

FINAL UPR PRESS RELEASE

The Dominican Republic will have to respond on human rights obligations before the United Nations

Washington, D.C. January 29, 2019.- Next Wednesday, January 30th, the Dominican Republic will be evaluated via a Universal Periodic Review before the United Nations Human rights Council in Geneva. The Center for Justice and International Law (CEJIL), the Americas Network on Nationality and Statelessness, the Institute on Statelessness and Inclusion, Robert F. Kennedy Human Rights and Dominican@s por Derecho denounce the lack of response from the Dominican State in response to violations of the right to nationality and discrimination with respect to Dominicans of Haitian descent.

This will be the third time that the country will have to respond to the Council. However, to date, the State's compliance with the recommendations of the member States has been minimal. Hundreds of thousands of Dominicans of Haitian descent are still affected by the denial of the right to nationality, discrimination, and statelessness that arise from structural measures that have restricted the enjoyment of their right to nationality and many other rights.

In 2009, during the first period of examination, Canada recommended ratification of the two international conventions on Statelessness, and the recommendation was accepted by the State. In the second cycle in 2014, Nicaragua, Uruguay and Brazil made the same recommendation. However, the State only took note and to date has not ratified the conventions. In addition, during this same session, 20 States formulated 26 recommendations on statelessness, the right to nationality and issuing identity documents without discrimination. Likewise, a recommendation was made that the State respect the right to nationality of each person in accordance with the recommendations of the Inter-American Commission on Human Rights (IACHR) and the judgment of the Inter-American Court.

In spite of the two cycles of the UPR and recommendations from Member States and international organizations on this subject, the situation of Dominicans of Haitian descent continued to worsen. Judgment 168-13, issued in 2013 by the Constitutional Tribunal, provoked a "massive denationalization" of any Dominican born to foreign parents after 1929. The Judgment was harshly criticized by Dominican civil society, and the international community, including the Inter-American Commission and Court of Human Rights. In 2014, Law 169-14 was issued that same year, intending to provide a response to Judgment 168/13, it segregated those affected by the judgment and created new profiles for which there is no clear solution. Today, less than 10% of those affected by the judgment have had their nationality restored. In practical terms, the lack of a nationality implies that those affected by the Judgment cannot study in a university, find stable employment, travel or formally register their children. In 2015, the Office of the High

Commissioner for Refugees (UNHCR) said in 2015 there were 133,770 persons at risk of statelessness in the Dominican Republic.

We note with extreme concern that in 2018, there was a notable increase in detentions and intent to deport people born in the Dominican Republic. Members of the military and customs agents frequently use the excuse that presented documentation is usually expired and invalid without having provided those affected with a means of remedying their situation.

As a result, we ask that States make the following recommendations to the Dominican State:

- Comply with the judgments of the Inter-American Court of Human Rights, the recommendations of the IACHR and those formulated by other States in past cycles of the UPR to enact a legal framework that guarantees the effective restitution of nationality to Dominicans of Haitian descent.
- Sign on to the 1954 Convention Relating to the Status of Stateless Persons and ratify the 1961 Convention on the Reduction of Statelessness within the next three years of the implementation phase.
- In 2019, undertake a process of national registration to identify persons who are stateless or at risk of statelessness, in collaboration with UNHCR and civil society organizations.
- Take all necessary protective measures to prevent any stateless person from being exposed to possible arrest and/or expulsion from the territory in which he or she was born.
- Urge the Dominican State to continue the dialogue with civil society organizations and with the technical assistance of the IACHR, in addition to other international bodies and mechanisms that permit a full and comprehensive approach to the situation of deprivation of nationality, discrimination, and xenophobia throughout 2019.