



Communique Committee of Experts

Committee of Experts reiterates concern over Penal Code Bill that maintains the criminalization of abortion in the Dominican Republic

Washington, DC, March 10, 2023. The [Committee of Experts of the Follow-up Mechanism of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women](#) "Belém do Pará Convention" (MESECVI) expresses its concern regarding the possible approval of a new Penal Code that would maintain the criminalization of abortion in all its forms in the Dominican Republic. As it stands, this bill restricts the sexual and reproductive rights of women and represents a backward step in the State meeting its international obligations in relation to guaranteeing the full enjoyment of the rights to life, health, and physical and psychological integrity of all women.

Recently the Senate approved at second reading, a new Penal Code bill, which comprehensively reforms the Penal Code, without allowing any grounds for the termination of pregnancy. This means that the provisions that punish women who interrupt a pregnancy are maintained, even when the women's lives are in danger, when the pregnancy is the result of rape or incest, or when the fetus has malformations incompatible with life.

The Committee of Experts has previously expressed its opinion on this issue on several occasions¹. Therefore, it reiterates once again that, if this law reform which must be voted on in the next instance by the Chamber of Deputies, is approved, it would signify a setback in the State's meeting its international obligations in relation to guaranteeing the sexual and reproductive rights of women in the Dominican Republic.

Article 4 of the [Belém do Pará Convention](#) establishes that: "Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include, among others: a. The right to have her life respected; b. The right to have her physical, mental and moral integrity respected."

Likewise, under Article 7.a of this instrument, States are obliged to refrain from engaging in any act or practice of violence against women and to adopt, by all appropriate means and without delay, policies aimed at preventing, punishing, and eradicating such violence.

¹ Committee of Experts expressed concern about the sexual and reproductive rights of women in the Dominican Republic (February 8th, 2018). See: <https://www.oas.org/es/mese cvi/docs/CEVI-ComunicadoRepDom1-2018-EN.pdf>

Also, in the [Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights](#) issued by this Committee of Experts, it is recommended that States Parties establish laws and public policies that enable the termination of pregnancy, at the very least in the following cases: i) risk to the life or health of the woman; ii) inability of the fetus to survive; and iii) sexual violence, incest, and forced insemination.

The Committee of Experts reminds the State that the absolute criminalization of abortion, in addition to constituting a violation of women's right to decide, also violates the human right to health, autonomy, privacy and security, among others.

For all of the reasons stated above, the Committee of Experts emphatically calls upon the State of the Dominican Republic, and, particularly, its Chamber of Deputies, to take the necessary measures to prevent gender-based violence against women, and, specifically, not to approve the proposed law reform that continues to criminalize women who decide to terminate their pregnancies. The Congress of the Dominican Republic is urged to propose and approve new legislation that would allow for the termination of pregnancies on at least the three grounds mentioned above. This is in compliance with the commitments of the Belém do Pará Convention, an international instrument signed and ratified by the Dominican Republic.

The Follow-up Mechanism of the Belém do Pará Convention, through its Committee of Experts, makes itself available to the authorities of the Dominican Republic for any technical support they may require in this matter.

The [Committee of Experts](#) is the technical body of the MESECVI, responsible for the analysis and evaluation of the implementation process of the Convention of Belém do Pará. It is made up of independent Experts, appointed by each of the States Parties from among their nationals, who perform their duties in a personal capacity.