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Dominican Republic: the reform of the Penal Code is an opportunity for tackling key human rights issues

As the Congress of the Dominican Republic begins a new session, Amnesty International is urging Dominican lawmakers to prioritize human rights protection and promotion when they examine the proposed reform of the Penal Code. In the next few weeks the Senate is expected to examine and vote on the text that the Chamber of Deputies adopted in June.

“Although, as far as the protection of certain human rights is concerned, the text adopted by the MPs is an improvement on the current Penal Code and other proposals for its reform drawn up in the past, the Senate should consider making some changes to bring it into line with the international requirements and obligations incumbent on the Dominican Republic with regard to human rights”, Amnesty International’s researcher for the Caribbean, Chiara Liguori, said.

It is good, for example, that the new Code envisages crimes under international law, such as crimes against humanity, that it provides a very broad definition of the grounds for discrimination and that it includes abuses committed by public authorities against private individuals.

However, there are some serious gaps in the version of the Code adopted by the Chamber of Deputies, including the failure to classify extrajudicial execution and enforced disappearance as criminal offences.

In a country such as the Dominican Republic, where there are repeated allegations of extrajudicial executions being carried out by the security forces, and where at least two cases of alleged disappearance at the hands of the police have been documented since 2009 (Juan Almonte Herrera and Gabriel Sandi Alistar), it is essential that these two crimes are included and made punishable under domestic law. This will help to strengthen accountability mechanisms with regard to the actions of the police and protect the population from being abused by those who should be working to safeguard their rights.

Amnesty International is also extremely concerned about the potentially negative consequences for the right to adequate housing posed by the possible criminalization of the occupation of public or private property contained in articles 250-252 of the draft Code.

“According to several studies, over 50% of the country’s population (75% in the province of Santo Domingo) do not know whether or not they have valid title to the land or homes they are living in”, Chiara Liguori explained. “It is unacceptable that such a large percentage of the population should be put at risk of being criminalized.”

“If articles 250-252 of the draft Code were to be adopted, forced evictions would be made legal and thousands of people throughout the country would be left in a state of increasing insecurity and vulnerability”, Chiara Liguori said. “Doing so would be in breach of article 59 of the Dominican Constitution and of several international human rights conventions ratified by the Dominican Republic”.

Amnesty International supports the call made by several Dominican human rights organizations for the issue of the occupation of public or private property to be resolved by adopting alternative measures that respect human rights and meet the country’s international obligations.

As far as the issue of abortion is concerned, although it has noted the changes made in the latest version of the Code voted on by the Chamber, Amnesty International is asking the authorities to go further in order to ensure that women's human rights are fully respected.

"The fact that abortion can be authorized where there is a state of necessity, as agreed by the Chamber in June, is undoubtedly a step forward. However, criminal penalties for women and girls who seek out abortion services in other circumstances, including in cases of rape and incest, are still provided, something which could seriously violate their human rights," Chiara Liguori explained.

"We are repeating the arguments we made in an [open letter](#) to Dominican lawmakers last October, in particular that the criminalization of abortion, whatever the circumstances, violates the right of women and girls to the highest attainable standard of health, as well as their right not to be subjected to torture or other forms of cruel, inhuman or degrading treatment, and not to suffer discrimination" Liguori said.

Amnesty International supports women's organizations in the Dominican Republic in calling for abortion to be decriminalized not only in cases in which the woman's life is at risk but also when there is a risk to her health, as well as in cases of pregnancies that are the result of rape or incest.

If they take these considerations into account, Dominican lawmakers will be able to provide Dominican society with the legal tools required for human rights to be protected and respected.

NOTE: Chiara Liguori, Amnesty International's researcher on the Dominican Republic, is available for interview on the issue.

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