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HONDURAS

HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION

Honduras acceded to the Hague Convention on the Civil Aspects of International Child Abduction on December 20, 1993, and the Convention entered into force in Honduras on March 1, 1994.³⁴ According to article 38 of the Convention, the accession has effect only with regard to the relations between Honduras and such contracting states as have declared their acceptance of the accession.³⁵ Although the Convention entered into force bilaterally between the United States and Honduras on June 1, 1994,³⁶ Honduras has promulgated no domestic legislation to implement the Convention. The U.S. Department of State has cited Honduras among the non-compliant countries in its annual report to the U.S. Congress regarding compliance with the Convention.³⁷

The Honduran government notified The Hague about its designation of the *Junta Nacional de Bienestar Social* (currently known as *Instituto Hondureño de la Niñez y la Familia*) as the Honduran Central Authority for the Convention. However, the executive branch does not recognize its own accession to the Convention, because the Honduran Congress has not yet ratified the treaty, a requirement of the Honduran Constitution for treaties to come into force. Based on this argument, the executive branch believes that Honduras is not obliged to comply with the Convention. The Honduran Executive Branch has been advised by the U.S. Ambassador that by becoming a party to the Vienna Convention on the Law of Treaties, Honduras is bound by articles 26 of 27 of the Vienna Convention.³⁸ The *pacta sunt servanda* provision found in article 26 states that “[e]very treaty in force is binding upon the parties to it and must be performed by them in good faith.”³⁹ Article 27 states that “[a] party may not invoke the provisions of its internal law as justification for its failure to perform a treaty”⁴⁰ Since 1994, Honduras has failed to take an action with respect to four Hague return applications filed by the U.S. Central Authority.⁴¹

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³⁴ Hague Convention of Oct. 25, 1980, on the Civil Aspects of International Child Abduction, 19 I.L.M. 1501 (1980).

³⁵ *Id.* art. 38.

³⁶ *Supra* note 1, Full Status Report, available at <http://www.hcch.net/e/status/stat28e.html>.

³⁷ Report on Compliance with the Hague Convention on the Civil Status of International Child Abduction, Apr. 2001, http://travel.state.gov/2001_Hague_Compliance_Report.html.

³⁸ *Id.* at 7.

³⁹ Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331, art. 26.

⁴⁰ *Id.* art. 27.

⁴¹ *Supra* note 4. The lack of compliance by Honduras continues: Information provided by Kathleen Bresnaham, from the Office of Children's Issues, U.S. Department of Justice on Jan. 12, 2004.