

URGENT ACTION

CONGRESS VOTE A STEP BACK FOR ABORTION RIGHTS

The Dominican Republic Congress voted on a new reform of the Criminal Code on 19 July. This new code regresses the rights of women and girls as it now only allows abortion where the pregnancy poses a risk to the life of a pregnant woman or girl. The text will now be discussed in the Senate before being sent to the President.

On 19 July the House of Deputies (*Cámara de Diputados*), the lower chamber of the Dominican Congress, passed a new Criminal Code reform. This reform is the result of a 2015 Constitutional Court decision, which declared the Criminal Code adopted in 2014 unconstitutional following challenges presented by conservative groups. The Criminal Code adopted in 2014 lifted the previous full ban on abortion and decriminalized it where i) the pregnancy poses a risk to the life of a pregnant woman or girl; ii) where the foetus would be unable to survive outside the womb; iii) and where the pregnancy is the result of rape or incest.

Although the new text passed by the lower chamber on 19 July does not reintroduce the previous full ban on abortion, it does represent a step back for the rights of Dominican women and girls as it now only allows abortion in one case: where the pregnancy poses a risk to the life of a pregnant woman or girl. If the current reform becomes law, women will receive criminal sanctions of two to three years' imprisonment and health professionals who provide abortion services between four to 10 years. The Senate is now expected to examine the text before 25 July, after which it will be sent to President Danilo Medina for promulgation.

In 2014 the President vetoed a previous attempt to maintain the full ban on abortion and argued that the three circumstances for decriminalization are necessary to protect 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. The President once again has the power to object the proposed reform and insist on the exceptions to the criminalization of abortion in the three circumstances, as he did in 2014. Any other action would constitute a regression in the rights of women and girls.

Please write immediately in Spanish or your own language:

- Calling on the Senate to reintroduce the text adopted in 2014 that allows abortion in cases where pregnancy poses a risk to the life or to 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 a result of rape or incest;
- Urging the President to ensure access to abortion both in law and in practice, at a minimum, in the three circumstances, as accepted in 2014;
- Expressing your profound concern for the vote adopted on 19 July which represents a regression in human rights by the Dominican Republic, and puts women and girls at risk of having their rights to life, health and freedom from discrimination, torture and ill-treatment, violated.

PLEASE SEND APPEALS BEFORE 1 AUGUST 2016 TO:

President of the Republic

Daniilo Medina
Palacio Nacional
Av. México esq. Doctor Delgado Gazcue
Santo Domingo, Dominican Republic
Fax: +1809 682 0827
Email: prensa2@presidencia.gob.do
Twitter: @PresidenciaRD
Salutation: Señor Presidente / Dear President

President of the Senate

Lic. Cristina Lizardo Mézquita
Av. Enrique Jiménez Moya, esq. Juan de Dios Ventura Simó, Centro de los Héroes
Santo Domingo, Dominican Republic
Email: clizardo@senado.gob.do
Twitter: @senadorepdom
Salutation: Señora Presidenta del Senado/ Dear President of the Senate

And copies to:

Colectiva Mujer y Salud
Email: colec.mujer@claro.net.do

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 first update of UA 151/16. Further information:

www.amnesty.org/en/documents/amr27/4338/2016/en/

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ADDITIONAL INFORMATION

In December 2014, Dominican President Danilo Medina approved changes to the Criminal Code 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 decision was celebrated by human rights organizations and local women's groups. The reforms were due to take effect, a year later, in December 2015, and were 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. The law allows for 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 between 10 and 20 years.

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.

