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## Dominican Republic Reignites Debate on Abortion

by Crosby Girón

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A power struggle has been going on in the Dominican Republic since December between President Danilo Medina and Congress regarding the country's abortion laws.

Just as he did in 2014, Medina is asking Congress to approve a series of reforms to the penal code in order to legalize abortion when the mother's life is at risk, when the fetus suffers from congenital malformations, when the fetus would be unable to survive outside of the mother's uterus, and in case of rape or incest.

In 2014, Congress approved the reforms put forward by the executive, but the Constitutional Court blocked them by annulling the existing penal code and reinstating a version of the code that dates back to 1884. The newer penal code was eventually reinstated. However, in December 2015, Congress approved a reform to the code that prohibited abortion under any circumstances. Article 317 of the code establishes a prison sentence of up to 20 years for women who decide to terminate a pregnancy.

At the time, the case of teenager Rosaura Almonte, also known as Esperancita, was being widely debated by Dominican society. Almonte died in 2012 after she was diagnosed with leukemia during the seventh month of her pregnancy and was refused treatment under the argument that this would endanger the fetus' life.

Although Esperancita's case is unique, according to Women's Link Worldwide, more than 2,000 women die every year in Latin America as a result of unsafe abortions. It is estimated that in the Dominican Republic, which is one of seven countries in Latin America where abortion is illegal, no matter the circumstances, up to 10% of all maternal deaths result from unsafe abortions ([NotiCen, Jan.14, 2010](#)). In Latin America, abortion is fully legal (with some time limitations) in three countries—Cuba, Guyana, and Uruguay ([NotiSur, Nov. 2, 2012](#))—and in Mexico City ([SourceMex, Feb. 17, 2010](#)); other countries and Mexican states permit abortions under certain circumstances.

### *Voters' support?*

After the penal code was reformed on December 2015, Medina sent a letter to Senate President Reinaldo Pared Pérez in which he expressed his objections to the changes and said he had the support of Dominican society. In the letter, Medina demanded the legalization of abortion in four exceptional cases.

"Unfortunately, these are extreme circumstances that occur in daily life, and we must respond to them as the legitimate representatives of the people, in accordance with the Constitution as well as our own values," Medina wrote.

During the last week of January, the special commission that is analyzing the executive's observations on the penal code reform regarding abortion postponed the presentation of its report until this month. Additionally, it demanded that Congress vote on President Medina's reform

proposal before going into recess on Feb. 13. Meanwhile, political parties have made their positions known in the media: the Partido Revolucionario Moderno (PRM) has backed Medina's position.

Even though the legalization of abortion is part of a feminist and human rights agenda, there are conflicting positions on the abortion issue in the Dominican Republic.

Cynthia Velasco, director of Colectiva Mujer y Salud (Women and Health Collective), told the media that it was President Medina's duty to support the legalization of abortion in exceptional circumstances. She noted, however, that her organization understood that the final decision was in the hands of Congress, and that it would follow closely its final decree.

On the other side of the debate are those who are opposed to legalizing abortion, including the Catholic Church and especially the Conferencia del Episcopado Dominicano (Dominican Bishops' Conference). Key figures in the Evangelical Church, such as Fidel Lorenzo, president of the Consejo Dominicano de Unidad Evangélica (Dominican Council for Evangelical Unity, CODUE), also oppose abortion, as they believe that the Constitution protects the right to life since the moment of conception. Lorenzo said his organization was willing to stage a demonstration in front of the National Palace that would be attended by thousands of Dominicans.

For as long abortion continues to be penalized, clinics funded by the Ministry of Health will be unable to perform therapeutic abortions. According to the UN Population Fund (UNFPA), the number of abortions worldwide has decreased from 35 per thousand women in 1995 to 29 per thousand women in 2008. However, according to the UNFPA, 54 million unwanted pregnancies and 26 million abortions would be avoided if unfulfilled family planning needs were met.

### *Medina: Aim is to provide safety*

President Medina says he doesn't want to impose abortion as the only option for pregnant women in extreme circumstances. He said that the aim of the proposed reform is to allow women to opt for abortion if they wish to do so under safe conditions and with the support of health professionals, so that the fear of being prosecuted for their actions doesn't add to the pain of suffering from serious health problems.

He added that he understands the fears voiced by those who believe that legalizing abortion under exceptional circumstances would open the doors for a full legalization of abortion under any circumstances, which would be unconstitutional.

"I propose legalization in the case of real tragedies that a woman cannot control," Medina said. "No woman asks to fall ill during her pregnancy or to be raped or to get pregnant with a child that suffers from malformations that make its life impossible after birth."

The Senate has until the end of June to debate Medina's proposal. If the debate is not held within that timeframe, the president's suggestions will go into effect.

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