

URGENT ACTION

ABORTION VOTE PENDING AFTER PRESIDENT'S VETO

In December 2016, the Dominican President rejected a regressive reform of the Criminal Code regarding abortion that had previously been adopted by the Senate. The President has returned the text to the Congress urging legislators to decriminalize abortion in the Dominican Republic.

On 19 December 2016 President Danilo Medina vetoed a new version of the Criminal Code approved on 14 December by the Senate (upper chamber of the Dominican Congress) that represented a step back for the rights of Dominican women and girls. The text was previously approved by the Chamber of Deputies (lower chamber) in July. President Medina had rejected a similar reform proposed in 2014 and asked for decriminalization of abortion in limited circumstances in the country. His latest veto reaffirms his previous stance in favour of the rights of women and girls.

In a letter sent to the President of the Senate, President Danilo Medina rejected the proposed reform and recommended that the Criminal Code clearly specify the situations which would represent exceptions to the criminalization of 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.

On 11 January 2017 the Senate appointed a nine-member Commission tasked with looking at the presidential observations and issuing a report within 15 days for the Senate to subsequently vote on. 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.

Please write immediately in Spanish or your own language:

- Urging the Special Commission of the Senate to adopt without modification the President's recommendations and to expressly recommend to both chambers of the Congress to vote in favour of the observations;
- 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 criminalization of 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 24 FEBRUARY 2017 TO:

President of the Special Commission
 Senador Rafael Calderón
 Senado de la República
 Av. Enrique Jiménez Moya, Esq. Juan de Dios Ventura Simó, Centro de los Héroes de Constanza, Maimón y Estero Hondo (La Feria), Santo Domingo, República Dominicana
 Email: r.calderonrc@hotmail.com
 Twitter: @senadorcalderon
Tratamiento: Señor Senador / Dear Senator

President of the Senate
 Senador Reinaldo Pared Perez
 Senado de la República
 Av. Enrique Jiménez Moya, Esq. Juan de Dios Ventura Simó, Centro de los Héroes de Constanza, Maimón y Estero Hondo (La Feria), Santo Domingo, República Dominicana
 Email: r.pared@senado.gob.do
 mirnacontrerascastro@hotmail.com
 Twitter: @ReinaldoPared
Tratamiento: Señor Presidente del Senado / Dear President of the Senate

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

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DR FEDERICO ALBERTO CUELLO CAMILO, Embassy of the Dominican Republic, 139 Inverness Terrace W2 6JF, 020 7727 7091, Fax 020 7727 3693, info@dominicanembassy.org.uk, www.dominicanembassy.org.uk

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 151/16. Further information: www.amnesty.org/en/documents/amr27/5360/2016/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.

Further information on UA: 151/16 Index: AMR 27/5478/2016 Issue Date: 13 January 2017