

Catherine Ashton

High Representative of the Union for
Foreign Affairs and Security Policy
Vice President of the European Commission

Brussels, 24 January 2014

**AMNESTY
INTERNATIONAL**



European Institutions Office

Ref: B1508

EU MUST RESPOND TO ARBITRARY DEPRIVATION OF NATIONALITY IN DOMINICAN REPUBLIC

Dear Baroness Ashton,

Amnesty International is writing to ask you to take concrete action in response to ruling 168-13 adopted by the Constitutional Court of the Dominican Republic on 23 September 2013. This decision deprives Dominican nationality from all persons of foreign descent born on Dominican soil from 1929 to 2010. It strips thousands of their right to nationality in an arbitrary and discriminatory manner, making them stateless. Official estimates count over 244,151 people of foreign descent living in the Dominican Republic, 86% born to Haitian parents.

In December 2013, the Inter-American Commission on Human Rights (IACHR)¹ found that the Constitutional Court ruling constitutes “an arbitrary deprivation of nationality” with “discriminatory effect” due to its impact mainly on Dominicans of Haitian descent. The IACHR also highlighted harassment facing human rights defenders, journalists and others critiquing the ruling. Multiple United Nations agencies, the Caribbean Community (CARICOM) and the United States government have likewise expressed public concern over the ruling, urging the authorities to restore Dominican nationality to those concerned.

The IACHR recommended that the Dominican government take measures to guarantee the right to nationality of those recognised as Dominican under the domestic legal system in effect from 1929 to 2010. In addition, the IACHR called any such measures to be general, automatic, non-discriminatory, financially accessible and not require registration as foreigners as a prerequisite for recognition of rights to nationality.

Amnesty International is concerned that this ruling could exacerbate the violation of the human rights of Dominicans of Haitian and other foreign descent. Those without identity papers are at risk of arbitrary detention and mass expulsion, without access to judicial review; furthermore, they are unable to register their own children as Dominicans, who would in practice be born stateless.

In line with the EU commitment to human rights in all external action and the EU Guidelines on HRDs and in view of the EU role in negotiations between Dominican Republic and Haiti, Amnesty International calls on you to:

- Express clear and public concern to the Dominican government about the massive deprivation of nationality of thousands in the Dominican Republic following the Constitutional Court ruling
- Call on the Dominican authorities to strictly implement the IACHR recommendations in collaboration with UN agencies and the Inter-American system to find a timely solution based on international human rights law.
- Urge the Dominican authorities to take all necessary measures to protect from racism, xenophobia and violence persons with actual or supposed foreign origins, as well as human rights defenders, journalists and other individuals who might be at risk for having spoken out against the ruling;
- Call on the Dominican authorities to respect their international legal obligations, particularly in terms of prohibition of discrimination; arbitrary deprivation of nationality, especially when this can result in statelessness; and basic principle of law prohibiting the retroactive application of the law.

We look forward to your response and stand ready to provide any further information you may require.

Yours sincerely,

Dr. Nicolas Berger

¹ Preliminary Observations from the IACHR's Visit to the Dominican Republic, 6 December 2013:
http://www.oas.org/en/iachr/media_center/PReleases/2013/097A.asp

Cc:

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