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# Honduras's Constitution of 1982 with Amendments through 2012

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Translated by Maria del Carmen Gress and Jefri J. Ruchti

- Source of constitutional authority
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- Preamble
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## Preamble

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We, the representatives elected by the sovereign will of the Honduran people, meeting in the National Constituent Assembly, invoking the protection of God and the example of our founding fathers, placing our faith in the restoration of the Central American union and faithfully interpreting the aspirations of the people who conferred upon us their mandate, hereby decree and sanction this Constitution so as to strengthen and perpetuate a rule of law which ensures a politically, economically and socially just society which affirms our nationality and establishes the conditions for the full realization of man as a human being, within a context of justice, liberty, security, stability, pluralism, peace, representative democracy and the common good.

## TITLE I. THE STATE

---

### CHAPTER I. THE ORGANIZATION OF THE STATE

- Type of government envisioned

#### Article 1

Honduras is a State of law, sovereign, constituted as a free, democratic and independent republic to ensure its inhabitants the enjoyment of justice, liberty, culture, and social and economic well-being.

#### Article 2

Sovereignty originates in the people, from whom stem all the powers of the State, which are exercised through representation.

The supplanting of popular sovereignty and the usurping of their constituted powers shall be considered crimes of treason against the fatherland. Responsibility in these cases shall be imprescriptible and an action may be initiated by the competent organ on its own motion or by petition of any citizen.

- Right to overthrow government

#### Article 3

No one owes allegiance to a usurping government nor to those who assume office or public service by force of arms or by using means or procedures which violate or ignore the provisions established by this Constitution and other laws. The acts adopted by such authorities are null. The people have the right to resort to insurrection in defense of the constitutional order.

- Judicial independence
- Claim of executive independence

#### Article 4

The government is republican, democratic and representative. It is composed of three branches: legislative, executive and judicial, which are complementary, independent, and not subordinate to each other.

Alternation in the exercise of the Presidency of the Republic is obligatory.

Violation of this provision constitutes a crime of treason against the fatherland.

- Referenda

#### Article 5

The government must sustain itself on the principles of participatory democracy, the self-determination of peoples and democratic participation, from which the national

integration derives, which implies participation of all political sectors in the Public Administration, political stability and social peace.

- Legislative initiatives by citizens

To strengthen democratic representation, the referendum, the plebiscite and the citizen initiative of law are instituted as mechanisms of citizen participation.

The referendum will be convoked concerning on Ordinary Law or an adopted constitutional norm or its reform for its ratification or [its] disapproval by the citizenry.

The plebiscite will be convoked by soliciting of the citizens a decision concerning constitutional, legislative or administrative issues, concerning which the Constituted Powers have not made a previous decision.

The referendum and the plebiscite may be realized at [the] national, regional, sub-regional, departmental and municipal level.

[The following] have initiative to solicit the referendum or the plebiscite:

1. At least two percent (2%) of the citizens inscribed in the National Electoral Census, in accordance with the datum that must be periodically provided by the Supreme Electoral Tribunal to the National Congress;
2. At least ten (10) Deputies of the National Congress; and
3. The President of the Republic by resolution of the Council of the Secretaries of State.

The National Congress must take cognizance of and discuss such petitions, and if it approves them, it must adopt a Decree which determines the limits of the consultation, [and] order the Supreme Electoral Tribunal, to order, to organize and to direct the consultation of the citizens.

The percentages for legislative approval of the citizens consultations are determined according to the subject to be consulted in accordance with this Constitution, by simple majority of the totality of its members when it concerns ordinary laws and matters, [and] the two-thirds part of the totality of its members when it refers to constitutional matters.

A Special Law adopted by the two-thirds part of the totality of the Deputies of the National Congress must determine the procedures, requirements and other aspects necessary for the exercise of the mechanisms of citizen participation.

It corresponds uniquely to the Supreme Electoral Tribunal to convoke, to organize and to direct the citizen consultations.

The citizen consultations must have precedence on the same date as the general elections.

- Compulsory voting

The exercise of suffrage in the citizen consultations is obligatory.

The result of the citizen consultations is of obligatory compliance if at the least fifty-one percent (51%) of the total of the participation in the last general elections agrees [to it]; and, if the affirmative vote obtains the majority of valid votes.

The Special Law must determine those having initiative to solicit the convocation to a citizen consultation when it is not of national level, as well as the percentage of participation necessary for it to be valid.

The Supreme Electoral Tribunal[,] once establishing the official result in the time that the Special Law specifies, must report [informar] to the National Congress in a time of ten (10) days concerning the result of the consultation. The National Congress must adopt a Decree ordering the implementation of the norms that result from the citizen consultation.

If the initiative submitted to consultation is adopted, the sanction will not be necessary nor [will the] veto of the Executive Power proceed[;] in consequence, the National Congress will order the publication of the norms adopted. The norms may only be abrogated or reformed through the same process as their adoption.

[A] consultation concerning the same subject may not be realized in the same nor in the following term [período] of Government.

- Official or national languages

## Article 6

The official language of Honduras is Spanish. The State shall protect its purity and increase its learning.

- National flag
- National anthem

## Article 7

The national symbols are: the flag, the coat of arms and the national anthem.

The law shall establish their characteristics and shall regulate their use.

- National capital

## Article 8

The cities of Tegucigalpa and Comayagua, jointly, constitute the capital of the Republic.

# CHAPTER II. THE TERRITORY

## Article 9

The territory of Honduras is situated between the Pacific and Atlantic Oceans and the republics of Guatemala, El Salvador and Nicaragua. Its boundaries with these republics are:

- International law

1. With the Republic of Guatemala, those established by the arbitral award issued in Washington, D.C., United States of America, on January 23, 1933.

2. With the Republic of Nicaragua, those established by the Mixed Honduran-Nicaraguan Boundary Commission, in 1900 and 1901, according to the description of the first section of the dividing line, contained in the second act of June 12, 1900, and in later acts, to Portillo de Teotecacinte, and from that place to the Atlantic Ocean, in accordance with the arbitral award handed down by His Majesty the King of Spain, Alfonso XIII, on December 23, 1906, and declared valid by the International Court of Justice on November 18, 1960.

- International law

3. With the Republic of El Salvador, those established in Articles 16 and 17 of the General Peace Treaty signed in Lima, Peru, on October 30, 1980, whose instruments of ratification were exchanged in Tegucigalpa, Central district, Honduras, on December 10, 1980. In the sections pending delimitation the provisions of the pertinent articles of the above-mentioned Treaty shall be applied.

## Article 10

The territories located on the mainland within its territorial limits, its inland waters and its islands, islets, and the cays in the Gulf of Fonseca which historically, geographically and legally belong to it, are part of Honduras. So are the Bay Islands, the Swan Islands, also known as Santanilla or Santillana, Viciosas, Misteriosas; and the cays Zapotillos, Cochinos, Vivorillos, Seal or Foca (or Becerro), Caratasca, Cajones or Hobbies, Mayores de Cabo Falso, Cocorocuma, Palo de Campeche, Los Bajos Pichones, Media Luna, Gorda and Los Bancos Salmedina, Providencia, De Coral, Cabo Falso, Rosalinda and Serranilla, and all others located in the Atlantic that historically, geographically and legally belong to it.

The Gulf of Fonseca may be put under a special regime.

## Article 11

The following also belong to the State of Honduras.

1. The territorial sea to a distance of twelve nautical miles, measured from the baseline of the lowest tide along the entire coast;
2. The zone contiguous to its territorial sea, which extends up to twenty-four nautical miles, measured from the baseline from which the breadth of the territorial sea is measured;
3. The exclusive economic zone, which extends up to a distance of two hundred nautical miles, measured from the baseline from which the breadth of the territorial sea is measured;
4. The continental shelf, which includes the bed and the subsoil of the submarine platform, which extends beyond its territorial sea and along the entire length of the natural extension of its territory to the outer limits of its continental border, or instead to a distance of two hundred nautical miles from the baseline from which the breadth of the territorial sea is measured in those cases in which the outer limits of the continental border does not reach that distance; and
5. Concerning the Pacific Ocean, the previous measures shall be taken from the line of the closure of the mouth of the Gulf of Fonseca, out to the high seas.

### Article 12

The State exercises sovereignty and jurisdiction over the air space, and the subsoil of its continental and insular territory, its territorial sea, its contiguous zone, its exclusive economic zone, and its continental shelf.

- International law

This declaration of sovereignty does not ignore similar legitimate rights of other states on a basis of reciprocity, and it neither affects the rights of free navigation of all nations, in accordance with international law, nor compliance with those treaties or conventions ratified by the Republic.

### Article 13

In those cases referred to in the preceding articles, the domain of the nation is inalienable and imprescriptible.

- International law

### Article 14

Foreign States may only acquire, in the territory of the Republic, on a basis of reciprocity, such real estate as may be necessary for the seat of their diplomatic mission, without prejudice to the provisions of international treaties.

## CHAPTER III. TREATIES

### Article 15

Honduras supports the principles and practices of international law, that promote the solidarity and self-determination of peoples, nonintervention and the strengthening of universal peace and democracy.

Honduras proclaims as inevitable the validity and obligatory execution of arbitral and judicial awards of an international character.

### Article 16

All international treaties must be approved by the National Congress before their ratification by the Executive Power.

International treaties entered into by Honduras with other States form part of the domestic law as soon as they enter into force.

- Customary international law
- International law
- Right to self determination
- Reference to fraternity/solidarity

- Legal status of treaties
- International law
- Treaty ratification

- Legal status of treaties
- International law

### Article 17

When an international treaty affects a constitutional provision, it must be approved through the same procedure that governs Constitutional reform before being ratified by the Executive Power.

- Legal status of treaties
- International law

### Article 18

In case of conflict between the treaty or convention, and the law, the former shall prevail.

- International law

### Article 19

No authority may enter into or ratify treaties or grant concessions that damage the territorial integrity, the sovereignty or the independence of the Republic.

Anyone who does so shall be tried for the crime of treason to the country. Responsibility in such a case is imprescriptible.

- International law
- Treaty ratification

### Article 20

Any treaty or convention entered into by the Executive Power, relating to the national territory, shall require approval by the National Congress by a vote of not less than three fourths of its members.

- International law
- International organizations

### Article 21

The Executive Power may, in matters of its exclusive competence, enter into, ratify or adhere to international conventions with foreign states or international organizations without the previous requirement of approval by congress, whom it must inform immediately.

## TITLE II. NATIONALITY AND CITIZENSHIP

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### CHAPTER I. HONDURANS

#### Article 22

Honduran nationality is acquired by birth or by naturalization.

- Requirements for birthright citizenship

#### Article 23

The following are Hondurans by birth:

1. Persons born within the national territory with the exception of the children of diplomatic agents;
2. Children born abroad of a Honduran father or mother by birth;
3. Persons born on board Honduran vessels or aircraft of war, and persons born on board merchant vessels while they are in Honduran territorial waters; and
4. Infants of unknown parents found in Honduran territory.

- Requirements for naturalization

#### Article 24

The following are Hondurans by naturalization:

1. Central Americans by birth who have resided in the country for one year;



2. Spaniards and Ibero-Americans by birth who have resided in the country two consecutive years;
3. All other foreigners who have resided in the country more than three consecutive years;
4. Foreigners who have obtained naturalization papers decreed by the National Congress for extraordinary services rendered to Honduras;
5. Immigrants forming part of selected groups brought in by the government for scientific, agricultural or industrial purposes, who after one year of residence in the country fulfill the requirements of law; and
6. Foreigners married to Hondurans by birth.

- International law

In the cases referred to in numbers 1, 2, 3, 5, and 6, the applicant must previously renounce his nationality and indicate his desire to obtain Honduran citizenship before the competent authority.

Where there exists a treaty on dual nationality, the Honduran seeking to obtain foreign nationality shall not lose his Honduran nationality.

Likewise, the foreigner shall not be required to renounce his nationality.

### **Article 25**

While he resides in the territory of Honduras, no Honduran by birth may invoke any other nationality.

### **Article 26**

No naturalized Honduran may hold official positions in representation of Honduras in his country of origin.

### **Article 27**

Neither marriage nor its dissolution shall affect the nationality of the spouses or their children.

- Conditions for revoking citizenship

### **Article 28**

No Honduran by birth may be deprived of their nationality. The right is conserved [by] the Hondurans by birth even when they acquire other nationality.

A Special Law denominated the Law on Nationality will regulate that relative to the exercise of the political rights and in all that is considered pertinent in this matter.

- Conditions for revoking citizenship

### **Article 29**

Honduran nationality by naturalization is lost:

1. By naturalization in [a] foreign country; and,
2. By the cancellation of the naturalization papers in accordance with the law.

## **CHAPTER II. FOREIGNERS**

### **Article 30**

Foreigners are bound to respect the authorities and obey the laws from the time they enter the territory of the republic.

### Article 31

In Honduras foreigners enjoy all of the civil rights of Hondurans with the restrictions as may be established by law for reasons of public policy, security, or national interest.

Foreigners are also subject to the same regular and special taxes of a general nature to which Hondurans are subject, in accordance with law.

### Article 32

Foreigners may not engage in political activities of a national or international character in the country, under penalty prescribed by law.

### Article 33

Foreigners may not file claims nor demand indemnity of any kind from the State, except in the manner and in the same cases in which Hondurans may do so.

They may not resort to diplomatic channels except in cases of denial of justice. For such purposes a decision that is unfavorable to the claimant is not to be taken as a denial of justice. Persons who contravene this provision shall lose their right to reside in the country.

### Article 34

Within the limits established by law, foreigners may only hold positions in teaching the sciences and the arts or render technical or advisory services to the State, when there are no Hondurans who can fill these positions or render such services.

### Article 35

Immigration shall be conditioned by the social, political, economic, and demographic interests of the country.

The law shall establish the requirements, quotas and conditions for the entrance of immigrants into the country, as well as the prohibitions, limitations and penalties to which foreigners shall be subject.

## CHAPTER III. CITIZENS

### Article 36

All Hondurans over eighteen years of age are citizens.

### Article 37

The following are rights of citizens:

1. To vote and be elected;
2. To be a candidate for public office;
3. To form political parties; to join or renounce membership from them; and
4. Those recognized by this Constitution and other laws.

Citizens on active duty in the Armed Forces and Security Forces may not vote, but may be elected to office in cases not prohibited by law.

### Article 38

Every Honduran is bound to defend his country, to respect the authorities and to contribute to the moral and material support of the nation.

- Requirements for birthright citizenship

- Claim of universal suffrage

- Right to form political parties

## Article 39

Every Honduran must be registered in the National Registry of Persons.

## Article 40

The following are duties of citizens:

- Duty to obey the constitution

1. To obey, defend, and observe compliance with the Constitution and the laws;
2. To obtain an identity card;
3. To exercise the right to vote;
4. To discharge the duties of popularly elected office, except when excused or upon resignation for just cause;
5. To render military service; and
6. All other duties required by this Constitution and the laws.

- Duty to serve in the military

## Article 41

Citizenship is suspended for the following reasons:

1. By commitment to jail decreed for a felony;
2. By final conviction imposed for a crime; and
3. By incompetency judicially decreed.

- Conditions for revoking citizenship

## Article 42

Citizenship is lost:

1. For rendering service in time of war to enemies of Honduras or their allies;
2. For aiding, against the State of Honduras, a foreigner or foreign government in any diplomatic claim or before an international tribunal;
3. For holding employment of a military or political character for a foreign nation, without permission of the national Congress;
4. For restricting the right to vote, falsifying electoral documents, or using fraudulent means to defeat the popular will;
5. For inciting, promoting, or abetting the continuation in office or the reelection of the President of the Republic; and
6. In the case of naturalized Hondurans, for residing outside the country for more than two consecutive years without prior authorization by the Executive Power.

In the cases referred to by numbers (1) and (2), the declaration of the loss of citizenship shall be made by the national Congress on the detailed record prepared for such a case. For numbers (3) and (6), the declaration shall be made by the Executive Power through a governmental resolution, and for cases (4) and (5) the declaration shall also be made by a governmental resolution, based on a prior conviction by a competent court.

## Article 43

Citizenship is restored:

1. By confirmed dismissal of the charges;
2. By final judgment of acquittal;

3. By amnesty or by pardon; and

4. By serving the sentence.

## CHAPTER IV. SUFFRAGE AND POLITICAL PARTIES

### Article 44

Suffrage is a right and a public duty.

Voting shall be universal, obligatory, egalitarian, direct, free and secret.

### Article 45

Every act whereby participation by a citizen in the political life of the nation is prohibited or limited is declared punishable.

### Article 46

The system of proportional or majority representation in those cases determined by law shall be adopted to declare elected for service those candidates chosen by popular election.

### Article 47

Legally registered political parties are institutions under public law, whose existence and free functioning are guaranteed by this Constitution and the law, in order to achieve the effective political participation of the citizens.

### Article 48

Attempts against the republican, democratic and representative system of government by political parties is prohibited.

### Article 49

The State shall contribute to financing the outlays of the political parties, in accordance with the law.

### Article 50

Political parties may not receive contributions or subsidies from foreign governments, organizations, or institutions.

## CHAPTER V. ELECTORAL FUNCTION

### Article 51

There will be a Supreme Electoral Tribunal, autonomous and independent, with juridical personality, with jurisdiction and competence in all the Republic, whose organization and functioning will be established by this Constitution and the Law, which will equally establish that relative to the other electoral organisms, for everything relative to the electoral acts and procedures.

The law that regulates electoral matters, may only be reformed or abrogated by the qualified majority of two-thirds of [the] votes of the totality of the members of the National Congress, which must solicit the prior resolution of the Supreme Electoral Tribunal, when the initiative does not derive from it.

- Compulsory voting
- Secret ballot
- Claim of universal suffrage

- Prohibited political parties

- Campaign financing
- Restrictions on political parties

- Restrictions on political parties

- Electoral court powers

## Article 52

- Electoral court selection
- Minimum age of electoral court judges
- Eligibility for electoral court judges

The Supreme Electoral Tribunal will be composed of three (3) Titular Magistrates and one (1) Substitute, elected by the affirmative vote of two-thirds of [the] votes of the totality of the members of the National Congress for a term of five (5) years [and] they may be reelected.

To be a Magistrate of the Supreme Electoral Tribunal [it] is required to be Honduran by birth, greater than twenty-five (25) years [of age], of recognized honorability and suitability for the office and to be in full exercise of one's civil rights.

[The following] may not be elected Magistrates of the Supreme Electoral Tribunal:

1. Those who have disabilities to be Magistrates of the Supreme Court of Justice;
2. Those who are appointed to occupy or [already] exercise offices of popular election; and,
3. Those who are exercising directive responsibilities in the legally inscribed political parties.

The Magistrates of the Supreme Electoral Tribunal may not realize or participate[,] in a direct or indirect manner[,] in any partisan political activity, except to emit their vote [on] the day of the elections, nor exercise any other remunerated office, except teaching.

- Electoral court term length

## Article 53

The Titular Magistrates of the Supreme Electoral Tribunal will elect from among them the President in a rotational form for a period of one (1) year[,] who may be reelected.

## Article 54

The National Registry of Persons is an Autonomous Institution with juridical, technical and independent personality[:]; it has its seat in the capital of the Republic and authority in the national territory.

One (1) Director and two (2) Sub-Directors that will be elected for a term of five (5) years by the affirmative vote of two-thirds of the totality of the Deputies of the National Congress, will administrate it.

[They] must possess a university degree, the highest technical and moral qualifications and will be subject to the same requirements and disabilities that the Constitution of the Republic establishes to be a Magistrate of the Supreme Electoral Tribunal.

- Census

## Article 55

The National Registry of Persons[,] in addition to the functions that the law specifies to it, will be the organ responsible for the Civil Registry, of issuing the card of unique identity to all Hondurans and of providing permanently, in an opportune manner and without cost, to the Supreme Electoral Tribunal, all the information necessary so that it may draw up the National Electoral Census.

- Census

## Article 56

The National Electoral Census is public, permanent, and unalterable. The registration of citizens, as well as modifications due to death, change of address, suspension, loss or restoration of citizenship, shall be made within the time and by the methods established by law.

## Article 57

Criminal action for electoral offenses established by law is a public right and prescribes in four years.

## Article 58

Electoral offenses and misdemeanors shall be tried in the regular courts, in accordance with ordinary law, without privileged status.

# TITLE III. DECLARATIONS, RIGHTS, AND GUARANTEES

---

## CHAPTER I. DECLARATIONS

- Inalienable rights

### Article 59

The human person is the supreme end [fin] of society and of the State. All have the obligation to respect it and protect it.

- Human dignity

The dignity of the human being is inviolable.

To guarantee the rights and freedoms recognized in this Constitution, the Institution of the National Commissioner of Human Rights is created.

- Human rights commission

The organization, prerogatives and attributions of the National Commissioner of Human Rights will be the object of a special law.

- General guarantee of equality

### Article 60

All men are born free and equal before the law. There are no privileged classes in Honduras. All Hondurans are equal before the law.

- Mentions of social class

- Equality regardless of gender
- Equality regardless of race
- Equality regardless of social status

All forms of discrimination on account of sex, race, class, or any other reason prejudicial to human dignity shall be punishable.

The law shall establish the crimes and penalties for violators of this provision.

- Inalienable rights

### Article 61

The Constitution guarantees to all Hondurans and to foreigners residing in the country the right to the inviolability of life, and to individual safety, freedom, equality before the law, and property.

### Article 62

The rights of every man are limited by the rights of all others, by collective security, and by the just demands of the general welfare and democratic development.

### Article 63

The declarations, rights and guarantees enumerated in this Constitution shall not be construed as a denial of other declarations, rights and guarantees not specified that spring from the national sovereignty, from the democratic and representative form of government, and from the dignity of man.

### Article 64

Laws and governmental provisions or any other provisions that regulate the exercise of declarations, rights and guarantees recognized by this Constitution shall not be enforced if they diminish, restrict, or evade such rights and guarantees.

## CHAPTER II. INDIVIDUAL RIGHTS

- Right to life

### Article 65

The right to life is inviolable.

- Prohibition of capital punishment

### Article 66

The death penalty is abolished.

### Article 67

The unborn shall be considered as born for all rights accorded within the limits established by law.

- Prohibition of torture
- Prohibition of cruel treatment

### Article 68

Every person has the right to have his physical, mental, and moral integrity respected.

No one shall be subjected to torture, or to cruel, inhuman, or degrading punishment or treatment.

Every person deprived of his liberty shall be treated with respect for the inherent dignity of the human person.

- Inalienable rights

### Article 69

Personal freedom is inviolable and may be restricted or temporarily suspended only according to law.

### Article 70

All Hondurans have the right to do that which is not harmful to others; likewise, no one shall be obliged to do that which is not legally prescribed nor shall be prevented from doing that which the law does not prohibited.

No one may take justice into his own hands, nor exercise violence to claim his rights.

No personal service may be exacted, nor must it be rendered gratuitously, except by virtue of the law or by a sentence based on the law.

### Article 71

No one may be detained nor held incommunicado for longer than twenty-four hours, without being placed at the disposal of the competent authorities for trial.

Judicial detention for investigation may not exceed six days from the moment of such detention.

- Freedom of expression
- Freedom of press

### Article 72

Expression of thought shall be free, and may be expressed through any means of dissemination, without prior censorship. Those who abuse this right, and those who by direct or indirect methods restrict or limit the communication and circulation of ideas and opinions shall be liable before the law.

- Television
- Freedom of press
- Telecommunications
- Radio

### Article 73

Printing shops, radio broadcasting, television stations, and any other means of broadcast and dissemination of information, as well as their machinery and equipment, may not be seized or confiscated nor may their work be closed down or interrupted by reason of an offense or misdemeanor relating to the dissemination of thoughts and

ideas, without prejudice to the liabilities incurred by these reasons in accordance with the law.

No enterprise for the dissemination of thought may receive subsidies from foreign government or political parties. the law shall establish the penalty for violations of this provision.

The control of newspapers, of radio, and television newscasts, and the intellectual, political and administrative interpretation thereof shall be exercised exclusively by Hondurans by birth.

- Freedom of opinion/thought/conscience
- Freedom of expression

## Article 74

The right to freedom of thought and expression may not be restricted by indirect means, such as the abuse of government or private controls over news-print, radio broadcasting frequencies, or equipment used in the dissemination of information.

- Freedom of press

## Article 75

The law which regulates the expression of thought, may establish prior censorship to protect the ethical and cultural values of the society, as well as the rights of persons, especially those of childhood, adolescence and youth.

The commercial advertising of alcoholic beverages and tobacco consumption shall be regulated by law.

- Right to privacy

## Article 76

The right to honor, to personal privacy, to a family, and to one's dignity is guaranteed.

- Separation of church and state

## Article 77

The free exercise of all religions and cults is guaranteed without predominance, provided they do not violate the law and public policy.

Ministers of the various religions may not hold public office or engage in any form of political propaganda, invoking religious motives or, as a means to such end, thus taking advantage of the religious beliefs of the people.

- Freedom of association
- Freedom of assembly

## Article 78

Freedom of association and assembly is guaranteed provided its exercise is not contrary to the public policy or to public morals.

## Article 79

Everyone has the right of peaceful assembly, without arms, in a public demonstration or temporary assembly, in connection with their common interests of whatever nature, without the need of notice or special permission.

Outdoor meetings and those of a political nature may be subject to a system of special permission, with the sole purpose of ensuring public order.

- Right of petition

## Article 80

Every person or association of persons has the right to present petitions to the authorities, for reasons of either private or general interest, and to obtain a prompt reply within the time allowed by law.

- Freedom of movement

## Article 81

Every person has the right to move freely within the national territory, as well as leave, enter and remain in it.



No one may be compelled to change his domicile or residence, except in special cases and in accordance with law.

- Inalienable rights

## Article 82

The right of defense is inviolable.

The inhabitants of the Republic have free access to the courts to bring actions in accordance with law.

- Privileges for juveniles in criminal process
- Right to counsel

## Article 83

The State shall appoint counsel to defend indigents and to protect the persons and interests of minors and other incompetents. They shall give legal assistance to them and represent them judicially in defense of their personal liberty and other rights.

## Article 84

No one may be arrested or detained except by virtue of a warrant from a competent authority, issued in accordance with the legal formalities and for reasons previously established by law.

Notwithstanding, a person in flagrante delicto may be apprehended by anyone, for the sole purpose of being handed over to the authority.

The detainee must be informed upon arrest and with total clarity of his rights and the charges against him; furthermore, the authorities must permit him to report his detention to a relative or to a person of his choice.

## Article 85

No one may be detained or imprisoned in places other than those established by law.

## Article 86

Accused persons subject to criminal prosecution shall, while in detention, have the right to be segregated from convicted persons.

## Article 87

Prisons are establishments for the security and protection of society. They shall be used in an effort to bring about the social rehabilitation of prisoners, and their training for work.

- Protection from self-incrimination
- Regulation of evidence collection

## Article 88

Duress or coercion of any type to obtain confessions, are absolutely forbidden.

No one may be compelled, in criminal, correctional or police matters, to testify against himself, his spouse or household companion, nor against his relatives within the fourth degree of consanguinity or second degree of affinity.

Testimony given only in the presence of competent judge shall be valid evidence.

Testimony obtained in violation of any of these principles shall be null, and those responsible shall incur the penalties established by law.

- Presumption of innocence in trials

## Article 89

Every person shall be presumed innocent so long as his guilt has not been proven according to law.

## Article 90

No person may be tried except by a competent judge or tribunal, in accordance with the law and the formalities, rights and guarantees established thereby.

- Establishment of military courts

Military jurisdiction is recognized for offenses and wrongdoings of a military nature. Military courts may in no case extend their jurisdiction to persons who are not on active duty with the armed forces.

## Article 91

If an offense or wrongdoing of a military nature involves a civilian or a discharged soldier, the case shall be tried by the competent authority of the regular justice.

## Article 92

No formal charges shall be brought except when sustained upon convincing evidence that a crime or mere offense punishable by deprivation of liberty has been committed, and without reasonable indication of who the perpetrator is.

Arraignments shall be made in the same manner.

- Right to pre-trial release

## Article 93

No one may be committed to jail, even by a bill of indictment, nor detained therein, if he furnished sufficient bail in accordance with law.

## Article 94

No one may be punished without having been heard and convicted in a trial, and without final sentence imposed by a judge or competent authority.

In cases of contempt of court, and other measures of a similar nature in civil or labor matters, as in cases involving fines or police arrest, the defendant shall always be heard.

- Principle of no punishment without law
- Prohibition of double jeopardy

## Article 95

No one shall be punished with penalty not previously established by law, nor be tried a second time for the same punishable acts for which a previous trial was held.

- Protection from ex post facto laws

## Article 96

No law has retroactive effect, except in criminal matters when the new law favors the defendant.

- Prohibition of cruel treatment

## Article 97

No one will be condemned to infamous, proscriptive or confiscatory penalties.

The penalty of deprivation of liberty in perpetuity is established. The penal law will determine its application for those crimes[,] by commission of which grave, offensive and degrading circumstances occur, which by their impact cause commotion, rejection, indignation and repugnancy in the national community.

The penalties of deprivation of liberty for simple crimes and [those] accumulated for several crimes[,] will be established in the Penal Law.

- Rights of debtors

## Article 98

No person may be detained, arrested or imprisoned for debts or obligations which do not arise from crimes or offenses.

- Inalienable rights
- Regulation of evidence collection

## Article 99

The home is inviolable. No entrance or search may be made without the consent of the occupant or without order from a competent authority. Nevertheless, it may be searched, in case of urgency, to prevent the commission or impunity crimes, or to avoid grave injury to persons or damage to property.

Except in cases of urgency, search of the home may not take place between seven o'clock in the evening and six o'clock in the morning, without incurring responsibility.

The law shall determine the requirements and formalities regarding the manner in which the entrance, inspection or search may be carried out, as well as the responsibilities that may be incurred by the authority carrying it out.

- Right to privacy

## Article 100

Every person has the right to the inviolability and privacy of correspondence, specifically mail, telegrams and telephone conversations, except by judicial order.

Books and documents of merchants and their private papers shall be subject only to inspection and supervision by the competent authorities, in accordance with law.

The correspondence, books and documents referred to in this article that are violated or seized shall not serve as evidence in a trial.

In any case, the secrecy of private matters which have no bearing on the matter of the action taken shall be maintained.

- Protection of stateless persons

## Article 101

Honduras recognizes the right of asylum in the form and conditions established by law.

When asylum is revoked or denied in accordance with the law, in no case shall the political refugee or asylee be returned to the territory of the State that may claim him.

- Extradition procedure

The State shall not authorize the extradition of persons accused of committing political crimes or related common offenses.

- Extradition procedure

## Article 102

No Honduran may be expatriated or delivered to the authorities of a Foreign State.

The cases related to crimes of Trafficking in Narcotics in any of its typologies, Terrorism and any other illegal act of Organized Criminality and when [a] Treaty or Agreement of Extradition exists with the soliciting country[,] are excepted from this provision.

In no case may a Honduran be extradited for political crimes and connected common [crimes].

- International law
- Terrorism

- Right to own property

## Article 103

The State recognizes, guarantees, and promotes the existence of private property in its broadest concept as a social function and without further limitations than those established by law for reasons of necessity or public interest.

- Right to own property

## Article 104

The right to ownership shall not prejudice the right of eminent domain of the State.

## Article 105

Confiscation of property is prohibited.

Property may not be limited in any way for reasons of political crimes.

The right to recover confiscated property is imprescriptible.

- Protection from expropriation
- Emergency provisions

### Article 106

No one may be deprived of his property except by reason of public need or interest defined by law or a decision based on law, and shall not take place without assessed prior compensation.

In the event of war or internal disorder, it is not necessary that the compensation be paid in advance; however, the corresponding payment shall be made not later than two years after the termination of the state of emergency.

### Article 107

State lands and municipal lands, community property, or private property located in zones adjacent to boundaries with neighboring states, land located along the shores of the two oceans, to a width of forty kilometers toward the interior of the country, and land situated on islands, cays, reefs, cliffs, rocks, shoals and sand banks may be acquired, possessed or occupied under any title only by native-born Hondurans, by companies composed entirely of Honduran members, and by State institutions, under penalty of nullification of the pertinent act or contract.

The acquisition of urban property within the limits established in the previous paragraph shall be dealt with by a special law.

Registrars of property are prohibited from recording documents that violate this provision.

- Provisions for intellectual property

### Article 108

Every author, inventor, producer or merchant shall enjoy the exclusive ownership of his work, invention, trademark, or trade name, according to law.

### Article 109

Taxes shall not be confiscatory.

No one shall be obliged to pay taxes and other imposts which are not duly enacted by, the national Congress in regular sessions.

No authority shall impose measures in violation of this provision without incurring the liability established by law.

### Article 110

No individual who freely administers his property may be deprived of the right to discharge his civil affairs by compromise or arbitration.

## CHAPTER III. SOCIAL RIGHTS

- Right to found a family

### Article 111

The family, marriage, motherhood and childhood are under the protection of the State.

- Provision for matrimonial equality
- Regulation of marriage
- Provision for civil marriage

### Article 112

The right of the man and the woman, that have the quality of being so naturally, to contract matrimony between them, as well as the juridical equality of the spouses, is recognized.

The civil marriage celebrated before a competent functionary and with the conditions required by the Law alone is valid.

The common law union between the persons equally capable of contracting matrimony is recognized. The law will specify the conditions for it to provide the effects of marriage.

Matrimony and the common law union between persons of the same sex is prohibited.

Matrimonies or common law unions between persons of the same sex celebrated or recognized under the laws of other countries will have no validity in Honduras.

### **Article 113**

Divorce as a means of dissolving the matrimonial bond is recognized.

The law shall regulate the grounds for divorce and its effects.

### **Article 114**

All children have the same rights and duties.

Qualifications concerning the nature of filiation are not recognized. No statement of any kind as to differentiations in births or the marital status of the parents shall be contained in any birth registrations or in any document relating to filiation.

### **Article 115**

Investigation of paternity is authorized. The procedure shall be determined by law.

### **Article 116**

The right of adoption is recognized for the persons united by matrimony or common law union.

It is prohibited to give up for adoption boys or girls to matrimonies or common law unions composed of persons of the same sex. The law will regulate this institution.

### **Article 117**

The aged merit the special protection of the state.

### **Article 118**

The homestead shall be the subject of special legislation designed to protect and further it.

## **CHAPTER IV. RIGHTS OF THE CHILD**

### **Article 119**

The State has the duty to protect children.

Children shall enjoy the protection afforded to them in international treaties which look after their rights.

Child protection laws are matters of public policy, and the government agencies serving this purpose shall have the status of social welfare centers.

### **Article 120**

Physically or mentally handicapped minors, those with abnormal behavior, orphans, and abandoned children shall be subject to special legislation for their rehabilitation, supervision, and protection as the case may be.

- Rights of children

- Rights of children

- Rights of children

- Rights of children

### Article 121

Parents are under obligation to feed, assist, and educate their children during their minority, and beyond in those cases established by law.

- State support for children

The state shall provide special protection for minors whose parents or guardians are economically unable to do so, to provide for their care and education.

Under circumstances of equal qualifications, these needy parents and guardians shall be given preference in filling public positions.

- Rights of children
- Privileges for juveniles in criminal process

### Article 122

The law shall establish the jurisdiction and the special courts which shall hear family and juvenile matters.

No one under eighteen years of age shall be permitted to be confined in a jail or prison.

- Rights of children

### Article 123

All children shall enjoy the benefits of social security and education.

Every child shall have the right to grow and develop in good health, for whom special care shall be given during the prenatal period, as much for the child as for the mother, both being entitled to food, housing, education, recreation, exercise and adequate medical services.

- Rights of children

### Article 124

Every child must be protected against every form of abandonment, cruelty and exploitation. No child shall be the object of any type of bondage.

- Limits on employment of children

No child shall work before reaching an adequate minimum age, nor shall he be permitted to dedicate himself to any occupation or employment that may be prejudicial to his health, education, or serve as an impediment to his physical, mental, or moral development.

The use of minors by their parents or other persons for the purpose of begging is prohibited.

The law shall establish the applicable penalties for those who violate this provision.

- Rights of children

### Article 125

The communications media shall cooperate in the training and education of children.

- Rights of children

### Article 126

Every child, regardless of circumstances, shall be among the first to receive aid, protection, and assistance.

## CHAPTER V. LABOR

- Right to safe work environment
- Right to work
- Right to choose occupation

### Article 127

Every person has the right to work under equitable and satisfactory working conditions, to choose his occupation freely and to give it up, and to protection against unemployment.

### Article 128

Laws governing the relations between employers and workers are matters of public policy. All acts, stipulations or agreements that involve the waiver, diminution or

restriction or evasion of the following guarantees shall be void:

1. Regular day work shall not exceed eight hours a day, nor forty-hour hours a week.

Regular nightwork shall not exceed six hours a day or thirty-six hours a week.

Regular combined work shall not exceed seven hours a day or forty-two hours a week.

All work shall be paid for at a rate equivalent to forty-eight hours a week. Overtime work shall be paid for in the manner specified by law.

These provisions shall not apply in those well-defined exceptional cases indicated by law.

2. No worker shall be required to perform work which covers more than twelve hours in any period of twenty-four consecutive hours, except in those cases specified by law.

3. Equal work shall receive equal pay without discrimination, provided that the position, the working hours, the conditions of efficiency and the time of service are also equal.

Wages must be paid in legal tender.

4. The amount of wages, indemnity compensation, and social benefits shall constitute a preferred credit in accordance with law.

5. Every worker is entitled to minimum wages fixed periodically by participation of the State, employers and workers, sufficient to meet the normal material, moral and cultural needs of his household, in accordance with the standards of each kind of work, the conditions peculiar to each region and type of work, the cost of living, the relative skill of workers, and the pay systems of the enterprises.

A minimum occupational wage shall also be fixed for those activities not wage regulated by a collective contract or agreement.

The minimum wage shall be exempt from attachment, compensation or discount except as prescribed by law governing family and trade union obligations.

6. In the facilities of his establishments, the employer must observe and enforce the legal provisions concerning hygiene and health and adopt adequate safety measures in work, which help to prevent occupational hazards and ensure the physical and mental integrity of workers.

Employers in agricultural enterprises are also subject to the same security system. Special protection shall be given to women and minors.

7. Minors under sixteen years of age and those above that age who are subject to mandatory education by virtue of national legislation may not be employed in any kind of work.

The labor authorities may authorize their employment when they deem it indispensable for their own support or for the support of their parents or brothers and sisters provided that their working does not hinder their compliance with the requirements of mandatory education.

For minors under seventeen years of age the work period, which must be daytime, may not exceed six hours a day or thirty hours a week, for any kind of work.

8. A worker shall be entitled to annual paid vacations. The duration and time of which shall be regulated by law.

In any event, a worker shall be entitled to a cash payment for vacations already earned and for proportional vacations corresponding to the period worked.

- Right to just remuneration

- Limits on employment of children

- Right to rest and leisure

8. Vacations may not be compensated by a cash payment, nor accumulated, and the employer shall be obliged to give them to the worker and the worker must take them.

The law shall regulate this obligation and shall determine the exceptional cases which permit the accumulation and compensation of vacations.

9. Workers shall be entitled to leave with pay for holidays specified by law. The law shall also specify what kind of work shall not be governed by this provision, but in such cases workers shall be entitled to overtime.

10. The right of workers to receive payment for a seventh day is hereby recognized; permanent workers shall receive, in addition, payment for a thirteenth month as a Christmas bonus. The law shall regulate the terms and manner of application of this provision.

11. A woman is entitled to leave before and after childbirth, without loss of employment or wages. During the nursing period she shall be entitled to a rest period each day for nursing her child. The employer may not terminate the employment contract of a pregnant woman, even after childbirth, except for justifiable cause shown before a competent judge, in the cases and conditions indicated by law.

12. Employers shall be required to indemnify their workers for work injuries and occupational diseases, according to law.

13. The right to strike or to lockout is recognized. The law shall regulate its exercise and may subject it to special restrictions in specified public services.

14. Workers and employers shall be entitled to associate freely for purposes exclusively related to their economic and social activities, by forming trade unions or professional associations, according to law.

15. The State shall protect individual and collective contracts between employers and workers.

- Right to strike

- Right to join trade unions

## Article 129

The law guarantees stability for workers in their jobs, in accordance with the characteristics of industries and professions, and just causes of severance. Whenever an unjustifiable discharge occurs upon final judgment, the worker shall be entitled at his option to compensation for unpaid wages damages, and to the legal indemnity as well as the indemnity agreed to, or else to be reinstated with recognition of unpaid wages, as actual and consequential damages.

## Article 130

Homeworkers shall have a legal status analogous to that of other workers, with due consideration for the peculiarities of their work.

## Article 131

Domestics shall be protected by social legislation. Persons rendering domestic services in industrial, commercial, and social enterprises and in others of a similar nature shall be considered manual workers and have the rights granted to them.

## Article 132

The law shall regulate the hiring of: agricultural, livestock, and forestry workers; land, air, sea, inland waterborne and railway transportation workers; mining and petroleum workers; business employees, and all other employees hired under special conditions.



### **Article 133**

Independent intellectual workers and the product of their work must be covered by protecting legislation.

### **Article 134**

All disputes arising from relations between employers and workers shall be subject to the labor jurisdiction. The law shall establish the corresponding rules governing this jurisdiction and the institutions entrusted with their application.

### **Article 135**

Labor laws shall be based on harmony between capital and labor, as the factors of production.

The State must protect the rights of workers while also protecting capital and employers.

### **Article 136**

Workers may share the profits of employers, but may never assume his risks or losses.

### **Article 137**

Under equal conditions Honduran workers shall be given preference over foreign workers.

It is prohibited for employers to hire less than 90 percent of Honduran workers and to pay them less than 85 percent of the total amount of the salaries paid in the respective enterprises. Those percentages may be modified in exceptional cases specified by law.

### **Article 138**

In order to enforce these guarantees and labor laws, the State shall supervise and inspect enterprises, and, when necessary, impose the penalties established by law.

### **Article 139**

The State has an obligation to promote, organize and regulate conciliation and arbitration procedures for the peaceful settlement of labor disputes.

### **Article 140**

The State shall promote the vocational and technical training of workers.

### **Article 141**

The law shall determine which employers, according to their capital and the total number of workers, shall be required to provide them and their families with educational, health, housing and other services.

## **CHAPTER VI. SOCIAL SECURITY**

### **Article 142**

Every person is entitled to the security of his economic means of support in the event of work disability or inability to obtain remunerated employment.

Social Security services shall be furnished and administered by the Honduran Social Security Institute and shall cover cases of sickness, maternity, family allowance, old-age,

- State support for the disabled
- State support for children
- State support for the elderly
- State support for the unemployed

orphanhood, lockout, work injury, involuntary unemployment; occupational disease, and other contingencies affecting the capacity to produce.

The State shall establish social welfare institutions which shall function as a unit in a single state system with the contribution of all interested parties and the state.

### **Article 143**

The State, employers and workers are required to contribute to the financing, improvement and expansion of social security. The social security system shall be established in a gradual and progressive way, both as to the type of contingencies covered as well as the geographic zones and the categories of protected workers.

### **Article 144**

It shall be considered in the public interest to expand the social security system to urban and rural workers.

## **CHAPTER VII. HEALTH**

- Right to health care

### **Article 145**

The right to the protection of one's health is hereby recognized.

It is everyone's duty to participate in the promotion and preservation of individual and community health.

- Protection of environment

The State shall maintain a satisfactory environment for the protection of everyone's health.

### **Article 146**

It is the duty of the State to regulate, supervise and control all food, chemical, pharmaceutical and biological products through its duly constituted agencies and institutions.

### **Article 147**

The law shall regulate the production, traffic, possession, donation, use and marketing of psychotropic drugs which may be destined only for health services and scientific experimentation under the supervision of a competent authority.

### **Article 148**

The Honduran Institute for the Prevention of Alcoholism, Drug Addiction, and Drug Dependency is hereby created. It shall be governed by a special law.

### **Article 149**

The Executive Power, through the Ministry of Public Health and Social Welfare, shall coordinate all public activities of the centralized and decentralized institutions of that field, by means of a national health plan, which shall assign priority to the neediest groups.

It is the responsibility of the State to supervise private health activities according to law.

### **Article 150**

The Executive Power shall promote integrated programs for the improvement of the nutritional level of all Hondurans.

## CHAPTER VIII. EDUCATION AND CULTURE

### Article 151

Education is an essential function of the State for the preservation, development, and dissemination of culture, which must extend its benefits to society without discrimination of any kind.

Public education shall be secular and shall be based on fundamental principles of democracy. It shall instill and promote in all students a deep feeling of Honduran patriotism and shall be directly connected with the economic and social development process of the country.

### Article 152

Parents have a preferential right to choose the type of education they wish to give their children.

### Article 153

The State has the obligation to promote the basic education of the people, creating for that purpose the necessary administrative and technical institutions which shall be directly dependent on the Secretariat of State in the Office of Public Education.

### Article 154

The elimination of illiteracy is a primary task of the State. It is the duty of all Hondurans to cooperate in order to achieve this objective.

- Right to academic freedom

### Article 155

The State recognizes and protects freedom of investigation, of education and of teaching.

### Article 156

The levels of formal education shall be determined by law, except for higher education which is the exclusive competence of the National Autonomous University of Honduras.

- Free education

### Article 157

Education at all levels of the formal educational system, except at the higher levels, shall be authorized, organized, directed and supervised exclusively by the Executive Power through the Secretariat of Public Education, which shall administer all the establishments of the system that are entirely financed by public funds.

### Article 158

No educational establishment may provide education of a quality below the level established by law.

### Article 159

The Secretariat of Public Education and the National Autonomous University of Honduras, without impairing their respective competence, shall adopt the necessary measures so that the general curricula of public education are integrated in a coherent system, in order that all students satisfactorily meet the requirements of higher education.

## Article 160

- Reference to science

The National Autonomous University of Honduras is an autonomous institution of the State, with juridical personality. It has the exclusive privilege of organizing, directing, and developing higher and professional education. It shall contribute to scientific, humanistic and technological research, to the general dissemination of culture, and to the study of national problems. It shall program its participation in the transformation of Honduran society.

The law and the bylaws of the University shall determine its organization, functioning, and attributes.

For the creation and functioning of private universities, a special law shall be enacted in accordance with the principles established by this Constitution.

The only academic degrees having official validity shall be those granted by the National Autonomous University of Honduras, as well as those granted by private and foreign universities which are recognized by the National Autonomous University of Honduras.

The National Autonomous University of Honduras is the only institution authorized to determine the incorporation of professionals who are graduates of foreign universities.

Only persons who hold a valid degree may engage in professional activities.

Non-university degrees granted by the Executive Power shall have legal validity.

## Article 161

The State shall contribute to the maintenance, development and enlargement of the National Autonomous University of Honduras, with a required annual appropriation of not less than six percent of the budget of net revenues of the Republic, the amounts of loans and donations excluded.

The National Autonomous University is exempt from any form of taxes or contributions.

## Article 162

Due to its informational and educational nature, teaching has a social and human function which determines for the educator scientific and moral responsibilities toward his students, the institution in which he works, and toward society.

## Article 163

The training of teachers is an exclusive function and responsibility of the State. A teacher is anyone who administers, organizes, directs, imparts or supervises educational work and whose profession is that of teaching.

## Article 164

Elementary schoolteachers shall be exempt from all taxes on their salaries and on the amounts they receive as pensions.

- Right to reasonable standard of living

## Article 165

The law guarantees to teachers work stability, a standard of living in accordance with their high mission, and an adequate pension.

A Honduran Teachers Statute shall be enacted.

## Article 166

All natural and juridical persons have the right to establish educational centers with due compliance with this Constitution and other laws.

Working relations between teachers and owners of such private institutions shall be governed by the educational laws, without prejudice to the benefits that may originate in the labor legislation.

### **Article 167**

Owners of farms, factories and other production centers located in the rural areas are obliged to establish and maintain schools of basic education for the benefit of the children of their permanent workers, as long as the number of children of school age exceeds thirty, and in border areas when it exceeds twenty.

### **Article 168**

The teaching of the Constitution of the Republic and the history and geography of Honduras, is compulsory and shall be entrusted to Honduras teachers.

### **Article 169**

The State shall support and promote the education of handicapped persons.

### **Article 170**

The State shall promote the development of extracurricular education by means of libraries, cultural centers and all forms of dissemination.

- Free education
- Compulsory education

### **Article 171**

Public education shall be free, and basic education shall also be compulsory and completely at the expense of the State. The State shall set up the necessary compulsory mechanisms accordingly to make these provisions effective.

- Right to culture

### **Article 172**

All the anthropological, archeological, historical and artistic wealth of Honduras forms part of the cultural heritage of the nation.

The law shall establish the norms that will serve as the basis for its preservation, restoration, maintenance and restitution, as the case may be.

It is the duty of all Hondurans to safeguard their heritage and prevent its unlawful removal.

All sites of natural beauty, monuments and reserved zones shall be under the protection of the State.

- Right to culture

### **Article 173**

The State shall preserve and promote all native cultures as well as authentic expressions of national folklore, popular art and handicrafts.

### **Article 174**

The State shall promote an enthusiasm for and the practice of physical culture and sports.

### **Article 175**

The State shall promote and support the dissemination of works of national and foreign authors that contribute to national development because they are legitimate, philosophical, scientific or literary creations.

- State operation of the media

## Article 176

The mass media of the state shall be at the service of education and culture. Private media must collaborate in the achievement of that purpose.

## Article 177

Compulsory membership in professional associations is established. Its organization and functioning shall be regulated by law.

## CHAPTER IX. HOUSING

- Right to shelter

### Article 178

All Hondurans have the right to decent housing. The state shall design and implement housing programs of social interest.

The law shall regulate the leasing of housing and premises, the use of urban soil and construction, in accordance with the public interest.

### Article 179

The state shall promote, support and regulate the creation of systems and mechanisms for the utilization of internal and external resources to be used for solving the housing problem.

### Article 180

All internal or external credits and loans obtained by the state for housing shall be regulated by law for the benefit of the ultimate user of the credit.

### Article 181

The Social Fund for Housing is hereby created. Its purpose shall be to develop housing in urban and rural areas. A special law shall regulate its organization and functioning.

## TITLE IV. CONSTITUTIONAL GUARANTEES

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### CHAPTER I. HABEAS CORPUS AND AMPARO

- Protection from unjustified restraint

#### Article 182

The State recognizes the writ of habeas corpus or personal appearance. Consequently, every aggrieved person, or any other in his behalf, has the right to file the petition:

1. When he is imprisoned or detained illegally or restrained in any way in the enjoyment of his personal freedom; and
2. When during his lawful imprisonment or detention, the imprisoned or detained person is subjected to torment, torture, harassment, illegal demands, or any other coercion, restriction, or molestation that is unnecessary for his safety or for the order of the prison.

A writ of habeas corpus may be filed without any special power or any formality, either orally or in writing, using any means of communication, at any time during working or nonworking days and free of charge.

Judges or other authorities may not dismiss a petition for a writ of habeas corpus and have the inescapable duty of proceeding immediately to put an end to the violation of

one's personal liberty or safety.

The courts that fail to admit these petitions shall incur the corresponding penal and administrative liability.

Any authority who orders, or agents who undertake, the concealment of the detained person, or who in any other way violate this guarantee, shall be guilty of the offense of false arrest.

- Right to amparo

### **Article 183**

The state recognizes the writ of amparo.

Consequently, every aggrieved person, or any other in his behalf, has the right to file a petition for a writ of amparo:

1. To have the enjoyment of his rights and guarantees under the Constitution maintained or restored; and
2. For a declaratory judgment in particular cases that a law or resolution or act of authority does not bind the petitioner, and is not applicable because it contravenes, limits or restricts any of the rights guaranteed by this Constitution.

The petition for a writ of amparo shall be filed in accordance with the law.

## **CHAPTER II. UNCONSTITUTIONALITY AND REVIEW**

### **Article 184**

Laws may be declared unconstitutional because of their form or content.

The Supreme Court of Justice has original and exclusive jurisdiction over hearing and deciding such matters and must render its decisions in accordance with the requirements governing final judgments.

- Constitutionality of legislation
- Supreme court powers

### **Article 185**

A declaration of unconstitutionality of a law and its nonapplicability may be petitioned by anyone who considers himself injured in his direct, personal, and legitimate interest:

1. By way of an action, to be filed before the Supreme Court of Justice;
2. By way of a defense which may be asserted in any judicial proceeding; and
3. A judge or court during any judicial proceeding may directly request a declaration as to the unconstitutionality of a law and its nonapplicability before rendering a decision.

In this case and as provided in the preceding item, the proceedings shall be stayed and the case transmitted to the Supreme Court of Justice.

### **Article 186**

No power or authority may enjoin causes of action pending in other courts or reopen cases already adjudged, except that criminal and civil cases already decided may be reviewed at any time in behalf of the persons convicted, on their own request or the request of any other person, or of the Public Ministry, or on the court's own motion.

The petition shall be filed with the Supreme Court of Justice. The law shall regulate the cases and the manner of review.

- Constitutionality of legislation

## CHAPTER III. RESTRICTION OR SUSPENSION OF GUARANTEES

- Head of state decree power
- Emergency provisions

### Article 187

The exercise of the rights established in articles 69, 71, 72, 78, 81, 84, 93, 99 and 103 may be suspended in the event of invasion of the national territory, serious disturbance of the peace, an epidemic, or other general disaster, or by the president of the republic in agreement with the Council of Ministers, by means of a decree that shall contain:

1. The reasons justifying the suspension;
2. The guarantee or guarantees that are restricted;
3. The territory to be affected by the restriction; and
4. The duration of the restriction. In addition, Congress shall be convened by the same decree in order that, within a period of thirty days, it may take cognizance of the decree and ratify, modify, or reject it.

In the event that Congress is in session, it shall take immediate cognizance of the decree.

The restriction of guarantees shall not exceed a period of forty-five days for each time it is decreed.

If before the expiration of the period set for the restriction the causes underlying the decree have disappeared, it shall cease to be effective and, in this case, every citizen shall have the right to urge its revision. Upon expiration of the period of forty-five days, the guarantees shall be restored automatically unless a new restriction has been decreed.

Restriction of guarantees decreed shall in no way affect the functioning of the state agencies, whose members shall always enjoy the immunities and privileges granted by law.

### Article 188

The territory in which the guarantees mentioned in the preceding article are suspended shall be governed during the suspension, by the state of siege law, but neither that law nor any other may provide for the suspension of any guarantees other than those already mentioned.

Likewise, during the suspension no new offenses may be established or penalties imposed other than those established by laws in force at the time the suspension was decreed.

## TITLE V. BRANCHES OF THE GOVERNMENT

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### CHAPTER I. LEGISLATIVE BRANCH

- Structure of legislative chamber(s)
- First chamber selection
- Length of legislative sessions

#### Article 189

The legislative branch consists of a Congress of deputies, who shall be elected by direct vote. It shall convene in the capital of the republic in regular sessions on the twenty-fifth of January of each year without the necessity of convocation and shall adjourn on the thirty-first of October of the same year.

The sessions may be extended for such time as may be necessary, by a resolution of Congress upon the initiative of one of more of its members or at the request of the



executive branch.

Recess of Congress shall be determined by its internal regulations.

### Article 190

The national Congress shall also hold special sessions:

1. At the request of the executive branch;
2. When convoked by its Permanent Committee; and
3. Whenever half plus one of its members so agree.

In such cases it shall deal only with matters stated in the respective decree of convocation.

### Article 191

Five or more deputies may convoke the national Congress into special session anywhere in the republic whenever the Executive, another authority, force majeure or an act of God prevent the installation of Congress or the holding of its meetings.

### Article 192

For the installation of the national Congress and the holding of its meetings a quorum of half plus one of its members shall be sufficient.

### Article 193

Neither the national Congress itself nor any other authority of the State or private parties may prevent the installation of Congress, the holding of its meetings or order its dissolution.

Violation of this provision constitutes a crime against the branches of the government.

### Article 194

On January 21st of each year the deputies shall meet in preliminary sessions, and with the attendance of at least five members, the provisional directorate shall be organized.

### Article 195

On January 23 the deputies shall hold their final preliminary session to elect the permanent directorate.

The president of the national Congress shall remain in office for two years and shall preside over the Permanent Committee.

The rest of the directorate shall remain in office for two years.

### Article 196

Deputies shall be elected for a term of four years, from the date on which the national Congress is formally installed. In the event of the permanent absence of a deputy, the alternate called by the national Congress shall complete his term.

### Article 197

Deputies are under obligation to meet in assembly on the dates indicated in this Constitution and to attend all sessions of Congress except in case of duly proven incapacity.

Deputies whose inattendance or unjustified abandonment of the sessions cause a lack or a break of quorum shall be expelled from Congress and shall lose the right to run for public office for ten years.

- Structure of legislative chamber(s)
- Extraordinary legislative sessions

- Standing committees

- God or other deities

- Quorum for legislative sessions

- Leader of first chamber

- Replacement of legislators
- Term length for first chamber

- Removal of individual legislators
- Attendance by legislators

- Eligibility for first chamber

## Article 198

To be elected deputy, the following is required:

1. To be Honduran by birth;
2. To be at least twenty-one years of age;
3. To be in the enjoyment of the rights of citizenship;
4. To be a layman, and
5. To have been born in the department for which he is running for office or to have resided therein for at least the last five years prior to the date of convocation of the elections.

- Minimum age for first chamber

## Article 199

The following may not be elected deputies:

1. The President and Vice President of the Republic;
2. Justices of the Supreme Court;
3. Members of the Cabinet and deputy secretaries;
4. Members of the military service with national jurisdiction;
5. Holders of high office in the direction of management or administration of the decentralized institutions of the State;
6. Members of the military service, on active duty, members of security forces and any other armed force;
7. All other public officials or employees of the executive branch and the judicial branch as established by law, except those who hold a teaching or health-care position;
8. The Magistrates of the Supreme Electoral Tribunal and the Director and the Sub-Directors of the National Registry of Persons;
9. The Procurator and Sub-Procurator General of the Republic, [the] Members of the Superior Tribunal of Accounts, [the] Attorney General of the Republic and [the] Adjunct Attorney General, [the] Procurator of the Environment, the Superintendent of Concessions and the National Commissioner of Human Rights;
10. The spouse and relatives of those named in paragraphs 1, 2, 4, 8, and 9 above, and of the secretaries and deputy secretaries of state of defense and public security, within the fourth degree of consanguinity or second degree of affinity;
11. The spouse and the relatives of the heads of the military regions, commanders of military units, departmental or sectional military delegates, delegates of the corps [cuerpos] of security or other armed corps, within the fourth degree of consanguinity and second of affinity, when they are candidates for the department where those exercise jurisdiction;
12. Holders of government concessions for the exploitation of national resources or contractors for public services and works paid for with state funds and who have accounts pending with the state;
13. Delinquent debtors of the National Treasury. These incompatibilities and disabilities shall affect those holding one of the above-mentioned positions six months prior to the election.

- Eligibility for first chamber
- Outside professions of legislators

- Eligibility for supreme court judges

- Eligibility for cabinet
- Restrictions on minister of defense
- Restrictions on the armed forces

- Restrictions on the armed forces

## Article 200

[Abrogated]

## Article 201

Buildings and facilities of the national Congress are inviolable. It is the duty of the president of the Directorate or of the Permanent Committee to authorize the entrance of members of the public security forces when circumstances so require.

- First chamber selection

## Article 202

The National Congress will be composed of a fixed number of one hundred twenty-eight (128) titular deputies and their respective substitutes, who will be elected in accordance with the Constitution and the Law.

The deputies are representatives of the people[;] their departmental distribution will be made based on the quotient that the Supreme Electoral Tribunal specifies, in accordance with the Political Organizations and Electoral Law.

In those departments that have a population less than the quotient specified by the Supreme Electoral Tribunal[,] a titular deputy and his respective substitute will be elected.

- Restrictions on minister of defense

## Article 203

Deputies in office may not obtain remunerated public positions during the term for which they have been elected, except teaching and cultural positions and professional services related to social welfare.

They may, however, be members of the Cabinet or deputy secretaries, presidents or managers of decentralized institutions, chiefs of diplomatic or consular missions, or serve in ad hoc diplomatic missions. In such cases they will be reinstated in the national Congress upon the termination of these functions.

Alternate deputies may hold public positions or employment without losing their status as alternates.

- Restrictions on minister of defense

## Article 204

No deputy may hold state property as a lessee directly or indirectly, or obtain contracts or concessions of any kind from the state.

Violation of this provision shall render the act absolutely null by operation of law.

## Article 205

The national Congress shall have the following powers:

1. To make, enact, interpret, amend, and repeal laws;
2. To convoke, suspend and close its sessions;
3. To adopt its internal regulations and impose the penalties established therein for those who violate them;
4. To convoke special sessions in accordance with this Constitution;
5. To incorporate its members in accordance with their credentials and to receive the constitutional oath from them;
6. To call the alternate deputies, in case of permanent or temporary absence or legitimate impediment of the principals, or when the latter refuse to attend;
7. Make the count of the votes and declare the election of the President and Vice President of the Republic, Deputies to the National Congress and to the Central American Parliament and of the members of the Municipal Corporations, when the Supreme Electoral Tribunal has not done so.

- International law

- Oaths to abide by constitution

- International organizations
- Regional group(s)

7. When on same citizen results [in being] elected for several offices, they will be declared elected for only one of them, in accordance with the following order of precedence:

- a. President of the Republic;
- b. Vice President of the Republic;
- c. Deputy to the National Congress;
- ch. Deputies to the Central American Parliament; and
- d. Members of the Municipal Corporation.

8. To accept or refuse to accept the resignation of deputies for justifiable cause;

9. To elect[,] for the period of time that corresponds and from the list of candidates that the Nominating Board to which this Constitution refers[,] the Magistrates of the Supreme Court of Justice.

10. To interpret the Constitution of the Republic in ordinary sessions, in one sole legislature, with two-thirds of the votes of the totality of its members. The Constitutional Articles 373 and 374 may not be interpreted by this procedure.

11. Make the election of the Members of the Superior Tribunal of Accounts, [the] Procurator General and Sub-Procurator General of the Republic, [the] Magistrates of the Supreme Electoral Tribunal, [the] Attorney General of the Republic and Adjunct Attorney General, [the] Procurator and [the] Sub-Procurator of the Environment, [the] National Commissioner of Human Rights, [the] Superintendent of Concessions, [the] Director and Sub-Directors of the National Registry of Persons.

12. To receive the constitutional oath from the President and Vice President of the Republic declared elected, and from the other functionaries that are elected; to grant credentials to them and to admit[,] or not[,] their resignation and to fill the vacancies in case of absolute default of any of them;

13. To concede or to deny permission to the President and Vice President of the Republic for them to be absent from the country for more than fifteen (15) days;

14. To move the seat of the state powers for serious reasons.

15. [Abrogated]

16. To grant amnesty for political offenses or related common offenses, except in such cases the national Congress may not make decisions on pardons;

17. To grant or refuse permission to Hondurans to accept employment or decorations from another State;

18. To award prizes and grant temporary privileges to authors and investors and to persons who have introduced new industries of public benefit or who have improved those already existing;

19. To approve or disapprove contracts that involve fiscal exemptions, incentives, and concessions, or any other contract that is to take effect or continue to be valid in the following presidential term;

20. To approve or to disapprove the administrative conduct of the Executive Power, Judicial Power, Supreme Electoral Tribunal, Superior Tribunal of Accounts, Office of the Procurator General of the Republic, Office of the Procurator of the Environment, Public Ministry, National Commissioner of Human Rights, National Registry of Persons, Decentralized Institutions and other auxiliary organs of the State;

21. To appoint special committee's to investigate matters of national interest. The summons of such committees shall be compulsory under penalty of contempt similar to the one used in the judicial process;

- Establishment of judicial council
- Supreme court selection
- Constitutional interpretation

- Oaths to abide by constitution

- Legislative oversight of the executive
  - International law
  - Power to declare/approve war
22. To interpellate secretaries of state and other officials of the central government, decentralized institutions, state enterprises and any other entities in which the state has an interest, concerning matters related to the public administration;
  23. To declare a restriction or suspension of guarantees in accordance with the provisions of this Constitution, and to ratify, modify, or disapprove the restriction or suspension enacted by the executive branch according to law;
  24. To confer the ranks of Major to Division General, on the proposal of the Executive Power;
  25. To fix the permanent number of members of the armed forces;
  26. To authorize or refuse the passage of foreign troops through the national territory;
  27. To authorize the executive branch to order troops of the armed forces to go to another country to serve in foreign territory, in accordance with international treaties and conventions;
  28. To declare war and to make peace;
  29. To authorize the admission of foreign military missions of technical assistance or cooperation in Honduras;
  30. To approve or disapprove international treaties signed by the executive branch;
  31. To create and abolish posts and to award honors and pensions for significant services to the nation;
  32. To adopt annually the general budget of revenues and expenditures, on the basis of the proposal submitted by the executive branch, duly itemized and to decide on modifications;
  33. To approve annually the duly itemized budget of revenues and expenditures of decentralized institutions;
  34. To determine the weight, fineness, and rate of the national currency and the standard of weights and measures;
  35. To levy taxes, assessments, and other public charges;
  36. To approve or disapprove loans and similar agreements related to the public credit, entered into by the executive branch.  
  
In order to contract foreign loans, or loans that although contracted in Honduras must be financed with foreign capital, the approval of the national Congress shall be required;
  37. To establish by law, those cases in which subsidies and aid may be granted for purposes of public benefit or as an instrument of economic and social development;
  38. To approve or to disapprove the liquidation of the General Budget of Revenues and Expenditures of the Republic[,] and of the budgets of the decentralized and devolved institutions. The Superior Tribunal of Accounts must decide concerning those liquidations and summarize its view on the efficiency and effectiveness of the management of the public sector, which will include the evaluation of expenditure, organization, performance of management and reliability of the control of the internal audits, the accounting plan and its application;
  39. To regulate the payment of the national debt, at the initiative of the executive branch;
  40. To exercise control over the public revenues;
  41. To authorize the executive branch the alienation of national property or its application to public uses;

42. To open ports of entry, and establish and abolish customhouses and free trade zones, at the initiative of the executive branch;
43. To regulate maritime, land and air trade;
44. To establish the national symbols, and
45. To exercise any other powers conferred upon it by this Constitution and other laws.

## Article 206

The functions of the legislative branch are indelegable except that related to the taking of the constitutional oath of office of high government officials, in accordance with this Constitution.

- Standing committees

## Article 207

Before closing its sessions, the directorate of the national Congress shall appoint nine deputies and their respective alternates to form the Permanent Committee during the adjournment of Congress.

- Standing committees

## Article 208

The powers of the Permanent Committee are the following:

1. To adopt its internal regulations;
2. To render opinions and complete action on pending business, to be considered at the next legislative session;
3. To prepare, for submission to Congress for consideration, proposed changes in the laws that in its opinion the needs of the country may demand;
4. To receive from the executive branch the enactments of the last ten days of sessions of the national Congress, duly signed;
5. To receive complaints of violations of this Constitution;
6. To keep in its custody and under its responsibility the files of the national Congress;
7. To publish an edition of all decrees and resolutions enacted by the national Congress at its previous sessions, within three months following its adjournment;
8. To convoke the national Congress for a special session, at the request of the executive branch or whenever the exigent circumstances so require;
9. To receive from the executive branch the documentation and information relative to economic agreements, credit operations, or loans that that branch plans to enter into, authorize, or contract, in order to give detailed information to the national Congress at its next session;
10. To submit to Congress a detailed report of its work during its period of its performance;
11. To elect ad interim, in case of absolute default, the replacements for officials who must be appointed by the national Congress;
12. To call in other deputies as members, to fill vacancies in the membership of the Committee;
13. To concede or to deny permission to the President and Vice President of the Republic for more than fifteen (15) days for them to be absent from the country;
14. To appoint members of the national Congress to the special committees that it deems necessary, and

- Legislative committees

15. To perform any other duties conferred on it by the Constitution.

### Article 209

The Special Disbursement Office of the legislative branch is hereby created to attend to the payment of all expenditures of the branch.

- Standing committees

### Article 210

The Special Disbursement Office of the legislative branch shall be immediately subordinate to the directorate of the national Congress or to the Permanent Committee, as may be appropriate.

The directorate of the national Congress is responsible for appointing the paymaster, who must furnish bond in accordance with the law.

### Article 211

The executive branch shall include in the general budget of expenditures and revenue the funds budgeted by the legislative branch for its functioning.

### Article 212

The General Treasury of the Republic shall make advance quarterly authorization of the funds necessary to meet the expenditures of the national Congress.

## CHAPTER II. ENACTMENT, SANCTION AND PROMULGATION OF LAWS

- Initiation of general legislation

### Article 213

The Deputies of the National Congress, the President of the Republic through the Secretaries of State, the Supreme Court of Justice and the Supreme Electoral Tribunal, have the initiative of law exclusively[,] in matters of their competence, and a number of at least three thousand (3,000) citizens under the mechanism of citizen initiative of law.

### Article 214

No bill shall be finally voted upon until after it has been debated on three different days, except in case of urgency determined by a simple majority of the deputies present.

- Approval or veto of general legislation

### Article 215

Every bill that has been passed by Congress shall, within three days after being voted upon, be sent to the executive branch so that it may sanction it and order it promulgated as law.

A law shall be sanctioned with the following phrase: "Let it therefore be executed."

- Approval or veto of general legislation
- Veto override procedure

### Article 216

Should the executive branch find impediments to the sanction of the bill, it shall return it to the national Congress within ten days with the phrase: "Return to Congress", and shall explain the grounds on which disapproval is based.

If it does not veto it within the period indicated, the bill shall be considered sanctioned and shall be promulgated as law.

Whenever the executive returns a bill, it shall again be debated in the national Congress, and if it is ratified by a two-thirds vote, it shall again be sent to the executive branch, with this phrase: "Constitutionally ratified" and the executive branch shall publish it forthwith.

If the grounds for the veto are that the bill is unconstitutional, it may not be submitted to a new debate until the opinion of the Supreme Court of Justice has been obtained; the Court shall issue its opinion within such period as the national Congress shall specify.

### Article 217

When the national Congress passes a bill at the conclusion of its session and the executive deems it inadvisable to sanction it, the executive is required to give immediate notice to Congress so that it may remain in session for another ten days, calculated from the date on which Congress received the bill, and if the executive does not do so, it shall return the bill within the first eight days of the next session of the Congress.

- Approval or veto of general legislation

### Article 218

The Sanction will not be necessary, nor can the Executive Power interpose the veto, in the following cases and resolutions:

1. Elections that the national Congress orders or announces or resignations that it accepts or disapproves;
2. Declarations that there are or are not grounds for impeachment;
3. Decrees that relate to the conduct of the executive branch;
4. Regulations that it issues for its internal procedure;
5. Decrees it approves to temporarily transfer its seat to another place in the territory of Honduras or to suspend its sessions or to convene special sessions;
6. The budget law;
7. Treaties or contracts rejected by the national Congress, and
8. Amendments to the constitution of the republic.
9. In the interpretations that are decreed to the Constitution of the Republic by the National Congress;

- International law
- Constitution amendment procedure

In these cases, the executive shall promulgate the law with this phrase: "Now therefore let it be published."

### Article 219

Whenever a bill that was not introduced by the Supreme Court of Justice is intended to amend or repeal any provision contained in the codes of the republic, it may not be debated without hearing the opinion of that Court.

The Court shall issue its report within the period specified by the national Congress.

This provision does not apply to laws of a political, economic or administrative nature.

### Article 220

No bill rejected wholly or partially may be debated again in the same session of the Congress.

### Article 221

A law is compulsory by virtue of its promulgation and after twenty days have elapsed following completion of its publication in the official journal La Gaceta. Nevertheless, the period mentioned in this Article may be reduced or extended in the law itself and, in special cases, another method of promulgation may be ordered.



## CHAPTER III. OF THE SUPERIOR TRIBUNAL OF ACCOUNTS

### Article 222

The Superior Tribunal of Accounts is the directive entity of the system of control of the public resources, with functional and administrative autonomy from the Powers of the State, submitted solely to compliance with the Constitution and the Laws. It will be responsible[,] before the National Congress[,] for the acts executed in the exercise of its functions.

The Superior Tribunal of Accounts has[,] as its function[,] the supervision a posteriori of the funds, assets and resources administrated by the Powers of the State, decentralized and devolved institutions, including the state or mixed [participation] banks, the National Commission of Banking and Insurance, the municipalities and any other special organ or public or private entity that receives or administers public resources from internal or external sources.

In the fulfillment of its functions, it must accomplish the financial control, of management and of results, founded on efficiency and effectiveness, economy, equity, veracity and legality. The establishment of a system of transparency in the management of the public servants, the determination of illicit enrichment and the control of the assets, obligations and, in general, of the patrimony of the State, also corresponds to it. To fulfill its function[,] the Superior Tribunal of Accounts will have the attributions that its Organic Law determines.

### Article 223

The Superior Tribunal of Accounts will be composed of three (3) members elected by the National Congress, by the favorable vote of the two-thirds part of the total of the deputies.

The members of the Superior Tribunal will be elected for a term of seven (7) years and may not be re-elected.

The election of the President of the Superior Tribunal of Accounts will correspond to the National Congress.

### Article 224

To be a Member of the Superior Tribunal of Accounts it is required:

1. To be Honduran by birth;
2. To be greater than thirty-five (35) years [of age];
3. To be a citizen in the exercise of their rights;
4. To be of recognized honesty and noted [notoria] good conduct; and,
5. To possess a university degree in the areas of the economic, administrative, juridical, or financial sciences.

### Article 225

[Abrogated]

### Article 226

The Superior Tribunal of Accounts must render to the National Congress, through its President, within the first forty (40) days after the end of the fiscal year, the annual report of its management.

## Article 227

All the aspects related to the organization and [the] functioning of the Superior Tribunal of Accounts and its dependencies will be determined by its Organic Law.

## CHAPTER IV. OFFICE OF THE ATTORNEY GENERAL OF THE REPUBLIC

- Attorney general

### Article 228

The office of the attorney general of the republic shall be the legal representative of the state. Its organization and operation shall be determined by law.

- Attorney general

### Article 229

The attorney general and the deputy attorney general of the republic shall be elected by the national Congress for a term of four years and they may not be reelected for a subsequent period; they must have the same qualifications and shall have the same prerogatives and qualifications as prescribed by this Constitution for justices of the Supreme Court of Justice.

### Article 230

The civil actions that result from the supervisory interventions of the Superior Tribunal of Accounts, will be exercised by the Procurator General of the Republic, except those related to the municipalities which will be of the responsibility of the functionaries that the laws indicate and, in [their] default, by the Office of the Procurator General of the Republic.

### Article 231

The state shall appropriate such funds as may be necessary for the proper organization and operation of the office of the attorney general of the republic.

All public administration organs shall cooperate with the attorney general of the republic in performing his functions in the manner determined by law.

## CHAPTER V. OF ILLICIT ENRICHMENT

### Article 232

[Abrogated]

### Article 233

Unlawful enrichment is presumed whenever the increase in the capital of a public official or employee, from the date on which he took office until the date on which he left it, is notably higher than that which he could have normally obtained from salaries and emoluments legally received and from increases of his capital or his income from any other lawful source.

Unlawful enrichment shall also be presumed when a public servant does not authorize an investigation of his bank deposits or business in the country or abroad.

To determine the increase referred to in the first paragraph of this article, the capital and income of the official or employee, his spouse and his children shall be considered jointly.

The declaration of property of public officials and employees shall be made according to law.

When a public servant has been found innocent, he shall be entitled to resume his post.

## Article 234

[Abrogated]

## CHAPTER VI. THE EXECUTIVE BRANCH

### Article 235

The holding of title of the Executive Power is exercised[,] in representation of and for the benefit of the people[,] by the President and[,] in his default, by the Vice President of the Republic.

### Article 236

The President and Vice President of the Republic will be jointly and directly elected by the people by simple majority of votes. The election will be declared by the National Tribunal of Elections and, in [its] default, by the National Congress or by the Supreme Court of Justice, as the case may be.

### Article 237

The presidential term shall be four years and shall begin on the 27th day of January following the date on which the election was held.

### Article 238

To be President or Vice President of the Republic it is required:

1. To be Honduran by birth;
2. To be more than thirty (30) years [of age];
3. To be in the enjoyment of the rights of citizens; and,
4. To be of secular estate.

### Article 239

The citizen who has fulfilled the holding of title [titularidad] of Executive Power cannot be President or Vice President of the Republic.

Whoever breaks this provision or proposes its reform, as well as those who support him directly or indirectly, will immediately cease the performance of their respective offices [cargos] and will be disenabled for ten (10) years from the exercise of any public function.

### Article 240

[The following] may not be elected President or Vice President of the Republic:

1. The Secretaries and Under-Secretaries of State, [the] Magistrates of the Supreme Electoral Tribunal, [the] Magistrates and Judges of the Judicial Power, [the] Presidents, Vice Presidents, Managers, Sub-Managers, Directors, Sub-Directors, [and] Executive Secretaries of the Decentralized and Devolved Institutions; [the] Members of the Superior Tribunal of Accounts; [the] Procurator General and Sub-Procurator General of the Republic; [the] Director and Sub-Director of the National Registry of Persons; [the] Procurator and Sub-Procurator of the Environment; [the] Attorney General of the Republic and [the] Adjunct Attorney General; [the] Superintendent of Concessions and [the] National Commissioner of Human Rights, who have exercised their functions during the year prior to the date of the election of the President of the Republic. The President of the National Congress and the President of the Supreme Court of Justice may not be candidates for the Presidency of the Republic for the constitutional term following that for which they were elected.

- Name/structure of executive(s)
- Deputy executive

- Head of state selection

- Head of state term length

- Eligibility for supreme court judges
- Eligibility for cabinet
- Eligibility for head of state
- Restrictions on minister of defense

- Minimum age of head of state

- Head of state term limits

- Eligibility for head of state

- Restrictions on the armed forces
- Restrictions on the armed forces
- Restrictions on the armed forces

1. As for those Designated to the Presidency [Designados a la Presidencia], [it] will be that provided in this Constitution;
2. Commanders and general officers of the armed forces;
3. Senior officers of the armed forces and the police or state security forces;
4. Servicemen on active duty and members of any other armed body that have performed their functions during the previous twelve months prior to the date of the election;
5. [Abrogated];
6. The spouse and relatives within the fourth degree of consanguinity or second of affinity of the President and Vice President of the Republic, who have exercised the Presidency in the year preceding the election; and
7. Representatives or agents of enterprises that are concession holders of the state, the concession holders of the state for the exploitation of natural resources or contractors for services or public works that are financed with national funds and who for those reasons have outstanding account with the state.

- Standing committees

### Article 241

The president of the republic, or whoever is performing his functions, may not leave the national territory for more than fifteen days without permission of the national Congress or its Permanent Committee.

- Deputy executive
- Head of state removal
- Head of state replacement

### Article 242

In the temporary absences of the President of the Republic[,] the Vice President will substitute for him in his functions. If the default of the President is absolute, the Vice President will exercise the holding of the title of the Executive Power for the time remaining to the end of the constitutional term. But if the Vice President of the Republic also defaults in an absolute mode, the Executive Power will be exercised by the President of the National Congress and, in [his] default, by the President of the Supreme Court of Justice, for the time remaining to the end of the constitutional term.

If the election of President and Vice-President is not declared a day before the twenty-seventh (27) of January, the Executive Power will be exceptionally exercised by the Council of Secretaries of State presided over by the Secretary of State in the Offices of Government and Justice. The Council of Secretaries of State must convoke elections of [the] supreme authorities within the fifteen (15) days subsequent to that date.

These elections will be held in a time not less than four (4) nor greater than six (6) months, counted from the date of the convocation.

[Once] the elections are celebrated, the Supreme Electoral Tribunal, or, in its default the National Congress or the Supreme Court of Justice, as the case may be, will make the corresponding declaration within the twenty (20) days which follow the date of the election, and those elected will immediately take possession of their offices until the completion of the corresponding constitutional term.

While the newly elected supreme authorities take possession of their respective offices, the Deputies of the National Congress, the Magistrates of the Supreme Court of Justice and the Municipal Corporations must continue temporarily in the performance of their functions for the concluding term.

- Head of state replacement

### Article 243

If, at the initiation of the constitutional term for which he has been elected, the President does not present himself, the Vice President of the Republic will exercise the Executive Power, until he presents himself.

- Oaths to abide by constitution

## Article 244

The Oath of Law of the President and of the Vice President of the Republic will be presented before the President of the National Congress, if it is meeting, and, in its default, before the President of the Supreme Court of Justice.

In the case that they could not present it before the functionaries mentioned above[,] they may do so before any Judge of Letters or [Justice] of the Peace of the Republic.

- Head of state powers

## Article 245

The President of the Republic holds the general administration of the State; his attributions are:

- International law

1. To comply with and enforce the Constitution, treaties and conventions, laws and other legal provisions;

2. To direct the policies of the state and to represent it;

3. To safeguard the independence and honor of the republic and the integrity and inviolability of the national territory;

4. To maintain the peace and internal security of the republic and to repel every attack or external aggression;

- Cabinet selection

- Cabinet removal

5. To freely appoint and dismiss secretaries and deputy secretaries of the cabinet and other officials and employees whose appointment is not assigned to other authorities;

- Standing committees

6. To convene the national Congress in special sessions through the Permanent Committee or to propose the continuance of regular sessions;

7. To restrict or suspend the exercise of rights, in agreement with the Council of Ministers, subject to the provisions of this Constitution;

8. To send messages to the national Congress at any time and compulsorily by personal appearance and in writing when each regular legislative session is installed;

9. To participate in the enactment of the laws by introducing bills in the national Congress through the secretaries of the cabinet;

- Head of state decree power

10. To give to the Legislative [and] Judicial Powers and to the Supreme Electoral Tribunal, the aid and forces they require to make their resolutions effective;

11. To issue directives and decrees and to issue regulations and resolutions according to the law;

- International law

12. To direct foreign policy and relations;

- Foreign affairs representative
- International law

13. To conclude treaties and agreements and to ratify, following approval by the national Congress, international treaties of a political and military nature, those relating to the national territory, sovereignty and concessions, those entailing financial obligations for the public treasury, those requiring amendment or repeal of any constitutional or legal provision, and those needing legislative measures for their implementation;

14. To appoint, in accordance with the foreign service law to be issued, the heads of diplomatic and consular missions who shall be Honduran nationals by birth except in the case of honorary posts or joint representations of Honduras with other states;

- International law

15. To receive the heads of foreign diplomatic missions and representatives of international organizations; to issue the exequatur to and withdraw it from consuls of other states;

- Power to declare/approve war
  16. To exercise command over the armed forces as the commander-in-chief and to adopt the necessary measures for the defense of the republic;
  17. To declare war and make peace during a recess of the national Congress, which must be convened forthwith;
  18. Generally to watch over the official behavior of public officials and employees for the security and prestige of the government and of the state;
  19. To administer the public treasury;
  20. To adopt special economic and financial measures when the national interest so requires and to give an account thereof to the national Congress;
  21. To negotiate loans and conclude contracts therefor following approval by the national Congress when appropriate;
- Economic plans
  22. To draw up the national development plan, discuss it in the Council of Ministers, submit it to the national Congress for approval, direct it and execute it;
  23. To regulate customs tariffs according to law;
- Power to pardon
  24. To pardon and commute sentences according to law;
  25. To confer declarations according to law;
  26. To see to it that the revenues of the state are collected and to regulate their investment according to law;
  27. To publish each quarter a statement of income and expenditure of public revenue;
  28. To organize, direct, orient and promote public education, eradicate illiteracy, and disseminate and improve technical education;
  29. To adopt measures for the promotion, recovery and rehabilitation of the health of the population and the prevention of disease;
  30. To direct the economic and financial policy of the state;
  31. To exercise supervision and control of banking institutions, insurance companies, and investment houses through the National Banking and Insurance Commission, whose membership and operation shall be governed by a special law, and to appoint the president and vice presidents of the state banks according to law;
  32. To prescribe such measures and provisions as may be feasible to promote the rapid execution of the agrarian reform and the development of production and productivity in rural areas;
  33. To sanction, veto, promulgate and publish any laws approved by the national Congress;
- International law
  34. To direct and support the policy of economic and social integration, both national and international, aimed at improving the living conditions of the Honduran people;
  35. To create, maintain, and suppress public services and take such measures as may be necessary for the efficient operation thereof;
- Selection of active-duty commanders
  36. To confer military ranks from second lieutenant to captain, inclusive;
  37. To see that the Armed Forces are apolitical, essentially professional, obedient and non-deliberative.
  38. To issue and cancel naturalization papers authorized by the executive branch according to law;
  39. To award pensions, bonuses, and allowances according to law;

- 40. To confer legal status on civil organizations according to law;
- 41. To ensure harmony between capital and labor;
- 42. To revise and fix the minimum wage according to law;
- 43. To permit or deny, following authorization by the national Congress, the transit through Honduran territory of troops of another country;
- 44. To permit, following authorization by the national Congress, the departure of Honduran troops to render services in foreign territory, in accordance with international treaties and conventions for operations for the maintenance of peace, and
- 45. Such other powers and duties as are conferred on him by the Constitution and the laws.

- International law

## CHAPTER VII. OFFICES OF THE SECRETARIES OF THE CABINET

### Article 246

The Secretaries of State are organs of the general administration of the country, and [are] dependent directly of the President of the Republic. The Law will determine their number, organization, competence and functioning, as well as the organization, competence and functioning of the Council of Ministers.

### Article 247

The secretaries of the cabinet shall cooperate with the president of the republic in orienting, coordinating, directing and supervising the organs and agencies of the national public administration in their areas of jurisdiction.

### Article 248

The decrees, regulations, directives, orders and executive acts of the president of the republic must be authorized by the secretaries of the cabinet in their respective areas of jurisdiction or by the deputy secretaries, as the case may be. If this requirement is not met, they shall not have legal force.

The secretaries of the cabinet and the deputy secretaries shall be jointly responsible with the president of the republic for any acts they authorize.

The ministers present shall be responsible for decisions taken in the Council of Ministers unless they have given grounds for their dissenting votes.

### Article 249

To be Secretary or Under-Secretary of State one must fulfill the requirements specified in the numerals 1), 3) and 4) of Article 238 of this Constitution and also, to be greater than twenty-five (25) years of age. The Under-Secretaries will substitute for the Secretaries by Ministry of Law.

### Article 250

[The following] may not be Secretaries of State:

1. The relatives of the President of the Republic within the fourth degree of consanguinity and second of affinity.
2. Persons who have administered or collected public securities until the solvency of their account has been settled;
3. Delinquent debtors to the public treasury;

- Powers of cabinet
- Establishment of cabinet/ministers

- Cabinet removal
- Head of state decree power
- Powers of cabinet

- Eligibility for cabinet
- Eligibility for supreme court judges

- Eligibility for cabinet
- Eligibility for supreme court judges

4. Concession holders of the state, their agents or representatives for the exploitation of natural resources or contractors of any services and public works that are financed with state funds and who for those reasons have accounts pending with it.

### **Article 251**

The national Congress may summon the secretaries of the cabinet and these must answer any questions put to them concerning matters relating to public administration.

### **Article 252**

The president of the republic convokes and presides over the Council of Ministers. All decisions of the Council shall be taken by simple majority and, in the event of a tie, the president shall have a casting vote.

The Council shall meet at the initiative of the president to take decisions on any matters he may deem to be of national importance and to consider such cases as are specified by law.

The secretary of the cabinet in the office of the president shall act as secretary of the Council.

- Restrictions on minister of defense

### **Article 253**

The holding of another public post is incompatible with the office of secretary of the cabinet except when the laws assign him other functions. The ikules, prohibitions and penalties established in articles 203 and 204 are applicable to the secretaries of the cabinet where appropriate.

### **Article 254**

The secretaries of the cabinet must submit annually to the National Congress within the first fifteen days of its installation a report on the work done in their respective departments.

### **Article 255**

The administrative acts of any organ of the State that are to have general legal effects shall be published in the official journal La Gaceta and their validity shall be regulated in accordance with the provisions of this Constitution for the coming into force of legislative enactment.

## **CHAPTER VIII. THE CIVIL SERVICE**

- Civil service recruitment

### **Article 256**

The civil service system regulates the employment and public service relations established between the State and its servants, based on the principles of competence, efficiency and honesty. Personnel administration shall be subject to scientific methods based on the merit system.

The State shall protect its servants within the administrative career.

### **Article 257**

The law shall regulate the civil service and in particular conditions for entering the public administration; promotions and advancement based on merit and qualifications; job security, transfers, suspensions and guarantees; the duties of public servants and reviewability against decisions that affect them.



### **Article 258**

Both in the central government and in any of the decentralized agencies of the State, no person may hold at the same time two or more remunerated public offices except those rendering medical care or educational services.

No official, employee or public worker that receives a regular salary shall receive a per diem allowance for the provision of a service in performance of his duties.

### **Article 259**

The provisions of this chapter shall apply to officials and employees of decentralized and municipal institutions.

## **CHAPTER IX. DECENTRALIZED INSTITUTIONS**

### **Article 260**

Decentralized institutions may be established only by special law, provided the following are guaranteed:

1. Greater efficiency in the administration of the national interests;
2. The satisfaction of mass public service needs on a nonprofit basis;
3. Greater effectiveness in achieving the purposes of the public administration;
4. Economic and administrative justification of the cost of their operation, of the expected yield or benefit or, where appropriate, of the expected savings;
5. Exclusiveness of the field, so that their establishment does not entail duplication with other already existing organs of the public administration;
6. The development and exploitation of properties or resources belonging to the state; the participation of the state in those areas of economic activities that it considers necessary and advisable for achieving its purposes of social progress and general welfare, and
7. The general legal regime of the decentralized institutions will be established by the means of the general law of public administration to be issued.

### **Article 261**

To establish or suppress a decentralized agency the national Congress shall decide by the vote of two thirds of its members.

Prior to the issuance of laws relating to decentralized institutions, the national Congress must seek the opinion of the executive branch.

### **Article 262**

The decentralized institutions enjoy functional and administrative independence and for that purpose may issue such regulations as are necessary according to law.

The decentralized institutions shall operate under the direction and supervision of the State and their chairmen, directors or managers shall be accountable for their activities. The law shall stipulate the necessary mechanisms for the control of decentralized institutions.

### **Article 263**

The spouse, [and the] relatives of the President and Vice President of the Republic within the fourth degree of consanguinity or second of affinity may not be Presidents, General Managers [or] General Directors of the Decentralized Institutions.

## Article 264

The chairmen, directors general and managers of decentralized agencies of the state shall have a term of office of four years and their mode of appointment and removal shall be in accordance with the respective laws establishing them.

## Article 265

Officials who in any capacity exercise directive functions of decentralized agencies shall be officials of trust of the executive branch but the employment relations of the other employees of these institutions shall be regulated by the legal regime applicable to workers in general. The methods, content and scope of these regimes shall be governed by the pertinent laws, regulations and collective agreements.

## Article 266

The decentralized institutions shall submit to the central government the plan of operations for the fiscal year concerned, accompanied by a narrative and analytical report of each of the basic specific activities to be carried out, together with a comprehensive budget for the execution of the plan concerned.

The secretaries of the cabinet in the departments of finance and public credit and the Superior Council for Economic Planning shall separately prepare opinions for the purpose of determining the consistency of such documents with the development plans approved.

Once they are approved by the president of the republic, the opinions shall be sent to the decentralized institutions concerned.

The governing bodies of the decentralized institutions shall not approve the plan or the annual budget until the changes proposed in the opinion concerned have been incorporated into them.

- Budget bills

## Article 267

The decentralized organs of the State will send to the Legislative Power within the first 15 days of the month of September of each year, the respective annual [and] itemized drafts of the budget for its approval.

## Article 268

The decentralized institutions must submit to the central government a detailed report on the net results of the financial activities of their prior fiscal year.

Likewise, they must submit a report on the physical and financial progress of all the programs and projects being executed.

The secretary of the cabinet in the department of finance and public credit and the Superior Council for Economic Planning shall evaluate the results of the work of each decentralized agency and shall make such observations and recommendations as they deem pertinent.

## Article 269

The executive branch may, through the corresponding channel, dispose of the net profits of the decentralized institutions that carry on economic activities, when they do not affect the development of those institutions or the execution of their priority programs or projects.

## Article 270

The law shall specify the contracts that must be submitted to public bidding by decentralized institutions.

## Article 271

Any substantial change in the plan of operations and the budget of a decentralized institution shall previously require a favorable opinion from the Superior Council for Economic Planning and from the secretary of the cabinet in the department of finance and public credit.

## CHAPTER X. OF THE NATIONAL DEFENSE

### Article 272

The Armed Forces of Honduras, are a National Institution of permanent character, essentially professional, apolitical, obedient and non-deliberative.

They are instituted to defend the territorial integrity and the sovereignty of the Republic, maintain the peace, the public order and the rule of the Constitution, the principles of free suffrage and the alternation in the exercise of the Presidency of the Republic.

They shall cooperate with the National Police in the conservation of the public order.

To the effect of guaranteeing the free exercise of suffrage, the custody, transportation and oversight of the electoral materials and other aspects of the security of the process, the President of the Republic, may place the Armed Forces at the disposition of the National Tribunal of Elections, from one month before the elections, until the declaration of them.

### Article 273

The Armed Forces will be constituted by the High Command, Army, Air Force, Naval Force, Force of Public Security and the organs that its Constitutive Law determines.

### Article 274

The Armed Forces will be subject to the provisions of their Constitutive Law and to the other Laws and Regulations that regulate their functioning. They shall cooperate with the Secretaries of State and other institutions, at the request of them, in the tasks of literacy, education, agriculture, protection of the environment, road traffic, communications, sanitation and agrarian reform.

They shall participate in international peace missions, based on international treaties, they will provide logistical support as technical assessor, in communications and transport; in the fight against drug trafficking; they shall collaborate with the personnel and the media to face natural disasters and emergency situations that affect persons and assets; as well as in programs of protection and conservation of the ecosystem, of academic education and technical training of their members and others of national interest.

In addition[,] they shall cooperate with the institutions of public security, on petition of the Secretary of State in the Office of Security, to combat terrorism, arms trafficking and organized crime, as well as in the protection of the powers of the State and of the Tribunal of Elections, at the request of them, in their installation and functioning.

### Article 275

A special law shall regulate the operation of the military courts.

### Article 276

The citizens included [between] the ages of eighteen to thirty years will offer their military service in voluntary form in peacetime, under the modality of an educational, social, humanist and democratic system. The State has the faculty to fill [the] ranks, in conformity with the Law of Military Service. In the case of [an] international war, all the Hondurans capable of defending and offering services to the Country are soldiers.

- Restrictions on the armed forces

- International law

- Terrorism

- Duty to serve in the military

- Designation of commander in chief
- Restrictions on the armed forces

## Article 277

The President of the Republic, will exercise the direct command of the Armed Forces in his character of Commanding General in accordance with this Constitution, with the Constitutive Law of the Armed Forces and the other applicable laws.

- Restrictions on the armed forces
- Designation of commander in chief

## Article 278

The orders imparted by the President of the Republic must be followed and executed with adherence to the Constitution of the Republic and to the principles of legality, discipline and military professionalism.

- Selection of active-duty commanders
- Restrictions on minister of defense

## Article 279

The Secretary [masculine/feminine] of State in the Office of National Defense will be [a] citizen [masculine/feminine] that meets the requirements that this Constitution and the other Laws specify; the Head of the Joint Major Command of the Armed Forces will be a General or Superior Officer, with the rank of Colonel at Arms or its equivalent, in active service, with merits and leadership, Honduran by birth and [who] must meet the requirements that the Law determines.

No relative of the President of the Republic[,] or of his legal substitutes[,] within the fourth degree of consanguinity and second of affinity may be Head of the Joint Major Command, and [he] shall remain in his functions three (3) years.

- Restrictions on minister of defense
- Selection of active-duty commanders

## Article 280

The Secretary [masculine/feminine] of State in the Office [of National Defense will be appointed or removed freely by the President of the Republic; in equal form will be the Head of the Joint Major Command of the Armed Forces, who will be selected[,] by the President of the Republic, from among the members that compose the Junta of Commanders of the Armed Forces, in accordance with that established by the Register of Rank of Officers, prescribed in the Constitutive Law of the Armed Forces.

- Selection of active-duty commanders
- Restrictions on minister of defense

## Article 281

In the temporary absence [ausencia] of the Head of the Joint Major Command of the Armed Forces, the Sub-Head of the Joint Major Command will perform his functions, and[,] if he also is found to be absent or if the office is vacant, his functions will be fulfilled provisionally by the General or Superior Officer that the President of the Republic designates, from among the remaining members of the Junta of Commanders; in the default of all the above, by the General or Superior Officer with the rank of Colonel at Arms[,] or his equivalent, that the President of the Republic designates.

In the case of definitive absence of the Head of the Joint Major Command, the President of the Republic will make the respective appointments in the terms provided in Articles 279 and 280 of this Constitution. While the appointment of the Head of the Joint Major Command is in process, the Officer of the Armed Forces who is performing its functions will fill the vacancy.

- Selection of active-duty commanders

## Article 282

The appointments and removals of the personnel of the Armed Forces, in the administrative order, will be made in accordance with the Law of Public Administration.

In the operational area, the appointments and removals will be made by the Head of the Joint Major Command, in accordance [with] the organic structure of the Armed Forces, in accordance with its Constitutive Law, and other valid legal provisions, including to troop and auxiliary personnel.

## Article 283

The Joint Major Command of the Armed Forces is the Superior Technical Organ of Assessment, Planning, Coordination and Supervision, [it] is dependent of the Secretary

of State in the Office of National Defense and will have the functions consigned in the Constitutive Law of the Armed Forces.

### **Article 284**

For reasons of national defense and security, the territory of the Republic will be divided into military regions[,] which will be the responsibility [cargo] of a Head of Military Region; their organization and functioning will be in accordance with that provided in the Constitutive Law of the Armed Forces.

### **Article 285**

The Junta of Commanders of the Armed Forces is the organ of consultation in all the matters related to the Institution. It will act as [the] organ of decision in matters of its competence and with [the] Superior Tribunal of the Armed Forces in the matters which are submitted to its cognizance. The Constitutive Law of the Armed Forces and its Regulations will regulate its functioning.

### **Article 286**

The Junta of Commanders of the Armed Forces, will be composed of the Head of the Joint Major Command, who will preside over it, the Sub-Head of the Joint Major Command, the Inspector General and the Force Commanders.

### **Article 287**

The National Council on Defense and Security is hereby created; a special law shall regulate its organization and operation.

### **Article 288**

Those that aspire to [the] Officer Corps in the Armed Forces will be educated to superior level in the Centers of Military Instruction. Centers of Training for the armies and services will be organized in accord with the necessities of the Institution.

Also[,] Technical Schools of Instruction and Training will be organized, in accordance with the objectives of the voluntary, educative, social, humanist and democratic military service.

- Selection of active-duty commanders

### **Article 289**

The National Defense College is established as the highest seat of learning of the armed forces, responsible for the training of select military and civilian personnel so that they may participate jointly in the national strategic planning in the political, economic, social and military fields.

- Selection of active-duty commanders

### **Article 290**

The military ranks are only acquired by rigorous promotion in accordance with the respective Law.

The military personnel may not be deprived of their ranks, honors and pensions in a form other than that established by the Law.

The promotions from Sub-Lieutenant to Captain inclusively, will be granted by the President of the Republic on the proposal of the Secretary [masculine/ feminine] of State in the Office of National Defense; the promotions from Major to General of Division inclusively, will be granted by the National Congress on the proposal of the Executive Power.

The Joint Major Command of the Armed Forces will issue [a] resolution prior to conferring the promotions on [the] Officers.

## Article 291

The Instituto de Previsión Militar [Institute of Military Preparedness] will function for the protection, welfare and security of all the members of the Armed Forces; [this] organ will be presided over by the Head of the Joint Major Command and in accordance with the provisions of the Law of the Institute of Military Preparedness.

## Article 292

The manufacture, import, distribution and sale of arms, ammunition and similar articles is reserved as an exclusive right of the armed forces.

## Article 293

The National Police is a permanent professional institution of the State, apolitical in the partisan sense of [being] purely civil [by] nature, responsible for seeing to the conservation of the public order, the prevention, control and combating of crime; protecting the security of persons and their assets; executing the resolutions, provisions, mandates and legal decisions of the authorities and public functionaries, all with strict respect for human rights.

The National Police will be governed by special legislation.

## CHAPTER XI. THE DEPARTMENTAL AND MUNICIPAL SYSTEM

- Subsidiary unit government

## Article 294

The national territory shall be divided into departments. Their establishment and boundaries shall be determined by the national Congress.

The departments shall be divided into autonomous municipalities administered by corporations elected by the people, according to law.

## Article 295

The central district consists of a single municipality made up of the former municipalities of Tegucigalpa and ComayagUela.

- Municipal government

## Article 296

The law shall establish the organization and operation of the municipalities and the requirements for being a municipal official or employee.

- Subsidiary unit government

## Article 297

The municipalities shall freely appoint the employees under their authority including the police officers paid with their own funds.

## Article 298

In the performance of their exclusive functions and provided they are not contrary to the law, the municipal corporations shall be independent of the state powers and shall be accountable to the courts of justice for abuses committed individually or collectively, without prejudice to administrative liability.

## Article 299

The economic and social development of the municipalities must form part of the national development programs.

## Article 300

Every municipality shall have sufficient communal land to ensure its existence and normal development.

- Municipal government

## Article 301

Taxes and contributions levied on income derived from investments made in the respective municipality, as well as the participation incumbent upon it for the exploitation or processing of the natural resources located in its municipal jurisdiction, shall be paid into the municipal treasury, except where reasons of national expediency require them to be used for other purposes.

## Article 302

For the exclusive purposes of ensuring the improvement and development of the communities, citizens shall be entitled to freely associate themselves in civic associations, to establish federations or confederations. The law shall regulate this entitlement.

## CHAPTER XII. OF THE JUDICIAL POWER

### Article 303

The power to impart justice emanates from the people and is imparted gratuitously in the name of the State, by independent magistrates and judges, uniquely submitted to the Constitution and the laws. The Judicial Power is composed of a Supreme Court of Justice, by the Courts of Appeals, the Courts and other dependencies that the Law specifies.

In no trial will there be more than two instances; the judge or magistrate who has exercised jurisdiction in one of them, may not take cognizance in the other, nor in extraordinary recourse in the same matter, without incurring responsibility.

Nor can [they] judge in one same cause the spouses and the relatives within the fourth degree of consanguinity or second degree of affinity.

### Article 304

It corresponds to the jurisdictional organs to apply the laws to specific cases, to judge and to execute that judged. At no time may jurisdictional organs of exception be created. The jurisdictional forums of the Special Regions of Development are excepted from this provision. The judges of these forums must be appointed by the National Congress by qualified majority of the two-thirds part of the totality of its members, on proposal of the authorities of the Administration of the Special Region of Development that is concerned.

### Article 305

Once their intervention has been solicited in legal form and in matters of their competence, the judges and magistrates may not opt [dejar] not to judge under the pretext of silence or obscurity of the laws.

### Article 306

The jurisdictional organs may request[,] in the necessary cases[,] the assistance of the Public Force for compliance with their resolutions: if it is denied to them or if it is not provided, they may demand it from the citizens.

Those who without justification would deny their assistance will incur in responsibility.

- Structure of the courts
- Right to appeal judicial decisions
- Judicial independence

- Supreme court selection
- Structure of the courts

- Supreme court selection
- Duty to obey the constitution
- Structure of the courts

- Structure of the courts
- Duty to obey the constitution

- Protection of judges' salaries
- Supreme court term length
- Judicial independence
- Attorney general

## Article 307

The law, without diminishing the independence of the judges and magistrates, will provide that necessary for the objective of assuring the correct and normal functioning of the jurisdictional organs, providing the effective means to attend to their functional and administrative necessities, as well as to the organization of the auxiliary services.

## Article 308

The Supreme Court of Justice is the maximum jurisdictional organ: its jurisdiction comprehends all the territory of the State and has its seat in the capital, but may change it temporarily, when it so determines, to any other part of the territory.

The Supreme Court of Justice will be composed of fifteen (15) Magistrates. Its decisions will be taken by the majority of the totality of its members.

- Eligibility for supreme court judges

## Article 309

To be a Magistrate of the Supreme Court of Justice it is required [to be]:

1. Honduran by birth
2. A citizen in the enjoyment and exercise of his rights;
3. A duly certified attorney;
4. Older than thirty-five (35) years [of age]; and.
5. To have been the titular [member] of a jurisdictional organ for five (5) years, or to have exercised the profession for ten (10) years.

- Minimum age of supreme court judges

- Eligibility for supreme court judges

## Article 310

[The following] may not be elected Magistrates of the Supreme Court of Justice:

1. Those who have any of the incapacities to be Secretary of State; and,
2. The spouses and the relatives among them within the fourth grade of consanguinity or second of affinity.

- Supreme court selection
- Establishment of judicial council

## Article 311

The Magistrates of the Supreme Court of Justice, will be elected by the National Congress, with the favorable vote of the two-thirds part of the totality of its members, from a list of candidates of not less than three for each one of the magistrates to be elected.

Presented [with] the proposal with the totality of the Magistrates, it will proceed to their election.

In case that the qualified majority for the election of the complete list of the Magistrates is not obtained, a direct and secret vote will be effected to individually elect the insufficient [number] of magistrates, as many times as necessary, until the favorable vote of the two-thirds part is obtained.

The Magistrates will be elected from a list of candidates proposed by an Nominating Board that will be integrated in the following manner:

1. A representative of the Supreme Court of Justice elected by the favorable vote of the two-thirds part of the Magistrates.
2. A representative of the College of Attorneys, elected in Assembly;
3. The National Commissioner of Human Rights;

- Human rights commission



4. A representative of the Honduran Council of Private Enterprise (COHEP), elected in Assembly;
5. A representative of the faculties of professors from the Schools of Juridical Sciences, whose proposal will be effected through the National Autonomous University of Honduras (UNAH);
6. A representative elected by the organizations of the civil society; and,
7. A representative of the Confederations of Workers.

A law will regulate the organization and the functioning of the Nominating Board.

### Article 312

The organizations that integrate the Nominating Board will be convoked by the President of the National Congress, at the latest, [on] the 31st of October of the year prior to the election of the Magistrates, having to deliver their proposal to the Permanent Commission of the National Congress [on] the day of the 23rd of January as a maximum time period, with the objective of being able to effect the election on the day of the 25th of January.

If once convoked[,] the Nominating Board does not effect the proposals, the National Congress will proceed to the election by qualified majority of the totality of its members.

### Article 313

The Supreme Court of Justice has the following attributions:

1. To direct the Judicial Power in the power of Imparting Justice;
2. To take cognizance of the formal preliminary processes [concerning] the most high functionaries of the State, and the Deputies;
3. To take cognizance[,] at second instance [,] of the matters that the Courts of Appeals have taken cognizance of in first instance;
4. To take cognizance of the causes of extradition and others that must be judged in conformity with International Law;
5. To take cognizance of the Recourses of cassation, amparo, revision and unconstitutionality in conformity with this Constitution and the Law;
6. To authorize the notarial exercise to those who have obtained the title of Lawyer;
7. To take cognizance in first instance of the preliminary proceedings against the Magistrates of the Courts of Appeals;
8. To adopt its Interior Regulations and the others that are necessary for the fulfillment of its functions; and,
9. The others that the Constitution and the Laws confer on it;
10. To draft the Bill of the Budget of the Judicial Power jointly with the Council of the Judicature and of the Judicial Career and to send it[,] through the President[,] to the National Congress;
11. To establish the Division of the Territory for jurisdictional effects;
12. To create, to suppress, to merge or to move the Courts, Courts of Appeals and other dependencies with prior favorable decision of the Council of the Judicature and of the Judicial Career.

- Establishment of judicial council
- Supreme court selection

- Supreme court powers

- Head of state removal
- Removal of individual legislators
- Cabinet removal

- Extradition procedure
- International law

- Supreme/ordinary court judge removal
- Establishment of judicial council
- Ordinary court selection

- Establishment of judicial council

## Article 314

The term of the Magistrates of the Supreme Court of Justice will be seven (7) years from the date on which they take the oath of Law, [and] they may be reelected.

In case of death, incapacity that impedes him from performing his office [cargo], substitution for legal causes or of resignation; the Magistrate who fills the vacancy, will occupy the office for the rest of the term and will be elected by the National Congress, by the favorable vote of the two-thirds part of the totality of its members. The substitute will be elected from the remaining candidates proposed by the Nominating Board at the beginning of the term.

## Article 315

The Supreme Court of Justice will fulfill its constitutional and legal functions under the Presidency of one of its Magistrates.

For the election of the President of the Court, the Magistrates elected by the National Congress meeting in Plenary, will select, at the latest twenty-four (24) hours after their election and by the favorable vote of the two-thirds part of their members, the Magistrate whose name will be proposed to the Congress of the Republic for his election as such.

This election will be effected, in an equal manner with the vote of the two-thirds part of the totality of the members of the National Congress.

The President of the Supreme Court of Justice will remain in its functions for a term of seven (7) years and may be reelected.

The President of the Supreme Court of Justice will exercise the representation of the Judicial Power and in that character will act in accordance with the decisions adopted by the Court in Plenary.

## Article 316

The Supreme Court of Justice will be organized in chambers, one of which is the Constitutional [Chamber].

When the sentences of the chambers are pronounced by unanimity of votes, they will be proffered in the name of the Supreme Court of Justice and will have definitive character. When the sentences are pronounced by majority of votes, they must be submitted to the Plenary of the Supreme Court of Justice.

The Constitutional Chamber will have the following attributions:

1. To take cognizance, in conformity with this Constitution and the Law, of the recourses of Habeas Corpus, Amparo, Unconstitutionality and Revision, and,
2. To resolve the conflicts among the Powers of the State, including the National Tribunal of Elections (TNE), as well as among the other entities or organs that the law indicates;

The sentences in which the unconstitutionality of a norm is declared will be of immediate execution and will have general effects, and therefore, they will abrogate the unconstitutional norm, [and this] will be communicated to the National Congress, which will publish it in the Diario Oficial La Gaceta [Official Gazette].

The Regulations will establish the organization and functioning of the chambers.

## Article 317

The Council of the Judicature and of the Judicial Career will be created[,] of which [the] members, organization, scope and attributions will be the object of a Law, which will be adopted by the favorable vote of the two-thirds part of the totality of the Deputies of the National Congress.

- Constitutional interpretation
- Constitutionality of legislation

- Protection from unjustified restraint
- Right to amparo

- Establishment of judicial council

The Judges and Magistrates may not be separated, suspended, transferred, demoted, or retired, except for the causes, and with the guarantees provided in the Law.

The term of the Council of the Judicature and of the Judicial Career, will be of five (5) years [and] they may be reelected for one term more, providing full-time service in exclusive manner. The members of the Council who are part of the Supreme Court of Justice are excepted, who will serve [fungirán] during the term for which they are elected.

The Law will specify its organization, its scope and attributions.

### Article 318

The Judicial Power enjoys complete administrative and financial autonomy. In the General Budget of Revenues and Expenditures of the Republic, [it] will have an annual allocation not less than three percent (3%) of the current revenues.

The Executive Power will credit, by trimesters in advance, the corresponding budget items.

### Article 319

The Judges and Magistrates will serve the Judicial Power in exclusive form. [They] may not exercise, consequently, the profession of law in an independent form, nor provide advice or legal counsel to any person. This prohibition does not include the performance of educational responsibilities or diplomatic functions Ad-hoc.

The Judicial functionaries and the auxiliary personnel of the Judicial Power, of the jurisdictional and administrative areas, may not participate for any reason, in party-type activities of any kind, except to emit their personal vote. Neither may they unionize or declare themselves on strike.

### Article 320

In cases of incompatibility between a constitutional norm and an ordinary legal [norm], the first will be applied.

## CHAPTER XIII. THE LIABILITY OF THE STATE AND OF ITS SERVANTS

### Article 321

The servants of the state shall have no powers other than those expressly conferred on them by law. Any act they execute outside the law is null and void and entails liability.

### Article 322

On taking up his post a public official shall take the following legal oath: "I promise to be faithful to the republic, to comply with and enforce the Constitution and laws."

### Article 323

The officials are the repositories of authority, legally responsible for their official conduct, subject to the law and never above it.

No official or employee, civil or military, is required to fulfill unlawful orders or orders that entail the commission of an offense.

### Article 324

If in the performance of his duties a public servant infringes the law to the detriment of private individuals, he shall be civilly and jointly liable together with the State and the

- Protection of judges' salaries
- Budget bills

- Eligibility for supreme court judges
- Eligibility for ordinary court judges

- Right to join trade unions
- Right to strike

- Constitutionality of legislation

- Oaths to abide by constitution

state institution in whose service he is working, without prejudice to the recovery action that these may institute against the servant responsible, in cases of negligence or fraud.

Civil liability does not exclude the institution of administrative and penal liability proceedings against the offender.

### **Article 325**

Civil liability proceedings against servants of the State prescribe in a period of ten years; penal liability proceedings, in twice the time indicated by the penal law.

In both cases, the period of prescription shall run from the date on which the public servant has ceased to perform the duties of the post in which he became liable.

There is no period of limitation in cases in which the death of one or more persons was caused by willful act or omission and for political reasons.

### **Article 326**

The action to prosecute violators of the rights or guarantees established in this Constitution may be instituted by any person without bond or any formality and by simple denunciation.

### **Article 327**

The law shall regulate the civil liability of the State, as well as the joint civil, penal and administrative liability of servants of the State.

## **TITLE VI. THE ECONOMIC REGIME**

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### **CHAPTER I. THE ECONOMIC SYSTEM**

#### **Article 328**

The economic system of Honduras is based on the principles of efficiency in production and social justice in the distribution of wealth and national income, as well as on the harmonious coexistence of the factors of production that make it possible to dignify labor as the principal source of wealth and as a means of fulfillment of the human being.

#### **Article 329**

The State promotes the integral development in economic and social [matters], which will be subject to strategic planning. The Law will regulate the system and process of planning with the participation of the Powers of the State and the political, economic and social organizations, duly represented.

To realize the function of promotion of economic and social development, and to complement the acts of the other agents of this development, the State, with a view to [the] medium and long term will create in concert with Honduran society a planning attentive to the specific objectives and the means and mechanisms to obtain them.

The plans of medium and long term development will include strategic policies and programs that guarantee the continuity of their execution from their conception and adoption, to their conclusion.

The Plan of the Nation, the plan of integral development and the programs incorporated into them will be of obligatory compliance for the successive governments.

Special Regions of Development (RED)

The State will establish Special Regions of Development, these being entities created with the proposition of accelerating the adoption of technologies that permit the

production and provision of services with a high aggregate value, in a stable environment, with transparent rules[,] able to capture the national and foreign investment that is required for accelerated growth, to create the jobs that are necessary to reduce social inequalities, to grant to the population the services of education, health, public security and the infrastructure necessary that permits a real betterment in the condition of life of the region.

The systems that are instituted in the Special Regions of Development must be established by a Constitutional Statute adopted by the National Congress with a qualified majority of the two-thirds part of the totality of its members. Once promulgated[,] this Constitutional Statute may only be modified, reformed, interpreted or abrogated with the same majority indicated above, [with] prior referendum of the citizens that inhabit the Special Region of Development that is concerned.

The Special Regions of Development have juridical personality, must have their own system of public administration, must adopt their own legal norms that must be approved or disapproved by the National Congress by the qualified majority of the totality of its members, must have their own jurisdictional forum in accordance with that provided in Article 304 of this Constitution, may sign treaties and international agreements [concerning] subjects related to the commerce and cooperation in matters of their competence, which must be ratified by the National Congress; and, have the attributions contained in Article 15 final paragraph and 297 of this Constitution.

The Special Regions of Development are considered of urban character.

In the matters of budget, taxes, collection, administration of taxes and tributes, as well as the celebration of any type of contracts that extend to the following term of government and to contract their own internal or external debts [which] whenever they are without the guarantee of the State of Honduras, [these] will be regulated in accordance with that which is provided in the Constitutional Statute.

At the moment of their creation they must guarantee all that provided in Articles 12, 13, 15 and 19 of this Constitution is respected.

The Special Regions of Development will be subject to the National Congress in all those matters related to sovereignty, national defense, foreign relations, electoral matters, [and] issuing of documents of identity and passports.

### **Article 330**

The national economy is based on the democratic and harmonious coexistence of various forms of ownership and enterprise.

- Right to work

### **Article 331**

The State recognizes, guarantees and promotes freedom of consumption, savings, investment, employment, initiative, commerce, industry, contract, business and any others that flow from the principles that underlie this Constitution. However, the exercise of these freedoms may not be contrary to the social interest nor harmful to morals, health, or public security.

### **Article 332**

The practice of economic activities primarily belongs to individuals. However, the State, for reasons of public policy or social interest, may reserve to itself the operation of specified basic industries, ventures, and services affected by a public interest and issue economic, fiscal and public security measures and laws to channel, stimulate, supervise, orient and supplement private initiative on the basis of a rational and planned economic policy.

### **Article 333**

The basis of the intervention of the State in the economy shall be the public and social interest, and its limits shall be rights and liberties recognized by this Constitution.

### Article 334

Commercial companies shall be subject to the control and supervision of an office of the superintendent of companies, whose organization and operation shall be determined by law.

Cooperatives shall be answerable to the agency and in the form and to the extent established by the pertinent laws.

- International law

### Article 335

The State shall order its external economic relations on the basis of fair international cooperation, Central American economic integration, and respect for the treaties and agreements it signs, insofar as they are not opposed to the national interest.

### Article 336

Foreign investment shall be authorized, registered and supervised by the State. It shall supplement and never substitute for national investment.

Foreign enterprises shall be subject to the laws of the republic.

### Article 337

Small-scale industry and commerce is the patrimony of Honduran nationals and its protection shall be the subject matter of a law.

### Article 338

The law shall regulate and promote the organization of cooperatives of all kinds, without the basic economic and social principles of this Constitution being altered or eluded.

- Provisions for intellectual property

### Article 339

Monopolies, monopsonies, oligopolies, hoarding and similar practices in industrial and commercial activity are prohibited.

- Reference to art

The temporary privileges granted to inventors, discoverers or authors as scientific, literary, artistic or commercial property, patents of invention or trademarks are not considered private monopolies.

- Ownership of natural resources

### Article 340

The technical and rational exploitation of the natural resources of the nation is declared to be of public interest and need.

The state shall regulate their development in accordance with the social interest and shall establish the conditions for their grant to individuals.

The reforestation of the country and the conservation of forests are declared to be of national importance and collective interest.

### Article 341

The law may establish restrictions, terms or prohibitions for the purchase, transfer, use and enjoyment of state and municipal property, for reasons of public policy, social interest or national expediency.

## CHAPTER II. CURRENCY AND BANKING

- Central bank

## Article 342

The issue of currency is the exclusive power of the State, which shall exercise it through the Central Bank of Honduras.

The banking, currency and credit regime shall be regulated by law.

The State, through the Central Bank of Honduras, shall be responsible for the formulation and development of the monetary, credit and exchange policy of the country, duly coordinated with the planned economic policy.

- Central bank

## Article 343

The Central Bank of Honduras shall regulate and approve the granting of loans, discounts, guarantees and other credit operations; commissions, allowances or bonuses of any kind that banking, financing, or insurance institutions grant to shareholders that hold a majority interest, directors, and officers.

In addition, it shall regulate and approve the granting of loans, discount, guarantees and other credit operations to companies in which the shareholders hold a majority interest.

Any violation of the provisions of this article shall be punished in accordance with such regulations as the Central Bank may issue, without prejudice to any civil or penal liability proceedings resulting therefrom.

## CHAPTER III. AGRARIAN REFORM

### Article 344

Agrarian reform is a comprehensive process and an instrument for the transformation of the agrarian structure of the country, aimed at replacing latifundia and minifundia by a system of ownership, tenure, and use of the land that guarantees social justice in rural areas and increases the production and productivity of the agricultural sector.

The implementation of agrarian reform is declared to be of public need and interest.

### Article 345

Agrarian reform is an essential part of the overall development strategy of the nation and therefore any other economic and social policies that the government may approve shall be formulated and executed in harmony with it, especially those related, inter alia, to education, housing, employment, infrastructure, marketing and technical and credit assistance.

Agrarian reform shall be implemented in such a way as to ensure the effective participation of agricultural workers on an equal footing with other sectors of production, in the process of economic, social and political development of the nation.

- Provisions for wealth redistribution
- Integration of ethnic communities

### Article 346

It is the duty of the state to adopt measures to protect the rights and interests of the indigenous communities in the country, especially of the lands and forests in which they are settled.

- Protection of consumers

### Article 347

Agricultural production must be preferably aimed at satisfying the food requirements of the Honduran population, within the framework of a policy of adequate supply and fair prices for the producer and the consumer.

### Article 348

The agrarian reform plans of the National Agrarian Institute and the other decisions of the State in agrarian matters shall be formulated and implemented with the effective

participation of legally recognized organizations of agricultural workers, farmers, and stockraisers.

### Article 349

The expropriation of property for the purpose of agrarian reform or for developing and improving communities, or for any other purposes of national interest determined by the law, shall be carried out on the basis of just compensation by cash payments and, where appropriate, agrarian debt bonds. These bonds shall be compulsorily acceptable, shall enjoy sufficient guarantees by the State, and shall have such nominal values, redemption periods, interest rates and other requirements as the agrarian reform law may determine.

- Protection from expropriation

### Article 350

The properties that may be expropriated for the purposes of agrarian reform or the development and improvement of communities are exclusively rural holdings and the useful and necessary improvements attached to them whose severance may be detrimental to the economic production unit.

## CHAPTER IV. FINANCIAL REGIME

### Article 351

The tax system shall be governed by the principles of legality, proportionality, generality and equity, in accordance with the economic capacity of the taxpayer.

## CHAPTER V. PUBLIC WEALTH

### Article 352

The public wealth comprises:

1. All movable and immovable properties of the State;
2. All its active credits, and
3. Its net available funds.

### Article 353

The financial obligations of the State are:

1. Debts legally incurred for current expenditure or investment outlays originating in the execution of the general revenues and expenditures budget, and
2. Other debts legally recognized by the State.

### Article 354

Fiscal or public properties may be awarded or transferred only to the persons, and in the manner and under the conditions determined by law.

The State reserves itself the power to establish or modify the demarcation of areas for the control and protection of natural resources in the national territory.

- Ownership of natural resources

### Article 355

The administration of public funds is the responsibility of the executive branch.

For the collection, custody and expenditure of these funds, there shall be a general treasury service.

- Budget bills



However, the executive branch may delegate the functions of collector and depository to the Central Bank.

In addition, the law may establish special disbursement services.

### **Article 356**

The State guarantees the payment of the public debt incurred only by constitutional governments, in accordance with this Constitution and laws. Any rule or act that violates the provisions of this

Article shall entail the civil, penal and administrative liability of the offenders, for which there shall be no period of limitation.

### **Article 357**

The authorizations of external or internal indebtedness of the central government, decentralized agencies and municipal governments, which include State guarantees or endorsements, shall be regulated by law.

### **Article 358**

Local governments may undertake domestic credit operations under their exclusive responsibility, but they shall require the authorizations specified by special laws.

### **Article 359**

Public taxation, expenditure and indebtedness shall be proportionate to the gross domestic product, according to law.

- Emergency provisions

### **Article 360**

The contracts which the State enters into for the construction of public works, procurement of supplies and services, purchase or rental of goods, must be executed following a public bidding, competition or auction, according to law.

The foregoing provision shall not apply to contracts whose purpose is to meet the needs arising from a state of emergency and those which by their nature can be entered into only with a specified person.

## **CHAPTER VI. BUDGET**

### **Article 361**

The financial resources of the State are:

1. Revenues received from taxes, fees, contributions, royalties, grants or under any other heading;
2. Revenues derived from state enterprises, mixed-capital enterprises, or those in which the state has an equity participation, and
3. Special revenue derived from public credit or any other sources.

### **Article 362**

All fiscal revenues and expenditures shall appear in the general budget of the republic, which shall be voted annually in accordance with planned economic policy and with the annual plans of operations approved by the government.

### **Article 363**

All regular fiscal revenues shall constitute a single fund.

No earmarked revenue may be created. Nevertheless, the law may earmark revenue for the service of the public debt and order that the proceeds of specified taxes and general contributions be divided between the national treasury and the treasury of the municipalities in predetermined proportions or amounts.

In addition, the law may, in accordance with the planned policy, authorize specified state enterprises or mixed economy enterprises to collect, administer, or invest financial resources derived from the performance of the economic activities incumbent upon them.

### Article 364

No commitment may be made and no payment may be effected that exceeds the appropriations voted in the budget or violates the budgetary rules.

The offenders shall be civilly, penally and administratively liable.

### Article 365

The executive branch, under its responsibility and provided the national Congress is not in session, may incur loans, change the purpose of an authorized item, or open additional credits for satisfying urgent or unforeseen needs in the event of war, internal disturbance or public disaster, or for meeting international commitments, all of which are to be accounted for in detail to the national Congress at the subsequent legislative session.

The same procedure shall be followed in the case of obligations of the State arising from final judgments for the payment of employment benefits when no budgetary item exists or when such item has been exhausted.

### Article 366

The budget shall be voted by the legislative branch on the basis of the proposal submitted by the executive branch.

### Article 367

The proposed budget shall be submitted by the executive branch to the national Congress within the first fifteen days of the month of September of each year.

### Article 368

The organic budget law shall stipulate all matters relating to the preparation, calculation, execution and liquidation of the budget. When the budget for a new fiscal year has not been voted at the end of the fiscal year, the one corresponding to the previous period shall continue in effect.

### Article 369

The law shall determine the organization and operation of the general supply office of the republic.

### Article 370

[Abrogated]

### Article 371

The preventive inspection of the execution of the general revenues and expenditures budget of the republic shall be the responsibility of the executive branch, which must in particular:

1. Check the collection and supervise the custody, commitment and outlay of public funds, and

- International law

- Budget bills

- Budget bills

- Budget bills

2. Approve all outlays of public funds, in accordance with the budget.

The law shall establish the procedures and scope of this inspection.

### Article 372

The preventive inspection of decentralized institutions and municipalities shall be carried out in accordance with the provisions of the respective laws.

## TITLE VII. AMENDMENT AND INVIOABILITY OF THE CONSTITUTION

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### CHAPTER I. AMENDMENT OF THE CONSTITUTION

- Constitution amendment procedure

#### Article 373

The amendment of this Constitution may be decreed by the national Congress, in regular session, with two thirds of the votes of all its members. The decree shall specify for that purpose the article or articles that are to be amended, which must be ratified by the subsequent regular annual session, by the same number of votes, in order to take effect.

- Unamendable provisions
- Constitution amendment procedure

#### Article 374

The foregoing article, this article, the Articles of the Constitution relating to the form of government, national territory, the presidential term, the prohibition from reelection to the presidency of the republic, the citizen who has served as president under any title, and to persons who may not be president of the republic for the subsequent period may not be amended.

### CHAPTER II. THE INVIOABILITY OF THE CONSTITUTION

#### Article 375

This Constitution does not cease to be in effect nor does it cease to be in force by act of force or when it is allegedly repealed or amended by any means or procedure other than that which it itself provides. In these cases, every citizen, whether or not invested with authority, has the duty to cooperate in maintaining or reestablishing its effectiveness.

Persons responsible for the events specified in the first part of the foregoing paragraph, as well as the principal officials of governments that may subsequently be organized, shall be tried in accordance with this Constitution and the laws issued in conformity therewith, if they have not assisted in immediately reestablishing the rule of this Constitution and the authorities constituted in accordance therewith. The Congress may, by a vote of an absolute majority of its members, decree the forfeiture of all or part of the property of those persons and of others who have enriched themselves by supplanting the sovereignty of the people or by usurping the public powers, to compensate the republic for any losses incurred on account of them.

- Transitional provisions

# TITLE VIII. TRANSITORY PROVISIONS AND THE ENTRY INTO FORCE OF THE CONSTITUTION

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## CHAPTER I. TRANSITORY PROVISIONS

### Article 376

All laws, decree-laws, decrees, regulations, orders and other provisions that were in effect at the time this Constitution was promulgated shall continue to be observed insofar as they are not in conflict with it or until they have been legally repealed or amended.

### Article 377

[Abrogated]

### Article 378

The Constitution issued by the Constituent National Assembly on the third day of June, one thousand nine hundred and seventy-five, is repealed by this Constitution.

## CHAPTER II. THE ENTRY INTO FORCE OF THE CONSTITUTION

### Article 379

This Constitution shall be sworn in a public and solemn session and shall enter into force on the twentieth day of January nineteen hundred and eighty-two.

Done in the hall of sessions of the National Constituent Assembly, in the city of Tegucigalpa, Central District, on the eleventh day of January, one thousand nine hundred and eighty-two.

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