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DOMINICAN REPUBLIC: URGE CONGRESS TO DECRIMINALIZE ABORTION

In May 2017, the Dominican Senate voted to reject the President's recommendations to decriminalize abortion. The President's recommendations are now being discussed by the Justice Commission of the Chamber of Deputies, which is expected to vote on the recommendations soon. If the Chamber also rejects the President's recommendations, the Dominican Republic's Criminal Code will continue to violate the rights of women and girls.

In December 2016, President Danilo Medina vetoed a new version of the Dominican Republic's Criminal Code, previously approved by Congress, that maintained the country's complete ban on abortion with one exception: when the pregnancy poses a risk to life of the woman, and only after "all attempts had been made to save both the lives of the woman and the foetus." With his veto, the President submitted "observations" (recommendations) that the Criminal Code stipulate three specific exceptions to the criminalization of abortion: when a pregnancy poses a risk to the life of the woman, when a pregnancy is the result of rape or incest and in cases when the foetus will not survive outside the womb.



Photo Credit: Amnesty International.

Image text: Women and girls die each year because of the prohibition of abortion in the Dominican Republic. Demand Congress decriminalizes abortion today. Support the dignity of women.

On 31 May 2017 the Dominican Senate (upper chamber of the Dominican Congress) voted to reject the President's recommendations. The recommendations were later sent to the Chamber of Deputies (lower chamber of the Congress) where the Justice Commission will now examine it. The Commission is expected to present a report to the Chamber endorsing or rejecting the recommendations in the coming days. A vote in the Chamber is expected shortly after. If the Commission chooses to endorse the recommendations, then a favorable vote in the Chamber is more likely.

Please send a letter, email or fax without delay. (Postage: \$2.50).

- * Urge the Justice Commission to endorse without modification the President's observations and to expressly recommend that the Chamber of Deputies vote in favor of the observations.
- * Express your profound concern that women and girls in the Dominican Republic are at risk of having their rights to life, health, and freedom from discrimination, torture and ill-treatment violated if the President's recommendations are rejected and the criminalization of abortion is maintained.
- * Call on Congress to ensure access to abortion both in law and in practice, at a minimum, in cases where pregnancy poses a risk to the life or the physical or mental health of a pregnant woman or girl, in cases where the foetus will be unable to survive outside the womb, and in cases where the pregnancy is the result of rape or incest.

Here is the contact information you will need:

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Salutation: Señor Diputado / Dear Congressman

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ADDITIONAL INFORMATION

A comprehensive reform of the Criminal Code in the Dominican Republic has been ongoing for several years. Under the Criminal Code currently in force, women seeking abortion services and those who provide those services face criminal sanctions regardless of the circumstances in which the abortion was sought or provided. In 2010 a new Constitution entered into force stating the inviolability of the right to life “from conception to death” in its article 37.

In 2014, following pressure from religious groups, the Dominican Congress adopted a draft reform of the Criminal Code which maintained a full ban on abortion. However, the Dominican President Danilo Medina rejected the new Criminal Code and urged the Congress to lift the total ban on abortion and pave the way for decriminalization in three circumstances: where the pregnancy poses a risk to the life of a pregnant woman or girl, where the foetus would be unable to survive outside the womb, and where the pregnancy is the result of rape or incest. The revised version was approved by the Chamber of Deputies, and was due to take effect a year later, in December 2015, and was to be regulated in separate legislation.

The public position against a total ban on abortion taken by President Medina and Congress in 2014 was a big step forward for the rights of women and girls in the Dominican Republic. However, a year later, the Constitutional Court struck down the proposed reforms after three religious and conservative pressure groups appealed the decision and alleged procedural errors. The decision overturned the penal reforms approved by Congress, and left the old Criminal Code, which dates back to 1884, in force.

According to Article 102 of the Dominican Constitution, the President’s observations can only be circumvented if both chambers of the Congress adopt the initial version with a majority of two-thirds of the members.

Evidence shows that total bans on abortion do not reduce the number of abortions but instead increase the risk of women dying due to illegal, unsafe abortions. The World Health Organization has warned that restrictive abortion laws put women and girls living in poverty, and those living in rural and more isolated areas at particular risk of unsafe abortions. Criminalization of abortion in all circumstances deters women from seeking medical care and creates a ‘chilling effect’ on doctors who are fearful of providing life-saving treatment to women whose life or health are at risk by pregnancy, or who suffer complications from an unsafe abortion.

In the Dominican Republic, women and girls continue to die for preventable reasons due to the current total ban on abortion. This was the case for Rosaura Almonte, known by the media as “Esperancita”, who died in 2012 after not receiving life-saving chemotherapy for leukemia because she was seven weeks pregnant at the time and the treatment she needed would have affected the foetus she was carrying. Doctors delayed treating her because abortion, and those that facilitate abortion, can be criminally punished.