

# THE DOMINICAN REPUBLIC(DR): THE RIGHT TO NATIONALITY, STATELESSNESS, DISCRIMINATION, AND EXCLUSION

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SWITZERLAND



# Structure of the Presentation

Previous recommendations made in earlier cycles of the UPR on the right to nationality, statelessness, discrimination and exclusion of Dominican persons of Haitian descent



Current situation regarding the right to nationality, existing legal framework, and of Dominican persons of Haitian descent



Recommendations to the States

# DR before the UPR

## 1<sup>st</sup> Cycle

- December 1<sup>st</sup> 2009
- Canada, Spain, and the United States
- 5 recommendations
- 1 accepted

## 2<sup>nd</sup> Cycle

- February 5<sup>th</sup> 2014
- Mexico, Canada, Argentina, Brazil, Argentina, and 15 other States
- 26 recommendations
- 3 accepted

# Accepted recommendations from UPR cycles 1 and 2 on the right to nationality, statelessness, discrimination and exclusion of Dominican persons of Haitian descent

## 1<sup>st</sup> cycle

- **Ratify Conventions on statelessness 1954 and 1961 (Canada)**

## 2<sup>nd</sup> cycle

- Take all necessary measures to provide an effective birth registration (Belgium).
- Introduce effective measures to prevent discriminatory practices linked to the process of granting citizenship and registration of marital status (Norway).
- Effectively follow the guidelines adopted by the Joint Commission of the Dominican Republic and Haiti on concrete measures to safeguard the fundamental rights of persons of Haitian origin (Brazil).

# Current situation regarding the right to nationality, existing legal framework, and of Dominican persons of Haitian descent



## Law 169-14

- Response to Sentence 168/13
  - Massive denationalization
- Group A
  - Born in Dominican territory
  - Between June 16<sup>th</sup> 1929 and April 18<sup>th</sup> 2007
  - Births registered in the Civil Registry
- Group B
  - Born in Dominican territory
  - Between June 16<sup>th</sup> 1929 and April 18<sup>th</sup> 2007
  - Births NOT registered in the Civil Registry

# Problems with law 169-14

## Group A

- 61,049 people registered
- Lack of transparency, legal limbo, segregation
- Register birth of children, to study, to marry, to find formal work

## Group B

- 110,000 to 145,000 people could benefit, however only 8755 registered
- 180- day deadline
- Sub-groups: B1 (registered within deadline) and B2 (not registered within deadline)
- Greater vulnerability, limited deadline, lack of confidence, practical barriers, legal limbo

Statelessness: 133,770 stateless people in 2015

- Group A that have yet to receive their nationality documents and/or were transcribed
- Group B who hope to access the naturalization process to recover their Dominican Nationality
- Persons eligible to participate in the registration but who cannot do so
- Persons born in the Dominican Republic between April 18<sup>th</sup> 2007 and June 26<sup>th</sup> 2010

Detentions and deportations

- 07/2015 and 09/2017: 59,271 people
- 15,301 persons born in DR
- 10/2018 and 11/2018 increase in detentions of those in Group B2

Intergenerational Statelessness

Attacks and threats against human rights defenders

## **DANIEL PARAISON**

fue detenido arbitrariamente por agentes de la DGM el 30 de octubre y corre riesgo de expatriación.

Daniel es uno de los miles de dominicanos de ascendencia haitiana que han visto afectados su derecho a ser reconocidos como dominicanos y que durante años la Junta Central Electoral no los ha permitido acceder al registro civil, por lo tanto, es justificable que no porte documentación.

**#LiberenADaniel**





**What recommendations would be useful  
for States to make in the next Universal  
Periodic Review to the Dominican  
Republic?**



- Ratify the Convention on the Status of Stateless Persons of 1954 and the Convention to Reduce Cases of Statelessness of 1961
- Conduct a national census
- Accept recommendations from international organizations, such as the IACHR and the Inter-American Court, and by other States in past cycles of the UPR
- Create a legal framework to restore nationality to the people affected by sentence 168/13
- Adopt non-discriminatory policies in the issuance of identification documents
- Recognize and adopt comprehensive legislation against discrimination, xenophobia, racism and hate speech
- Promote enabling spaces for human rights defenders and civil society organizations
- Train/capacity building for state officials
- Continue dialogue and technical assistance with civil society organizations and international organizations

# Thank You

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