



Statement presented by a Civil Society delegation to the CARICOM Bureau at their meeting on November 26, 2013 on the Dominican Republic's TC 168-13

We thank you for this opportunity to meet with the Bureau on this matter of great concern to the citizens of the region.

As you know, on September 23, the Dominican Republic's Constitutional Court handed down a ruling that Juliana Deguis Pierre, should be denied Dominican nationality due to her parents' migratory status. Ms. Pierre was born in the Dominican Republic to Haitian parents in 1984 and registered as Dominican at her birth. In 2008 her Dominican Birth Certificate had been seized by the Central Electoral Board when she applied for a National ID Card. The Court also ordered the Central Electoral Board to examine all birth registries since 1929 and identify for denationalization all persons who were similarly allegedly improperly registered.

“The full implementation of this ruling will have a devastating impact on the lives of hundreds of thousands of people whose identity documents would be cancelled and, therefore, would see many of their human rights —freedom of movement, education, work and access to healthcare — totally denied.” (Amnesty International) The majority of these people are Black and of Haitian descent, but descendants of other nationalities, including those of other Caricom countries such as those in the Eastern Caribbean, will also be affected.

The ruling has sparked outrage and condemnation from human rights organisations within the Dominican Republic and from numerous organisations in the wider Caribbean region, the United States and Latin America; by United Nations agencies; in the Permanent Council of the Organisation States; by the Inter American Commission on Human Rights; and by Amnesty International. The cry has been taken up by the regional media; with editorials and columnists calling for a vigorous response from CARICOM.

We would wish to emphasize that the people who have been denationalized by the ruling are not Haitians; nor are they illegal migrants. They are Dominican born, many of whom have up to now enjoyed Dominican citizenship. This is not a migration issue, it is a human rights issue.

Moreover, the sovereignty of the Dominican state cannot be legitimately invoked to shield the ruling from international scrutiny. The ruling violates provisions of international law that prohibit the arbitrary deprivation of nationality; racial non-discrimination; and statelessness. It contravenes a binding ruling by the IACHR in 2005 in the case of *Yean y Bosico*. Indeed the 2010 Constitution of the Dominican Republic clearly states in Article 74.3 that Human Rights Treaties and Conventions have the same status as the Constitution; while Article 110 prohibits the retroactive application of laws that have an adverse effect.

The impact of the ruling goes far beyond the Courtroom, however. It renders an already marginalised section of the Dominican population even more vulnerable to acts of daily discrimination and abuse based on the colour of their skin and/or the sound of their names. Already there are reports of people being denied public transport; of being

taken off buses and arbitrarily deported; On Sunday of this week alone it is reported that 244 people were deported; and violence at a border town last week reportedly led to the mob killing of at least one Haitian. Given the atmosphere of racial xenophobia that now exists in the Dominican Republic, there is a real risk of further degeneration into violence, with potentially tragic consequences.

We believe that CARICOM countries have the ability to help prevent a humanitarian catastrophe and influence the course of events by throwing their collective weight behind the effort to stay the application of this ruling, obtain its reversal and reinstate the basic human rights of the denationalized persons.

It is not sufficient to obtain assurances that the human rights of the affected persons will be protected in its application since this continues to render them vulnerable to arbitrary actions by state agencies and to abuse by the wider population.

We support the call by Prime Minister Ralph Gonsalves for the Dominican Republic's non-admission to CARICOM under the present circumstances, suspension from CARIFORUM and from the PetroCaribe oil concessions; and for the Community of Latin American and Caribbean States CELAC to issue a strong statement of condemnation. These have now been adopted or largely endorsed by the Organisation of East Caribbean States. Their adoption by the entire Caribbean Community would carry significant weight and could not be ignored. CARICOM is 14 of the 15 member states of CARIFORUM, 12 of the 18 members of PetroCaribe, and 14 of the 33 members of CELAC, with a permanent seat on the Troika plus One. CARICOM must present a united front on this issue, and speak with one voice.

In addition to the four actions above, we would propose that CARICOM (i) provide continued support within the OAS for the *in loco* visit by the IACHR (ii) request an advisory opinion from the Inter-American Court of Human Rights; and (iii) consider the introduction of a resolution of condemnation within the UN General Assembly.

Members of the Bureau: we cannot countenance, without the most vigorous opposition, the further institution of a state of social genocide and apartheid in the heart of our own region. We cannot let down our brothers and sisters in the Dominican Republic, integral members of the regional family. The Caribbean Community has an historic opportunity to demonstrate its relevance to, and its caring for, the citizens of our region. We are sure you will not let them down.