

URGENT ACTION

THREAT TO SEXUAL AND REPRODUCTIVE RIGHTS

With the beginning of the new parliamentary term, a preliminary draft of the Criminal Code is being debated by the Dominican Republic's Congress with the objective of approving a reformed version by the end of this legislative year. Legislators are currently pushing forward with a reformed criminal code that would fail to decriminalize abortion in three circumstances and that would not provide protections against torture, violence and discrimination on the grounds of sexual orientation and gender identity. We demand the Congress approves a reformed criminal code that meets their human rights obligations to respect, protect and fulfil women's, girls' and LGBTIQ+ people's rights, lives, health, dignity, and autonomy.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr. Alfredo Pacheco,
President of the Chamber of Deputies
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Dear Alfredo Pacheco,

Right now, human rights activists across the Dominican Republic are demanding that the reform of the country's criminal code includes the protection of LGBTIQ+ rights and the decriminalization of abortion in three limited circumstances: when the pregnancy poses a risk to the life of a pregnant woman or girl, when the fetus could not survive outside the womb, and when the pregnancy is the result of rape or incest. These demands are a human rights imperative for the Dominican Republic and must be approved.

The Dominican Republic's current legislation that outlaws abortion under all circumstances causes a serious and urgent public health problem, leading to avoidable deaths of women and pregnant people, generally from the most vulnerable sectors of the population.

Over the last 25 years, more than 50 countries have changed their laws to allow for greater access to abortion, recognizing the vital role that access to safe abortion plays in protecting lives and health. Such reforms are widely supported by human rights standards, as well as by public health experts. The World Health Organization, along with prominent medical associations, support the decriminalisation of abortion, asserting that criminalisation does not have the intended effect of reducing the numbers of abortions and only leads to women seeking unsafe clandestine abortion that put their lives and health at risk.

Sadly, the Dominican Republic continues to be amongst the last countries in the world to maintain a complete ban on abortion. The current debate over the reform of the country's criminal code represents an historic opportunity to change this situation and stand on the right side of history.

Equally, by failing to ensure that the Criminal Code includes protections against torture, violence and discrimination on the grounds of sexual orientation and gender identity, the Dominican Republic would sustain inequalities, perpetuate discrimination and stigmatization of LGBTIQ+ people, preventing them from enjoying a whole range of other rights.

Therefore, I call on to you to approve a reformed criminal code that meets the Dominican Republic's obligations under international human rights law to respect, protect, and fulfil the rights of women, girls, and LGBTIQ+ people to life, health, autonomy and dignity.

Yours sincerely,

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.

A revised Criminal Code was approved by the Chamber of Deputies in 2014 that integrated the decriminalization of abortion in the three circumstances: where the pregnancy poses a risk to the life of a pregnant woman or girl, where the fetus could not survive outside the womb, and where the pregnancy is the result of rape or incest. However, in December 2015 the Constitutional Court struck down the proposed reforms through Judgement 599-15 leaving the old Criminal Code in force, which dates back to 1884. In July 2017, Congress rejected a new proposed reform of the Criminal Code that failed to decriminalize abortion in the three limited circumstances. Current president Luis Abinader expressed support for the decriminalization of abortion in the 3 circumstances described and a growing number of Congresspeople are expressing their support as well.

On June 30, 2021, the Chamber of Deputies of the Dominican Republic’s Congress approved a last-minute modification of the draft of the Penal Code that does not include the decriminalization of abortion under the three limited circumstances that were being subject to debate in the country. This amendment also excluded sexual orientation and gender as prohibited grounds for discrimination, and as “aggravating factors” in the case of homicide or torture. These amendments fail to protect the rights of both women and girls, and LGBTIQ+ people in the country. Public outcry against the approval of the Penal Code under such conditions also led to the beginning of mass protests that took place in front of the National Congress.

The amended draft of the Penal Code was passed on to the Senate, where the approval of the draft was set to be made, in compliance with Dominican Republic’s legal system. On August 2, a Senate Special Commission held a virtual meeting, in an attempt to expedite the approval of the Penal Code as it is currently worded. Seven of the nine members of the Special Commission approved the current version of the Criminal Code, and its final version was set to be presented in the Senate on August 10 (the last possible date for approval before the current parliamentary session came to a close). Due to the absence of 19 senators, the Special Commission was not able to present its approved draft of the Criminal Code bill due to lack of quorum, leading the draft to “expire”, because it was not debated within the established deadline.

With the beginning of the new parliamentary term, the preliminary draft of the Criminal Code was reintroduced, and is now being debated by a Bicameral Commission, whose goal is that the piece be approved in this legislative year.

PREFERRED LANGUAGE TO ADDRESS TARGET: SPANISH

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 19 November 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Dominican women at risk (Them, theirs)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr27/3889/2021/en/>