

URGENT ACTION

URGE THE PRESIDENT TO DECRIMINALIZE ABORTION

The Dominican Congress adopted a comprehensive reform of the Criminal Code which maintains the criminalization of abortion except where the pregnancy poses a risk to the life of a pregnant woman or girl. It is now with the President of the Republic to enact into law. If enacted, it would violate the rights of women and girls.

On 14 December the Senate, the upper chamber of the Dominican Congress, approved a new version of the Criminal Code that represents a step back for the rights of Dominican women and girls. The text was previously approved by the Chamber of Deputies in July. This reform is a regression from the previous version of the Criminal Code adopted in 2014, as it now only allows for abortion to be decriminalized where the pregnancy poses a risk to the life of a pregnant woman or girl, and only after "all attempts had been made to save both the lives of the woman and the foetus".

Dominican women's rights groups are concerned that this exception is too restrictive and will make it impossible in practice for women and girls whose lives are at risk to access abortion services. Under the current reform, women will receive criminal sanctions of two to three years' imprisonment and health professionals who provide abortion services between four to 10 years. The text is now expected to 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 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:

- Urging the President of the Republic not to enact the adopted reform of the Criminal Code;
- 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, torture and ill-treatment violated under this law;
- Calling on the President 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 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 the result of rape or incest.

PLEASE SEND APPEALS BEFORE 25 JANUARY 2017 TO:

President of the Republic
 Danilo Medina
 Palacio Nacional
 Avenida México esquina Doctor Delgado
 Gazcue, Santo Domingo
 Dominican Republic
 Fax: +1809 682 0827
 Email: prensa2@presidencia.gob.do
 Twitter: @PresidenciaRD

Salutation: Señor Presidente / Dear President

General Director for Human Rights
 Dra. Rhadys Abreu de Polanco
 Ministerio de Relaciones Exteriores
 Av. Independencia #752
 Estancia San Geronimo
 Santo Domingo, Dominican Republic
 Email: rabreu@mirex.gob.do
Salutation: Señora Embajadora / Dear Ambassador

And copies to:
Colectiva Mujer y Salud
 Email:
 ciudadaniaactivadelasmujeres@gmail.com

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 third update of UA 151/16. Further information:

www.amnesty.org/en/documents/amr27/4554/2016/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 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 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.

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.