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Dominican Republic must urgently face up to its human rights responsibilities

The latest postponement of bilateral talks between the Haitian and Dominican governments on the controversial Dominican Constitutional Court judgement which retroactively and arbitrarily deprived thousands of Dominicans of Haitian descent of their Dominican nationality is symptomatic of the unwillingness of the Dominican authorities to assume their human rights responsibilities towards this community, Amnesty International said today.

Last September, the Dominican Constitutional Court ruled that anyone born in the country since 1929 to foreign parents who could not prove their regular migration status had been wrongly registered as Dominicans and had never been entitled to Dominican nationality. This is the latest and most dramatic turn in a long story of discrimination against Dominicans of Haitian descent. Thousands of people are believed to have lost their Dominican nationality and are now stateless.

“Following the judgement, the Dominican authorities, including President Danilo Medina, showed an encouraging attitude by expressing willingness to find an appropriate solution that would respect the human rights of the thousands of people affected. But this promise is quickly fading with time, and Dominicans of Haitian descent remain trapped in a situation where [fundamental rights are being compromised](#), including rights to an identity and a nationality”, said Javier Zúñiga, special advisor at Amnesty International.

The Haitian and Dominican governments agreed to meet at the highest level in order to find an appropriate solution and two bilateral round of talks were held in January and February 2014 with the participation of the government of Venezuela, the European Union and CARICOM. The third discussion was originally scheduled for 12 March but has been postponed on five occasions, the latest date for the meeting was scheduled for 8 May.

“The reason behind this further postponement appears to be the government’s delay in presenting a bill to the Dominican Congress to solve the human rights crisis created by the constitutional judgement. The Dominican executive have repeatedly promised to introduce this bill since the beginning of the year, but today political will seems to be lacking,” said Javier Zúñiga.

Almost eight months have passed since the Constitutional Court’s judgement, and the Dominican authorities have failed to reach a solution that will respect the country’s international human rights obligations. In the meantime, Dominicans of Haitian descent deprived of their Dominican nationality continue to have their rights violated in terms of access to social services, including education and health services, and are being denied basic human rights such as the right to travel, to marry, to found a family, and to work.

“The situation is dramatic and needs an urgent solution. The Dominican authorities must act swiftly and follow the recommendations made by the Inter-American Commission on Human Rights. The Commission has called on the Dominican Republic to restore Dominican nationality to those denationalized by the judgement, without requiring them to register as foreigners as a prerequisite for their rights to be recognized,” said Zúñiga.

“The Dominican Republic cannot postpone facing up to its responsibilities any longer. Dominicans of Haitian descent are being denied access to their identity documents not only since September 2013, but for over a decade now, with their lives in total limbo. It is concerning that every time the situation created by the constitutional judgement is raised, the Dominican authorities refer to it in terms of a migration issue rather than a nationality issue. The people currently affected never migrated to the Dominican Republic. They were born in the country and at time of their birth were entitled to Dominican nationality.”