak in practice due to the lack of resources by the government agencies charged with their execution.

35 *Id.*, at 16– 18.

36 Health Ministry, Bureau of Population Risks, Department of Maternal/ Child Health, Women's care unit (technical assistance by PAHO/WHO, USAID and the Population Council), Handbook on Norms and Procedures of Integral Care for Women, Tegucigalpa, 1999.