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**STATUS OF HUMAN RIGHTS IN THE DOMINICAN REPUBLIC
FOR THE 46TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to discuss the status of human rights in the Dominican Republic for the 46th session of the Universal Periodic Review (UPR).

Background

2. The Dominican Republic is located between the Caribbean Sea and the North Atlantic Ocean with a population of approximately 10.7 million people.¹ Most of the population is Christian with about 44.3% identifying as Roman Catholic, 13% as Evangelical, 7.9% as Protestant, 1.4% as Adventist, 1.8% as other, 0.2% as atheist, 29.4% as none, and 2% as unspecified.²

3. The Dominican Republic's last UPR was held on January 30, 2019.³ As a result of the review, the Dominican Republic received 191 recommendations, 127 of which were supported by the Dominican Republic.⁴ It was recommended by France and the Netherlands, among other European countries, and supported by the Dominican Republic, to decriminalize abortion altogether or at least in some situations such as rape, incest, or the mother's life being in danger.⁵ It was recommended by Maldives and Senegal, among other countries, and supported by the Dominican Republic, to "continue efforts to ensure effective measures to combat human trafficking" and "[f]ight more effectively against human trafficking, sexual violence and sexual exploitation, which particularly affect women, children and people of foreign origin."⁶

Legal Framework

Abortion

4. Under Article 37 of the Constitution of the Dominican Republic, "[t]he right to life is inviolable from conception until death."⁷

5. In the Dominican Republic, abortion is currently prohibited in all circumstances.⁸

6. The Dominican Republic is a party to the International Covenant on Civil and Political Rights (ICCPR).⁹ Under Article 6 of the ICCPR, "[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."¹⁰ The Dominican Republic also has a responsibility to protect the lives of preborn babies under other international instruments such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

Human Trafficking

7. Under Article 41 of the Constitution of the Dominican Republic, “the trade and traffic of persons are prohibited in all their forms.”¹¹

8. Additionally, in 2003, the Dominican Republic enacted Law No. 137-03, which criminalized trafficking in persons and smuggling of migrants.¹² Article 3 establishes the penalty for both from “15 to 20 years imprisonment and a fine of 175 minimum wages.”¹³

9. In addition to the domestic law, under Article 8 of the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁴

10. The Dominican Republic is also a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹⁵ Under Article 6 of the CEDAW, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”¹⁶

11. Additionally, the Dominican Republic is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁷ Under Article 9, Section 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹⁸

Abortion

12. The Dominican Republic stands out as a protector of the preborn by completely prohibiting abortion.¹⁹ According to a study, from 1990 to 2019, the abortion rate in the Dominican Republic declined by fifteen percent.²⁰ Unfortunately, “[t]he share of unintended pregnancies ending in abortion [has] remained at around [forty-four percent].”²¹

13. Over the past several years, the Dominican Republic has been undergoing a comprehensive reform of its penal code.²² In 2021, there was an attempt to decriminalize abortion which was voted against by the Chamber of Deputies.²³ More recently, the Dominican Senate approved a bill to establish a new penal code, which does not include any grounds for the termination of pregnancy despite pressure and demands from “women’s rights defenders” over the past twenty years.²⁴

14. This new bill will now go into effect pending approval by the Chamber of Deputies and President Luis Abinader.²⁵ It should be expected that the Dominican Republic’s Chamber of Deputies will approve the bill considering that they voted against the decriminalization of abortion in 2021.²⁶ The real concern is that President Abinader might veto the bill as he showed support for the limited legalization of abortion in his electoral campaign,²⁷ and about sixty-one

percent of Dominicans want to decriminalize abortion in certain instances.²⁸ However, the President has not made any statements since the bill began to be debated.²⁹

15. The Dominican Republic's current legal stance on protecting innocent human life should be firmly supported and perpetuated through the bill establishing a new penal code despite internal and external pressure to the contrary. Its stance is fully consistent with various international documents, which protect human life. The 1994 Cairo Conference on Population and Development established that U.N. Member States have a duty and responsibility not only to "reduce the recourse to abortion"³⁰ but to "take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*"³¹ Additionally, the UDHR recognizes that human life has inherent dignity³² and that "[e]veryone has the right to life"³³ Likewise, the ICCPR states that "[e]very human being has the inherent right to life. This right shall be protected by law."³⁴ The Dominican Republic clearly understands this responsibility and should not be pressured to change its laws.

16. The Dominican Republic's laws on abortion not only fulfill the obligations and duties under these international documents as they recognize, respect, and protect the dignity and human life of the preborn child, they are also in line with a majority of U.N. Member States protecting life. Currently, out of the 193 U.N. Member States, a majority (109) of them have strict limits on abortion.³⁵

17. Not only do Dominican laws protect innocent preborn babies, but they also protect women, as abortion can result in physical and psychological harm to the mother, including perforation of the uterus or the laceration of the cervix.³⁶ Abortion also deprives women of the health benefits that come from continuing pregnancy, such as the elimination of the protective effect a full-term pregnancy has against breast cancer,³⁷ and it can also mask other dangerous symptoms like an undiagnosed ectopic pregnancy.³⁸

18. In addition to physical harm, it can also cause psychological harm, from shame to drug abuse to suicidal thoughts.³⁹ All of these reasons contribute to the negative and even devastating effects abortion has on both the mother and the preborn baby, and the Dominican Republic has chosen to reduce these negative effects on its citizens by restricting free access to abortion.

19. Despite various European countries pressuring the Dominican Republic to decriminalize abortion altogether or at least in certain instances, the Dominican Republic has every right and more than enough reason to maintain its current laws in order to protect the health and life of women and preborn, which it in fact has an obligation to do.

Human Trafficking

20. While the prohibition of human trafficking in the Dominican Republic is codified, there has been questionable and ineffective execution and enforcement of the law since the anti-trafficking laws were passed in the early 2000s. Regardless, it appears the Dominican Republic is at least putting some effort into addressing this issue since it was pointed out in their last UPR by various countries.

21. In April 2023, "the first Dominican Republic-Panama Bilateral Train-of-Trainers Workshop on the Investigation and Prosecution of Human Trafficking"⁴⁰ was carried out. This workshop provided twenty civil servants from different institutions, including the Office of the

Attorney-General, the National Police, and International Mission for Justice, “with effective tools for the investigation and prosecution of this crime.”⁴¹

22. Such recent efforts may be in response to the widespread corruption within the country that deters and undermines the fight against human trafficking. For example, in August 2022, a large transnational human trafficking network in the Dominican Republic was dismantled, which led to sixteen people, including active police and former military personnel being charged with running the network.⁴² This network sexually exploited at least eighty Venezuelan and Colombian women, all between eighteen and twenty-three years old.⁴³ The women were recruited with offers to work as waitresses, but they were then forced into prostitution in order to pay off falsified “debts.”⁴⁴

23. The lack of effective law enforcement regarding human trafficking is well exemplified by recent human trafficking statistics in the Dominican Republic. It is estimated, of the \$150 billion generated globally every year by human trafficking, \$9.5 billion is generated by the Dominican Republic alone.⁴⁵ Furthermore, even with a rampant human trafficking system ongoing in the Dominican Republic, in 2021, only twenty-nine sex trafficking victims were officially recorded.⁴⁶ Additionally, the same year, a total of “98 people [were] prosecuted in relation to 55 cases of sex trafficking, forced labor and pimping,” but only six were convicted.⁴⁷ On top of that, there seems to be an overall lack of public support. For instance, there is only one shelter specifically for sex trafficking victims in the entire country, and it has a mere 24-person capacity.⁴⁸

Recommendations

24. The Dominican Republic currently has the correct legal framework to protect the life and human dignity of preborn babies and women. We want to encourage the Dominican Republic to maintain its current stance on life, despite external pressure from various countries and internal pressure from certain advocacy groups promoting abortion. Protecting and respecting human life at all stages is a quintessential principle to uphold for any morally sound country, consistent with what is required by various international human rights documents, and accordingly, the Dominican Republic should stand steadfast as a city on a hill providing refuge for innocent preborn babies who are unable to protect themselves.

25. Even though we highly respect and are encouraged by the Dominican Republic’s stance on protecting life at all stages, it is extremely evident that there needs to be changes regarding the enforcement of anti-trafficking laws as suggested by various countries during the last UPR. The workshop in 2023 (mentioned above) was a vital step, and hopefully a sign of things to come, but greater action needs to be taken to fully address the corruption ridden system present in the country and sufficiently provide support for trafficking victims.

¹ *Dominican Republic*, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/dominican-republic/> (July 18, 2023).

² *Id.*

³ *Universal Periodic Review – Dominican Republic*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/do-index> (last visited June 29, 2023).

⁴ *Dominican Republic Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/DO/Infographic_Dominican.pdf (last visited June 29, 2023).

⁵OHCHR, UPR of Dominican Republic (3rd Cycle – 32nd Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/DO/Recommendations.docx> (last visited June 29, 2023).

⁶ *Id.*

⁷ CONSTITUTION OF THE DOMINICAN REPUBLIC 2015, art. 37, https://constituteproject.org/constitution/Dominican_Republic_2015.pdf?lang=en.

⁸ *The World's Abortion Laws*, CTR. FOR REPROD. RTS. (Sept. 27, 2022), https://reproductiverights.org/wp-content/uploads/2022/09/WALM_20220927_V1.pdf.

⁹ *Chapter IV Human Rights: 4. International Covenant on Civil and Political Rights*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-4&chapter=4&clang=_en (July 17, 2023, 9:15 AM).

¹⁰ International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹¹ CONSTITUTION OF THE DOMINICAN REPUBLIC 2015, art. 41.

¹² Law No. 137-03 on Illicit Traffic in Migrants and Trafficking in Persons, 2003 (Dom. Rep.) <https://antislaverylaw.ac.uk/country/dominican-republic/>.

¹³ *Id.*

¹⁴ ICCPR art. 8, *supra* note 10.

¹⁵ *Convention on the Elimination of All Forms of Discrimination against Women*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-8&chapter=4&clang=_en.

¹⁶ Convention on the Elimination of All Forms of Discrimination Against Women art. 6, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

¹⁷ *Chapter XVIII Penal Matters: 12. Protocol to Prevent, Suppress and Punish Trafficking in Persons*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12-a&chapter=18&clang=_en (July 31, 2023, 9:15 AM).

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9, § 1, *adopted* Nov. 15, 2000, 2237 U.N.T.S. 319, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

¹⁹ *Dominican Republic: End Total Abortion Ban*, HUM. RTS. WATCH, (Apr. 22, 2021, 4:30 PM), <https://www.hrw.org/news/2021/04/22/dominican-republic-end-total-abortion-ban>.

²⁰ *Dominican Republic*, GUTTMACHER INST., <https://www.guttmacher.org/regions/latin-america-caribbean/dominican-republic> (last visited June 30, 2023).

²¹ *Id.*

²² *Dominican Republic: Chamber of Deputies Puts Life and Health of Millions of Women and Girls at Risk*, AMENSTY INT'L (June 30, 2021), <https://www.amnesty.org/en/latest/press-release/2021/06/republica-dominicana-camara-de-diputados-pone-en-riesgo-la-vida-y-salud-de-millones-de-mujeres-y-ninas/>.

²³ *Id.*

²⁴ *Dominican Senate Avoids Abortion-Related Rights in Penal Code*, TELESUR ENGLISH (Feb. 15, 2023), <https://www.telesurenglish.net/news/Dominican-Senate-Avoids-Abortion-Related-Rights-in-Penal-Code-20230215-0003.html>.

²⁵ *Id.*

²⁶ *Dominican Republic: Chamber of Deputies Puts Life and Health of Millions of Women and Girls at Risk*, *supra* note 22

²⁷ *Dominican Senate Avoids Abortion-Related Rights in Penal Code*, *supra* note 24.

²⁸ *Id.*

²⁹ *Id.*

³⁰ International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev.1, https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf.

³¹ *Id.* ¶ 7.24 (emphasis added).

³² G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmbl., art. 3 (Dec. 10, 1948) (emphasis added).

³³ *Id.* art. 3 (emphasis added).

³⁴ ICCPR art. 6, *supra* note 10.

³⁵ *The World's Abortion Laws*, *supra* note 8.

³⁶ *Women's Right to Know: Abortion & Pregnancy Risks*, LA. DEP'T OF HEALTH, <https://ldh.la.gov/page/915> (last visited June 29, 2023).

³⁷ See Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 CATH. U.L. REV. 1273, 1288-89, 1290 n.119 (2005).

³⁸ See generally *Physical Effects of Abortion: Fact Sheets, News, Articles, Links to Published Studies and More*, THE UNCHOICE, www.theunchoice.com/physical.htm (last visited June 29, 2023) (listing sequelae and referencing sources).

³⁹ Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. OF AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.

⁴⁰ *Dominican Republic-Panama Bilateral Train-of-Trainers Workshop on the Investigation and Prosecution of Human Trafficking*, UNITED NATIONS OFF. ON DRUGS AND CRIME, (2023), <https://www.unodc.org/ropan/en/dominican-republic-panama-bilateral-train-of-trainers-workshop-on-the-investigation-and-prosecution-of-human-trafficking.html>.

⁴¹ *Id.*

⁴² Douwe Den Held, *Dominican Republic Struggles to Curb Rampant Sex Trafficking*, INSIGHT CRIME (Aug. 11, 2022), <https://insightcrime.org/news/dominican-republic-struggles-curb-rampant-sex-trafficking/>.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Kathy Thomas, *Fighting Human Trafficking in the Dominican Republic*, TRADES OF HOPE (June 20, 2022), <https://tradesofhope.com/fighting-human-trafficking-in-the-dominican-republic/>.

⁴⁶ Alejandra Agudo, *Survivors of Sexual Exploitation in the Dominican Republic: 'They Destroy Your Life Because They're Only Thinking About Their Own Pleasure'*, EL PAIS (May 18, 2023, 9:32 PM), <https://english.elpais.com/international/2023-05-19/survivors-of-sexual-exploitation-in-the-dominican-republic-they-destroy-your-life-because-theyre-only-thinking-about-their-own-pleasure.html>.

⁴⁷ *Id.*

⁴⁸ *Id.*