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Dominican Republic: New Constitution Has Many Critics

by LADB Staff

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After months of controversy, a new Constitution was promulgated in December. It had been drafted by leaders of the two main political parties with the strong support of the Catholic Church hierarchy and right-wing nationalists. Despite an outcry by civil-society organizations about certain articles in the new Constitution, legislators overwhelmingly approved it in a vote in October. The Congress is dominated by the two main parties, the ruling Partido de la Liberacion Dominicana (PLD) and the opposition Partido Revolucionario Dominicano (PRD). One hundred twenty-two legislators voted in favor and just 14 against. Opposition to the new Constitution focused on articles that made changes to existing provisions concerning abortion, marriage, and nationality. Protests against the changes were lead by women's organizations and human rights groups. Women's groups decry strict abortion ban Lorena Espinoza, a member of the Collectiva Mujer y Salud (Women and Health Collective), which organized numerous protests, said, "We have academicians, students, women's groups, workers, citizens' groups, all joined together here....This is not just about privatizing the beaches, this is about all the rights that they are taking from us, the rights of women, the collective rights of citizens, against all the rights that are being cut by this Constitution." Women's organizations were outraged by a total ban on abortion under any circumstances including rape, incest, and even if the health of the mother is at risk. The ban was strongly backed by the Catholic Church. The human rights organization Amnesty International (AI) said the move would put women and girls at risk and increase maternal deaths. A spokesperson described the ban as a "huge blow" to women's right to life. Julio Cesar Vargas, a political science lecturer at the private university Instituto Tecnologico de Santo Domingo (INTEC), said, "They have put religion in the place of science in the regulations on abortion. It was not discussed with all the depth needed to reflect what the people really think." Gay and lesbian activists fear increased discrimination after another part of the new Constitution defined marriage as "the union between a man and a woman," making the Dominican Republic the only country in the world to expressly ban same-sex marriage at the constitutional level. Many could be left without citizenship Changes to nationality provisions will impact the status of children of Haitian immigrants, many thousands of whom cross the border each year in search of a livelihood in the Dominican Republic. The new Constitution redefines Dominican citizenship and bars the automatic right to Dominican nationality to children born on Dominican soil to immigrant parents "residing illegally" in the country. The constitutional change will leave thousands of Dominicans suspected of Haitian ancestry vulnerable to the intermittent mass-expulsion campaigns carried out by Dominican authorities, in which military and immigration police have been known to deport thousands of people who "look Haitian," or who have French last names, across the border into Haiti. A spokesperson for Refugees International (RI) criticized the new provision, saying, "The Dominican authorities cannot assume that all people of Haitian descent have the right to Haitian nationality. Many will be left without citizenship." Dominican priest Regino Martinez, who works for the Jesuit Refugee Service-DR and Solidaridad Fronteriza (the Border Solidarity network), said he feared the new provision would be applied in a way that "denies people's human right to a nationality and leaves thousands of Dominicans of Haitian ancestry stateless." Regino continued, "To leave children stateless is a grave violation, one that we are called upon to denounce in the name of justice and in the name of our faith." Another reform in
the new Constitution eliminates consecutive presidential re-election but allows nonconsecutive re-election. This move will potentially enable President Fernandez, of the PLD, whose term will end in May 2012, to return to office in 2016. The change will further empower the PRD and PLD at the expense of smaller rivals, paving the way for them to alternate in the presidency. The final main point of controversy concerned the insertion of the words "respecting the rights of private property" in the section stating that all beaches are part of the national heritage and therefore belong to the Dominican people. Critics said this amounts to privatizing the country's coastline. One of the few legislators to vote against the new Constitution, PLD Deputy Isabel Bonilla, said she believed the document and the amendment to privatize beaches was a "crime against the country." Opposition to Constitution unlikely to affect May legislative elections For all the controversy regarding the document, it is unlikely to be an issue when congressional and mayoral elections are held in May because both the main parties supported it. In the run-up to these elections, there are indications that popular support for President Fernandez and his PLD government will be lower in 2010-2011 than during the period 2004-2008, as public frustration with inadequate public services, corruption, a weakened economy, and rising crime increases. The PRD should be able to capitalize on the public's discontent and make significant gains in the Congress, but its hopes of regaining a majority in both houses are likely to be unfulfilled. The ruling PLD, with its superior financial resources and people, should be able to fend off the PRD's challenge, especially given the massive injection of money from the International Monetary Fund (IMF) and World Bank in late 2009. These loans, amounting to US $950 million, will have boosted the government's ability to increase funding for social programs and public works.

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