

# GLOBAL INFORMATION SOCIETY WATCH 2015

*Sexual rights and the internet*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)  
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

## Global Information Society Watch 2015

Sexual rights and the internet

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# DOMINICAN REPUBLIC

THE ONLINE CAMPAIGN FOR ABORTION RIGHTS  
IN THE DOMINICAN REPUBLIC



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## Introduction

The Dominican Republic, located in the Caribbean, shares the island of Hispaniola with Haiti. It has a population of 9.5 million inhabitants, according to the last official census in 2010.<sup>1</sup> As established by the new constitution, it is a free and independent state, which has a republican, democratic and representative civilian government.

As a result of the colonisation by the Spanish crown, most of the Dominican population considers itself Catholic.<sup>2</sup> During the dictatorship of Rafael Leonidas Trujillo (1930-1961), and for the sake of being recognised as a benefactor of the Catholic Church after international criticism of his government, in 1954 he decided to sign an agreement with the Holy See. This agreement, called the “Concordat”,<sup>3</sup> governs church-state relations in the country, and its implementation has made the Dominican Republic, in practice, into a confessional state.

The Concordat, which has been maintained by all post-dictatorship Dominican governments, imposes the obligation of Catholic religion classes in public schools, nursing homes, orphanages and prisons, and has been the reason for the creation of an office in the Government Palace as a liaison between the Catholic Church and the Executive (President of the Republic).<sup>4</sup> The interference of the Catholic Church is felt in both public and private deliberations in the country, especially in decision making by autonomous bodies like the judicial system, and organs of the state – such as the National

Congress. Its influence is reflected in areas such as women’s enjoyment of human rights, sex education in schools and abortion rights.

In the Dominican Republic, abortion was prohibited in all circumstances after the adoption of the Penal Code in 1897, and was decriminalised in cases of danger to the woman’s life, rape and malformations incompatible with life on 19 December 2014<sup>5</sup> with the adoption of the new Penal Code. However, the new Penal Code is under review in the constitutional court.

From 2012 until the legalisation of abortion under certain conditions in 2014, feminists as well as conservatives used both social networks and the media to campaign for their positions on abortion.

## Political background

The Dominican Penal Code is an adaptation of the French Penal Code of 1884 and was adopted in 1897. From then until 2014, the Dominican Republic was one of the six countries in the world where abortion was prohibited completely.<sup>6</sup> This means that even when the mother’s life was in danger, it was not possible to provide this type of assistance.

In 1997, President Leonel Fernández ordered the modification and updating of the codes that make up the Dominican legislation. However, for more than 18 years the new Penal Code was not approved, both for lack of consensus in the legislative chambers as well as presidential vetoes and remarks. Constitutional reform in 2009 provided an opportunity for women’s organisations to fight for abortion rights. This was after religious sectors, and especially the Catholic Church, propelled the adoption of the current Article 37 of the Constitution which establishes the right to life from conception, which for conservatives would constitutionally prohibit access to abortion in all circumstances.

Feminists and women’s organisations mobilised against the approval of this article mainly on the streets. The coordinator of Resistance to

1 National Statistics Office, 2010 Census. [censo2010.one.gob.do](http://censo2010.one.gob.do)

2 The latest government figure is from the demographic and health survey of the year 2002, which indicates that 67% of the population consider themselves Catholic, but the Pew Research Center indicates that this figure had decreased to 57% by 2014. See Pew Research Center. (2014). *Religion in Latin America: Widespread Change in a Historically Catholic Region*. [www.pewforum.org/files/2014/11/Religion-in-Latin-America-11-12-PM-full-PDF.pdf](http://www.pewforum.org/files/2014/11/Religion-in-Latin-America-11-12-PM-full-PDF.pdf)

3 [www.vatican.va/roman\\_curia/secretariat\\_state/archivio/documents/rc\\_seg-st\\_19540616\\_concordato-dominicana\\_sp.html](http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19540616_concordato-dominicana_sp.html)

4 While there is also a link to evangelical churches in the Presidency, a greater influence of the Catholic Church in the country is recognised.

5 On 9 and 23 January 2015, the organisations “Matrimonio Feliz”, “Fundación Justicia y Transparencia” and “Fundación Transparencia y Democracia” filed three motions of unconstitutionality before the constitutional court because of the articles that decriminalise abortion and the way the code was adopted. To date, the constitutional court has not ruled on this matter.

6 Together with Chile, El Salvador, Malta, Nicaragua and the Vatican.

Constitutional Regression<sup>7</sup> created a campaign that united more than 30 civil society organisations, artists and representatives of the country's political powers at a cost of more than USD 80,000. At the heart of the campaign were public demonstrations, concerts and posters put up in crowded areas explaining the consequences of this constitutional reform.

Until 2011, the proportion of households with internet access in the Dominican Republic was 11.7%,<sup>8</sup> which explains why the campaign saw no need to go online at that time. A study by the Research Centre for Feminist Action (CIPAF)<sup>9</sup> in 2010 states that only 46% of women's organisations had a web page, indicating the lack of involvement of women's NGOs in cyberspace and new technologies.<sup>10</sup>

### Esperancita and the Catholic Church's attack on Profamilia

Between 2011 and 2013, the country experienced a marked increase in media coverage, both offline and online, of the topic of sexual and reproductive rights. This was mainly due to two key events: the case of Rosaura Almonte – also known as Esperancita – and the Catholic Church's lawsuit against the organisation Profamilia. Both cases generated outrage in the media and, in the case of Profamilia, heated debate on social networks.

Sixteen-year-old Rosaura Almonte – known at the time as Esperancita<sup>11</sup> – was diagnosed with acute leukaemia and a pregnancy of nine weeks. The chemotherapy treatment that she should have been provided with urgently was incompatible with pregnancy. The public hospital where she was admitted to refused to supply the prescribed treatment because of her pregnancy, putting her life in danger. Following this case, the discussion about abortion was opened in the country again, because the girl's mother begged in the media for her daughter to receive one. On 17 August 2012, Esperancita died, causing an explosion of views on social networks. It bears noting that, up

until that point, people who supported the right to abortion contributed mostly to the online conversations, while conservative organisations had not yet entered the debate.

For its part, in 2012, the NGO Profamilia created a campaign called “Your Sexual and Reproductive Rights are Human Rights”, which included videos that showed different violations related to sexual and reproductive rights and invited the public to report them under the slogan “Know, act and demand”.<sup>12</sup> The videos were reported on in the media, and promoted widely on social networks, especially on YouTube and Facebook. After more than six months of the campaign, the Catholic Church sued Profamilia in court, demanding, among other things, that it delete the campaign's content from all social media.<sup>13</sup>

This lawsuit triggered debate in the media – especially online – about sexual rights. A new direction in the debate on abortion was also created, as one video refers to rape and the right to abortion in this context. Interest in the videos took the campaign's Facebook page from 120 to 978 views in two days.

The first counter-campaign that emerged on social networks against the videos used the hashtag #asinoprofamilia (“not like that Profamilia”), arguing that Profamilia's campaign was against the morals and good customs of the Dominican Republic. In response, feminist activists and other social organisations created the #yoapoyoaprofamilia (“I support Profamilia”) hashtag on Facebook and Twitter. These hashtags were intermittently trending topics, especially on the day of the hearing, which was covered extensively by the media online.

Because the Profamilia campaign opened the door to public discussion on issues of sexual and reproductive rights, after the campaign it became easier to take a public position on these rights, since it was a topic that had been covered by the media for months. At the same time, it became easier to publicly disagree with the Catholic Church, which had suffered a blow to its reputation with, amongst other things, revelations that a number of its priests had been paedophiles.<sup>14</sup>

In short, between January 2011 and October 2013, both journalists and political actors showed a

7 Resistencia al Retroceso Constitucional: <https://www.facebook.com/Resistencia-al-Retroceso-Constitucional-246001670462/timeline>

8 According to the National Multi-Purpose Household Survey (ENHOGAR), National Statistics Office (ONE): [osicrd.one.gob.do/index.php?option=com\\_zoo&task=category&category\\_id=273&Itemid=211](http://osicrd.one.gob.do/index.php?option=com_zoo&task=category&category_id=273&Itemid=211); ICTs were not included in the ENHOGAR surveys of 2008 and 2009-2010.

9 Centro de Investigación para la Acción Femenina: [www.cipaf.org.do](http://www.cipaf.org.do)

10 CIPAF. (2011). ¿Otro techo de cristal? La brecha digital de género en la República Dominicana. [issuu.com/cipaf/docs/generotic-web?e=5467836/2938159](http://issuu.com/cipaf/docs/generotic-web?e=5467836/2938159)

11 When the case went public, to protect the girl's identity as a minor, the media called her “Esperancita” (Little Hope). After her death, her legal name, Rosaura Almonte, became known.

12 <https://www.youtube.com/user/profamiliaid>

13 In May 2013, a decision was handed down by the Fifth Civil and Commercial Chamber of the National District, based mainly on freedom of expression. The Catholic Church filed a constitutional complaint on 3 June 2013, which to date has not been decided.

14 Goodstein, L. (2014, 23 August). For Nuncio Accused of Abuse, Dominicans Want Justice at Home, Not Abroad. *The New York Times*. [www.nytimes.com/2014/08/24/world/americas/whisked-away-vatican-ambassador-accused-of-sexual-abuse-of-minors.html?\\_r=1](http://www.nytimes.com/2014/08/24/world/americas/whisked-away-vatican-ambassador-accused-of-sexual-abuse-of-minors.html?_r=1)

growing interest in these issues. The media not only expanded their coverage, but also showed a higher level of interest by presenting these issues more frequently in front page headlines and editorial columns.<sup>15</sup>

After its study on the use of ICTs in women's organisations, CIPAF held several workshops with women and feminist organisations, encouraging the use of the internet and supporting the creation of profiles on social networks for cyber activism. Because of these workshops, around 30 female leaders of the feminist and women's movements opened new accounts on Twitter and Facebook, or learned to use the ones they already had more effectively.

### The presidential veto

On 18 November 2014, the new Penal Code was approved, with abortion still illegal. Women's organisations, who were caught off-guard by the legislative agenda, took to social networks with the campaign "No to the Penal Code" and asked the president to veto it.

For the first time in the history of the country, on 28 November 2014, a president of the republic referred specifically to the right to abortion for women. President Danilo Medina vetoed the penal code,<sup>16</sup> explaining that it violated women's rights, and called on the Chamber of Deputies to recognise that abortion should be a right if a woman's life is in danger, in the event of sexual violation, and in case of foetal malformation incompatible with life.

Twitter became the most widely used social media tool in the debate in those months, mainly by people with political power. A total of 30 deputies and senators joined the discussion, and there was a strong media campaign by the Presidency in support of the presidential veto.

The veto forced the Penal Code back to the Chamber of Deputies to be discussed again. As the pro-abortion campaign intensified, so did the hate speech and violations of privacy. Feminists were attacked with hate messages online. Six women's rights activists reported having lost all the information on their computers, including emails, during the two months of the campaign, and said that the hacking of their private data – all in the same week – occurred because of their political activity on social networks. One of the best known activists on Twitter said she had to censor herself on Twitter due to the insults received, although she said

she would not let this dampen her energy to push on with the fight. Organisations such as the Women and Health Collective<sup>17</sup> revealed that their work accounts were hacked during this period too.

### Reactionary versus progressive voices online

Given these facts, the feeling from the women's movement has been that the Christian fundamentalist and right-wing media have consolidated their strategy and invested large amounts of money in the organisation and management of internet counter-campaigns. This can be seen in the images and graphics used with hashtags like #NoalAborto ("No to abortion") and #DéjaloNacerRD ("Let him be born"), which are becoming more frequent.

The role of the media and social networks in all this has been crucial. One of the advantages of using the internet has been the possibility of uniting local campaigns and activists from around the world. During the campaign in support of the presidential veto, support was received from organisations such as Catholics for Choice,<sup>18</sup> which has offices in several Latin American countries, as well as Women's Link<sup>19</sup> and Amnesty International,<sup>20</sup> among others. This managed to get the demands of women on the right to abortion in the Dominican Republic heard beyond the island. Likewise, access to the internet has enabled activists to learn about similar campaigns in other countries, and to replicate good practices from those campaigns. For example, the postcards campaign in El Salvador that called for the release of 17 women imprisoned on charges relating to abortion<sup>21</sup> served as a model for some of the local campaign.

While social networks were the most used communications tool in the campaigns, both for and against the legalisation of abortion, it remains a concern that online campaigns can only reach 51% of the population – the percentage of internet users among the population – of which 78% are in the wealthiest quintile in the country and only 33% live in rural areas.<sup>22</sup> This is due largely to the fact that the cost of internet in the country is 5% of household income for 70% of Dominican households.<sup>23</sup>

17 Colectiva Mujer y Salud: [www.colectivamujerysalud.org](http://www.colectivamujerysalud.org)

18 [www.catolicasoporelderechoadecidir.net](http://www.catolicasoporelderechoadecidir.net)

19 [www.womenslinkworldwide.org](http://www.womenslinkworldwide.org)

20 <https://www.amnesty.org>

21 The 17 are a group of Salvadoran women sentenced to 30 years or more in prison on charges related to abortion, when in fact they had suffered miscarriages, stillbirths and other complications. [www.las17.org](http://www.las17.org)

22 National Multi-Purpose Household Survey (ENHOGAR), National Statistics Office (ONE). [osicrd.one.gob.do](http://osicrd.one.gob.do)

23 Alliance for Affordable Internet. (2015). Case Study: Dominican Republic. [a4ai.org/dominicanrepublic](http://a4ai.org/dominicanrepublic)

15 Based on an analysis of coverage of information on sexual and reproductive rights in national print and digital media conducted by Profamilia between January 2011 and October 2013.

16 Presidential veto: [www.7dias.com.do/file.php?id=177455](http://www.7dias.com.do/file.php?id=177455)

In November, just seven opinion articles on the issue of abortion and sexual reproductive rights were published by online newspapers; however, by December, there were 175 articles: 110 opinions in favour of the presidential veto, 38 against and 27 neutral or ambiguous.<sup>24</sup>

The number of reactionary voices online is growing. A sense of organisation, fast responses to articles or comments posted, as well as the creation of new accounts on social networks, suggest the intervention of specialists in the design and implementation of their counter-campaigns. At the same time, feminist organisations became less proactive in the use of social networks, creating space for conservatives to set the agenda for the public debate.

On the other hand, the internet has allowed activists to keep the cost of campaigns and mobilisation low. With the Dominican Republic being a middle-income country, according to the World Bank,<sup>25</sup> development cooperation is limited and often subject to specific projects according to the global agenda. The possibility of implementing campaigns without a donor deciding the agenda opens a new era of possibilities for activism and new actors in the debate, as was demonstrated in the last months of 2014.

## Action steps

The following advocacy is suggested for the Dominican Republic:

- There is a need for greater coordination between feminist organisations and more training on the strategic use of the internet to achieve social goals.
- We need to include more actors in the human rights debate. Until now, it is obvious that the conservatives and churches have been more coordinated in their online counter-campaigns, and have been more consistent in sharing their views online.
- The decriminalisation of abortion on specific grounds is still at stake. The Penal Code is currently under review in the constitutional court, and women's and feminist organisations should continue actively campaigning for abortion rights over the next months.

<sup>24</sup> Statistics from unpublished research circulated privately.

<sup>25</sup> World Bank, Country at a Glance: Dominican Republic. [www.worldbank.org/en/country/dominicanrepublic](http://www.worldbank.org/en/country/dominicanrepublic)

# Sexual rights and the internet

The theme for this edition of Global Information Society Watch (GISWatch) is sexual rights and the online world. The eight thematic reports introduce the theme from different perspectives, including the global policy landscape for sexual rights and the internet, the privatisation of spaces for free expression and engagement, the need to create a feminist internet, how to think about children and their vulnerabilities online, and consent and pornography online.

These thematic reports frame the 57 country reports that follow. The topics of the country reports are diverse, ranging from the challenges and possibilities that the internet offers lesbian, gay, bisexual, transgender and queer (LGBTQ) communities, to the active role of religious, cultural and patriarchal establishments in suppressing sexual rights, such as same-sex marriage and the right to legal abortion, to the rights of sex workers, violence against women online, and sex education in schools. Each country report includes a list of action steps for future advocacy.

The timing of this publication is critical: many across the globe are denied their sexual rights, some facing direct persecution for their sexuality (in several countries, homosexuality is a crime). While these reports seem to indicate that the internet does help in the expression and defence of sexual rights, they also show that in some contexts this potential is under threat – whether through the active use of the internet by conservative and reactionary groups, or through threats of harassment and violence.

The reports suggest that a radical revisiting of policy, legislation and practice is needed in many contexts to protect and promote the possibilities of the internet for ensuring that sexual rights are realised all over the world.

GLOBAL INFORMATION SOCIETY WATCH

2015 Report

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