

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: AMR 27/011/2014

24 June 2014

Measures to restore nationality only a first step

Human Rights Council adopts Universal Periodic Review outcome on Dominican Republic

Amnesty International is extremely concerned that human rights violations continue to be committed by the police. Since 2009 Amnesty International has documented numerous cases of unlawful killings, torture and ill-treatment, enforced disappearances and arbitrary detention, committed by the police. The previously announced comprehensive police reform has yet to take off.

Twelve states made recommendations to the Dominican Republic aimed at combatting such violations, including ensuring that all law enforcement operations are conducted in accordance with international human rights standards,¹ investigating all allegations of excessive use of force,² and expediting a comprehensive reform of the police, using a human rights based approach.³

Amnesty International welcomes that the Dominican Republic accepted most of these recommendations and urges their full implementation so as to ensure respect for human rights and improve the capacity of the National Police to provide the necessary protection against violence and crime.

Several States expressed concern regarding the right to a nationality and the discrimination experienced in this regard by Dominicans of foreign descent, in particular of Haitian descent.⁴ Many made explicit reference to the serious human rights implications of ruling 168-13 by the Constitutional Court on 23 November 2013, which retroactively and arbitrarily deprives thousands Dominicans of Haitian descent, born between 1929 and 2010, of their Dominican nationality with the result of rendering them stateless.⁵

Since the review, the government has introduced legislation aimed at dealing with the consequences of that ruling. The bill, adopted by the Congress on 21 May, represents a first step in the right direction; however, it does not allow for the full and automatic restoration of Dominican nationality to those who were arbitrary deprived of it. It obliges thousands of unregistered people born in the Dominican Republic to foreign parents to undergo a long and arduous procedure of naturalization, during which they remain stateless and thus denied a number of basic rights, including to education, employment, and health services. In addition, local activists have expressed concern at the risk of discrimination and arbitrariness by the civil registry officers in implementing the law.

¹ A/HRC/26/15, paragraph 98.47 (Australia).

² *Ibid*, para 98.45-98.48 (Spain, Canada, Australia, France), para 98.50-98.53 (Switzerland, United States of America, Germany, Italy).

³ *Ibid*, paragraphs para 98.49-98.50 (Spain, Switzerland).

⁴ *Ibid*, paragraphs 45, 50, 52, 54, 56-59, 64-66, 68, 79, 83-85.

⁵ *Ibid*, 45, 50, 52, 54, 58, 65, 68, 83-85.

While Amnesty International welcomes the support by the Dominican Republic of recommendations to combat racial discrimination⁶ and to introduce measures to prevent discrimination in the process of granting citizenship and civil status registration,⁷ it regrets the rejection of recommendations to guarantee the right to a nationality and to adopt measures to identify, prevent and reduce statelessness.⁸ The organization urges the Dominican Republic to reconsider its position on these recommendations.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Dominican Republic on 20 June 2014 during its 26th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

Amnesty International had earlier submitted information on the situation of human rights in Dominican Republic:

<http://www.amnesty.org/en/library/asset/AMR27/008/2013/en/d437ad44-5611-41f9-af44-edd9a1ea5464/amr270082013en.pdf>

On 3 June 2014, Amnesty International sent an open letter to President Danilo Medina regarding Law 169/14: <http://www.amnesty.org/en/library/info/AMR27/008/2014/en>

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org

⁶ *Ibid*, 98.36-98.40 (Viet Nam, Angola, Bolivia, Slovenia, Somalia).

⁷ *Ibid*, 98.109 (Norway).

⁸ *Ibid*, 98.110 (Slovenia), 98.112-98.113 (Mexico, Uruguay), 98.116-98.118 (Brazil, Germany, Chile), 98.125 (Canada), 98.133 (France).