

URGENT ACTION

PRESIDENT VETOES FULL BAN ON ABORTION

Following national and international mobilization, the President of the Dominican Republic has objected and returned the proposed reform of the Criminal Code which maintained full criminalization of abortion to the Congress, urging legislators to decriminalize abortion in particular cases.

In a letter sent to the President of the Chamber of Deputies (the lower chamber of the Dominican Congress) on 28 November, President Danilo Medina rejected the proposed reform of the Criminal Code which maintained full criminalization of abortion. In his letter, the President recommended that the Criminal Code clearly specify the situations which would represent exceptions to the criminalization of abortion. He explained that such situations are those likely to violate women and girls' rights to life, health and respect to their human dignity and physical and moral integrity, which, he acknowledged, are guaranteed by the Dominican Constitution and international human rights treaties ratified by the Dominican Republic. He noted that these exceptions are necessary given that the Dominican Republic has one of the highest rates of maternal mortality and of adolescent pregnancies in Latin America and the Caribbean. The president also specified that the Criminal Code should explicitly allow abortion where pregnancy poses a risk to the life 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.

The Chamber of Deputies is due to begin debating the changes suggested by the president on 2 December. According to Art. 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. Pressure must now be directed toward the presidents of the Chambers of Deputies and of the Senate while they consider President Danilo Medina's recommendations to amend this reform.

Please write immediately in Spanish or your own language:

- Urging the presidents of both chambers of the Congress to accept President Danilo Medina's recommendations;
- Expressing 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, and from torture and ill-treatment violated if the full ban on abortion is maintained;
- Calling on them 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.

PLEASE SEND APPEALS BEFORE 12 JANUARY 2015 TO:

President of the Chamber of Deputies
Abel Martínez Durán
Congreso Nacional Centro de los Héroes
1er Piso
Santo Domingo, Dominican Republic
Fax: +1809 535 4554
Email:aa.martinez@camaradediputados.
gob.do
Twitter: @AbelMartinezD_

**Salutation: Señor Presidente de la
Cámara de los diputados/ Dear
President of the Chamber of Deputies**

President of the Senate
Cristina Altagracia Lizardo
Congreso Nacional, Av. Enrique Jiménez
Moya, Esq. Juan de Dios Ventura Simo
Centro de los Héroes de Constanza
Maimón y Estero Hondo (La Feria)
Santo Domingo, Dominican Republic
Fax:+1809 532 5468
Email: info@cristinalizardo.com.do
Twitter: @cristinalizardo

**Salutation: Señora Presidenta del
Senado/ Dear President of the Senate**

President of the Justice Commission
Demóstenes William Martínez Hernández
Cámara de los Diputados de la
República Dominicana
Av. E J Moya 100
Santo Domingo, Dominican Republic
Email: demostenesm@hotmail.com
Twitter: @demostenesm

**Salutation: Señor Presidente de la
Comisión Permanente de Justicia/
Dear President of the Justice
Commission**

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 293/14. Further information:

www.amnesty.org/en/library/info/AMR27/017/2014/en

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ADDITIONAL INFORMATION

A comprehensive reform of the Criminal Code 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 June 2013 the Lower Chamber of the Dominican Parliament adopted a draft reform of the Criminal Code which introduced an exception to the country’s full ban on abortion in cases where “a state of necessity” could be invoked. This allowed for the possibility to decriminalize abortion when the life of the woman was endangered by pregnancy. However, in July 2014 following pressure from the Catholic Church, the Senate removed this provision. On 18 November the Lower Chamber adopted the version approved by the Senate in July. This version of the Code maintained criminal sanctions of two to three years’ imprisonment against all women who have an abortion and against all those who cooperate with the interruption of their pregnancy. Medical and pharmaceutical personnel who facilitate or assist in abortions are also punished with a prison sentence between four and 10 years. If a woman dies as a consequence of abortion, the criminal sanction against those facilitating or assisting is increased to between 20 and 30 years.

On 25 November the Catholic and Evangelical churches urged President Medina to enact the Criminal Code as it was adopted by the Lower Chamber of Parliament on 18 November. However, the president’s rejection of the proposed reform on 28 November came after his officials also acknowledged mounting pressure from Dominican women’s human rights groups and Amnesty International not to enact it into law on the basis that it would violate women and girls’ rights to life, health and freedom from discrimination, torture and ill-treatment.

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 Universal Periodic Review which concluded in June 2014, the Dominican Republic adopted recommendations aimed at ensuring effective implementation of the National Strategic Plan to reduce maternal mortality but rejected those calling on decriminalizing abortion in cases of incest and rape and ensuring full recognition of sexual and reproductive rights.

Further information on UA: 293/14 Index: AMR 27/018/2014 Issue Date: 1 December 2014