LAW No. 74-25: PENAL CODE OF THE DOMINICAN REPUBLIC

Critical Articles on Free Expression, Defamation, and Insult

English Translation

These articles relate to the Somos Pueblo Media constitutional challenge filed June 30, 2026.

ARTICLE 207: PERJURY

Perjury constitutes the affirmation of a false fact under oath or promise to tell the truth in any case where the law requires or permits an oath or promise, whether when testifying before a judge, arbitrator, public official, or other person competent to receive the oath or promise, or through a document signed by the person making the statement. Perjury exists even when the oath or promise is irregular due to defects in form.

ARTICLE 208: DEFAMATION

Prohibited Conduct: Defamation constitutes the public allusion or imputation to a person, natural or legal, of a specific or concrete fact that affects their honor, consideration, good name, image, dignity, or family integrity, by any public, audiovisual, written, radio, television, streaming, electronic means, or in cyberspace.

Penalty: Two to five years of imprisonment and a fine of nine to fifteen minimum public sector salaries, in addition to complementary penalties and socio-judicial measures.

ARTICLE 209: DEFAMATORY EXTORTION

Prohibited Conduct: Defamatory extortion constitutes the public imputation to a person of a specific or concrete fact that affects their honor, consideration, good name, image, dignity, or family integrity, **with the purpose of obtaining for themselves or for a third party a benefit of any nature, or to cause the victim or a third party to perform, omit, or tolerate an act that causes them harm, thereby compelling or attempting to compel the victim to yield to their demands.**

Penalties: Five to ten years of imprisonment and a fine of ten to twenty minimum public sector salaries. If committed by two or more persons: Ten years of imprisonment and a fine of twenty to thirty minimum public sector salaries.

ARTICLE 210: INSULT (INJURIA)

Prohibited Conduct: Insult constitutes the public utterance against another person of an invective or any offensive or disparaging expression, **provided that it does not contain the imputation of a specific fact**, by any audiovisual, written, radio, television, streaming, or electronic means.

Penalty: Fifteen days to one year of imprisonment or a fine of one to two minimum public sector salaries, or both penalties.

ARTICLE 211: ACTS NOT CONSIDERED DEFAMATORY OR INJURIOUS

The following shall not be considered defamatory or injurious and shall not give rise to criminal prosecution:

(1) Speeches delivered in the legislative chambers

(2) Reports, memoranda, and other documents printed by order of the Legislative, Executive, or Judicial branches, the Constitutional Court, or the Supreme Electoral Tribunal

(3) Journalistic reviews made by television, digital, or any other media regarding public sessions of the National Congress

(4) Documents produced and speeches delivered in the courts of justice

Procedural Note: The court may order the suppression of defamatory or insulting documents from judicial proceedings. Facts unrelated to the case that prove to be defamatory or insulting may give rise to corresponding criminal prosecution.

ARTICLE 212: LIABILITY OF LEGAL ENTITIES

Legal entities may be declared penally responsible for defamation and insult offenses under certain conditions, in which case they shall be sanctioned with penalties provided in Article 39.

ARTICLE 310: INSULT AGAINST PUBLIC OFFICIALS (ULTRAJE)

Prohibited Conduct: Insult against a public official constitutes the utterance of threatening words or the sending of written documents, images, or any type of object, **whether public or private in nature, but contrary to the personal dignity and to the dignity of the functions exercised by a public official or public servant.**

Penalty: Fifteen days to one year of imprisonment and a fine of two to three times the salary received by the public official who has been its victim.

ARTICLE 311: PROSECUTION OF INSULT AGAINST PUBLIC OFFICIALS

Insult against public officials shall be prosecuted by public action at private request.

IMPORTANT CONTEXT

Somos Pueblo's Constitutional Challenge: On June 30, 2026, Somos Pueblo Media filed a direct action of unconstitutionality before the Dominican Constitutional Court challenging Articles 192, 208, 209, 210, 211, and 310. The organization argues these provisions violate the Dominican Constitution and the American Convention on Human Rights because they: (1) impose criminal penalties that are disproportionate to the severity of the offense (defamation sentences exceed penalties for negligent homicide), (2) criminalize speech that can be adequately addressed through civil law remedies, (3) chill freedom of expression through threat of prosecution, and (4) contain vague language that allows prosecutorial abuse.

Key Constitutional Provisions: The Dominican Constitution protects freedom of expression. International human rights law, particularly the Inter-American Court of Human Rights, has established that criminal defamation statutes are incompatible with freedom of expression because they deter the very speech those protections are designed to encourage.