

# Legal framework for protection of religious rights in Honduras

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# Statistics for religious affiliation

- CID-Gallup 2007 poll
  - 47% Roman Catholic (or 80%?)
  - 36% Evangelic Protestant
  - 17% Others or N/A
- Other religions: Episcopal, Lutheran, Jehova's Witnesses, Mennonite, Church of Jesus Christ of the Latter-Day Saints
- Small populations of muslims and jews. San Pedro Sula hasta 1 mosque and 1 synagogue, and Tegucigalpa has 1 synagogue

# Constitutional framework

- *Constitution of the Republic of Honduras:* The State is secular, and its elected members and high-ranking officers must have secular status (*see* arts. 198, 238, 249).
- Religious liberties in Honduras are fundamentally constitutional, there is no regulatory statutory framework.

# Constitutional text

**ARTICLE 70.-** Every Honduran has the right to do what does not harm another, and nobody is obligated to do what he is not legally prescribed to do, nor be prohibited from performing an act that the law does not prohibit.

**ARTICLE 77.-** Freedom of exercise of religion is guaranteed for all religions and forms of worship without any preeminence, as long as these do not contravene the laws and public order. Ministers of the different religions may not hold public office or engage in political propaganda, invoking religious motives or utilizing, as a means towards that end, the religious beliefs of the people.

# International treaties

The *Constitution* also guarantees the rights contained in:

- *Universal Declaration of Human Rights*:  
(see arts. 2, 18)
- *Interamerican Democratic Charter* (see art. 9) and the *Interamerican Convention of Human Rights* (see art. 12).

# Criminal law protecting freedom of religion

The *Penal Code* contains the following articles:

**“ARTICLE 210.-** Whosoever employs violence to compel another to perform a religious act or impedes another from participating in a ceremony of this type, shall be punished with reclusion of three months to one year.

**ARTICLE 211.-** The same punishment of the previous article shall apply to whosoever interrupts or hinders, without justified cause, the celebration of a religious ceremony or function, of any permitted denomination in the country.

**ARTICLE 212.-** Whosoever causes harm to objects destined for worship of the symbols of any legally permitted religion, or publicly vexes these denominations or their members because of their investiture, shall be incarcerated from three months to one year.

**ARTICLE 213.-** Whosoever violates burial grounds or funeral homes, or in any other grave form desecrates a human cadaver or its remains, shall be penalized with reclusion from six months to two years.”

# Municipal regulations protecting freedom of religion

In particular article 145 of the *Police and Social Harmony Law* sanctions:

“2) Whosoever does not hold the proper composure at a religious or cultural ceremony”

and article 148

“10) Whosoever places notices in temples, chapels, houses of prayer or any other place destined for worship, any invitations or adverse comments against the denomination, in favor of another denomination or Church.

# Legal recognition of religious organizations

- **“Civil associations”**: The law permits the legal existence of non profit groups, including foundations, NGOs, and religious organizations.
- **“Church”**: Recognition of legal existence as a Church is only granted by decree of the National Congress.

*None of the above forms is required*



# Civil associations

- Objective and enumerated requirements
- Automatic approval when compliant with requirements
- Possibility to obtain benefits when the purposes are philanthropic or public health-related
- Only for non-profit organizations, yet does not prohibit religious organizations

# Churches

- By decree of the National Congress
- Discretionary, not an established process
- Only two Churches have been recognized: the Roman Catholic Church and the Evangelical Confederation of Honduras
- In both cases it includes:
  - Recognition of internal processes
  - Tax exemptions
  - Exclusivity of the denomination

# Restricciones políticas

- Intención del legislador de separar la política y religión
- Prohibiciones
  - Que religiones sean partidos políticos
  - Qué líderes religiosos controlen partidos
  - Que se promuevan candidatos o partidos por motivos religiosos
  - Que se utilicen símbolos o lenguaje religioso en propaganda política
  - Que se fije propaganda o se hagan reuniones políticas en templos religiosos o cerca de templos religiosos

# Topics for discussion

- With respect to other religions
  - Holidays: e.g. Easter, Christmas
  - Official patron saints (Armed Forces, municipalities)
  - Catholic Chaplains for Armed Forces
  - Invocations to God
- Creation of the Ministry of Worship and other legal issues
- Politics of “Church” recognition