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Dominican Republic should stop discriminatory practices against Dominicans of Haitian descent: Amnesty International oral statement to the 25th Session of the UN Human Rights Council (3 – 28 March 2014)

24 March 2014

Item 8
General Debate

Mr President,

Amnesty International welcomes the announcement by the Dominican Republic of the publication of a Regularisation Plan for Migrants with no regular status as this could be a positive step in enhancing the protection of the rights of migrants in the country.

However, Amnesty International remains concerned about the vulnerability in which thousands of Dominicans of Haitian descent have been living for more than a decade and which has been increased by the ruling 168-13 of the Dominican Constitutional Court issued in September 2013.

Since the early 2000s a number of administrative, legislative and judicial decisions have had the effect of retroactively depriving Dominicans of Haitian descent of their Dominican nationality. The ruling of the Constitutional Court culminated this process, rendering thousands stateless.

Unable to obtain or renew their identity documents as a consequence of those decisions, thousands of Dominicans of Haitian descent have been unable to exercise their human rights, including the right of access to education and to work. Furthermore, their children are in practice born stateless as they cannot be registered as Dominicans.

Amnesty International notes that the President of the Dominican Republic has promised to present to the Congress a draft law that would deal with the cases of those who are affected by the Constitutional Court ruling. In order to be in compliance

with the international human rights obligations of the Dominican Republic, such a law must ensure Dominican nationality for those who already had it under the domestic legal system in effect from 1929 to 2010. As established by the Inter-American Commission for Human Rights, “measures to guarantee the right to nationality of those harmed by Judgment 168/13 should be general and automatic. These mechanisms must be simple, clear, fast, and fair. They must not be discretionary or implemented in a discriminatory fashion.”

Thank you Mr. President.