



Communique Committee of Experts

The Committee of Experts of the MESECVI calls on the Dominican Republic to guarantee the rights of women, adolescents and girls

Washington, D.C., February 8th, 2021. The [Committee of Experts](#) (CEVI) of the Follow-up Mechanism to the [Convention of Belém do Pará](#) (MESECVI) expresses its concern about some criteria established in the Sentence TC/0966/18, of the Constitutional Court of the Dominican Republic issued on December 10, 2018 and published on December 9, 2020. The sentence resolved an appeal against an *amparo* judgment that would have rejected the appellants' claims to withdraw an advertising campaign for "being contrary to the constitutional regulations on children and adolescents"¹ and would have resolved that "the questioned advertising does not violate the fundamental rights invoked by the plaintiffs."²

The aforementioned campaign was titled *Your sexual rights and reproductive rights are human rights* and consisted of the following four advertisements: 1) Your sons and daughters have the right to comprehensive, scientific and timely sexual education; 2) You have the right to enjoy sexual relations, regardless of your marital status, without fear of pregnancy or sexually transmitted infections; 3) Maintaining a pregnancy as a result of rape, incest or when the woman's life is in danger is a violation of the right to a dignified life; and 4) Sexual harassment is a form of violence, do not shut up. Report it!³

The Sentence of the Constitutional Court issued, among others, the criterion that the advertisement number 3 (*supra*) "exceeds the limits established by Article 49 of the Constitution [...] by suggesting the performance of acts prohibited by the current legal system" since "It constitutes an incitement to carry out acts prohibited by the legal system, which violate rights that enjoy the most guaranteed instruments of protection, a situation that is aggravated when said advertising is directed to minors, by virtue of the superior interest that our Constitution confers on this age group."⁴

This Committee considers that limiting freedom of expression in relation to women's sexual and reproductive rights, in terms of the Inter-American Court, is not a necessary measure in a

¹ Sentence TC/0966/18 of the Constitutional Court of the Dominican Republic issued on December 10, 2018. Considerations and Fundamentals. Section 8 (Summary of the conflict), p. 17.

² Sentence TC/0966/18 of the Constitutional Court of the Dominican Republic issued on December 10, 2018. Considerations and Fundamentals. Section 8 (Summary of the conflict), p. 17.

³ Sentence TC/0966/18 of the Constitutional Court of the Dominican Republic issued on December 10, 2018. Considerations and Fundamentals. Section 8 (Summary of the conflict), p. 16.

⁴ Sentence TC / 0966/18 of the Constitutional Court of the Dominican Republic issued on December 10, 2018. Considerations and Bases. Section 8 (Summary of the conflict), numeral 11.14, p. 24.

democratic society. The Committee recalls that freedom of expression broadly protects the dissemination of rights even when they have not been recognized by the domestic legal system, especially when they are rights protected by treaties and jurisprudence of international organizations. Likewise, the CEVI notes that the strengthening of democracies involves including all the diversity of voices in the public debate.

In this regard, the Committee requests the State to carry out all the necessary measures for an open and democratic debate on issues that are of public interest such as the rights of women, adolescents, and girls, and of civil society organizations, feminist movements and various institutions that propose a protective framework for women's human rights.

The Committee of Experts is available to any request from the Dominican Republic for technical collaboration in this or any other matter related to gender-based violence against women, adolescents, and girls.

The Committee of Experts is the technical body of the MESECVI responsible for the analysis and evaluation of the implementation process of the Belém do Pará Convention. It is composed of independent Experts, appointed by each State Party among its nationals, and serve in a personal capacity.