

DOMINICAN REPUBLIC

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: APRIL 11, 1949

RATIFIED AMERICAN CONVENTION: JANUARY 21, 1978

Declaration made at the time of signature and recognition of jurisdiction (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

Declaration made at the time of signature

The Dominican Republic, upon signing the American Convention on Human Rights, aspires that the principle pertaining to the abolition of the death penalty shall become purely and simply that, with general application throughout the states of the American region, and likewise maintains the observations and comments made on the aforementioned Draft Convention which it distributed to the delegations to the Council of the Organization of American States on 20 June 1969.

Recognition of jurisdiction

The Government of the Dominican Republic, by way of this instrument, declares that it recognizes as binding, as a matter of law, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the American Convention on Human Rights, of November 22, 1969.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45): APRIL 19, 1978

ACCEPTED JURISDICTION OF IACHR (ART. 62): MARCH 25, 1999

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) **Case of Girls Yean and Bosico v. Dominican Republic**

The State, through its Registry Office authorities, refused to issue birth certificates to Dilcia Oliven Yean and Violeta Bosico (ages 2 and 14, respectively, as of March 25, 1999, the date on which the State accepted the Court’s contentious jurisdiction). Violeta Bosico was unable to attend school for one year due to the lack of an identity documents. The children were born within the State’s territory. The Constitution of the Dominican Republic establishes the principle of jus soli to determine those who have a right to Dominican citizenship. Yet, the State forced the victims to endure a situation of continued illegality and social vulnerability by denying the children nationality until September 25, 2001. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Discrimination; Due Process Rights; Economic, Social, and Cultural Rights; Minors/Children; Movement and Residence; Nationality (Right to); Naturalization*

Preliminary Objections, Merits, Reparations and Costs

Judgment of September 8, 2005. Series C No. 130

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 28, 2007
- 2) Order of the President of the Inter-American Court of Human Rights of May 18, 2009 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of August 27, 2010
- 4) Order of the Inter-American Court of Human Rights of October 10, 2011

II) Case of González Medina and Family v. Dominican Republic

On May 26, 1994, Mr. Narciso González Medina, a university professor and opposition leader, was forcefully disappeared as a result of his criticism of the Army and the then-President of the Republic, Joaquín Balaguer, as well as his participation in the public denunciation of electoral fraud in the context of the 1994 presidential election. This case also relates to the State's lack of serious, diligent, and effective investigations to clarify the facts, identify those responsible, and impose the corresponding sanctions.

Key Words: *Abduction; Access to Legal Procedures; Arbitrary Arrest and Detention; Civil and Political Rights; Forced Disappearances; Assembly (Freedom of); Association (Freedom of); Political Organizations; Life (Right to); Judicial Protection (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objections, Merits, Reparations and Costs

Judgment of February 27, 2012. Series C No. 240

Monitoring Compliance with Judgment

[None]

III) Case of Nadege Dorzema et al. v. Dominican Republic

In June 2000, Dominican army soldiers opened fire on a truck that was trying to smuggle into the country a group of Haitians, causing seven persons to lose their lives and several more injuries. The shooting was adjudicated by military justice system, which acquitted the soldiers involved. Some of the surviving victims suffered violations of personal liberty, judicial guarantees, and judicial protection because they were summarily expelled from the Dominican Republic. The facts of this case occurred within the context of more general discrimination against persons of Haitian origin, as well as the deportation of Haitians from the Dominican Republic.

Key Words: *Migrant Rights; Discrimination; Access to Legal Procedures; Criminal Justice; Expulsion, Deportation, and Forcible Return; Life (Right to); Judicial Protection (Right to); Independence of Judiciary*

Merits, Reparations and Costs

Judgment of October 24 2012. Series C No. 251

Monitoring Compliance with Judgment

[None]

IV) Case of Expelled Dominicans and Haitians v. Dominican Republic

This case is about Haitians and Dominicans of Haitian descent who have been systematically denied access to personal identity documents and forcibly expelled from the Dominican Republic. In this case, five families were targeted by government officials on the basis of their Haitian descent. They were taken from their homes or off the street, detained and expelled to Haiti, albeit they were Dominican citizens. Dominican authorities refused to allow most of the victims to present their Dominican identification documents in order to avoid expulsion, and they confiscated and destroyed the identification documents of other victims. Further, some of the child victims had no identification documents as a result of discriminatory State practices denying Dominican children of Haitian descent access to identification documents. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Discrimination; Access to Legal Procedures; Civil and Political Rights; Minors/Children; Movement and Residence; Migrant Rights; Nationality (Right to); Undocumented Migrants; Expulsion, Deportation, and Forcible Return; Arbitrary Arrest and Detention; Family*

Merits, Reparations and Costs

Judgment of October 24 2012. Series C No. 251

Monitoring Compliance with Judgment

[None]

B) Provisional Measures (Art 63.2)

- 1) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [August 7, 2000]
- 2) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [August 18, 2000]
- 3) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [September 14, 2000]
- 4) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [November 12, 2000]
- 5) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [May 26, 2001]
- 6) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [February 2, 2006]
- 7) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [July 8, 2009] (Available only in Spanish)
- 8) Matter of Juan Almonte Herrera et al. regarding Dominican Republic [March 24, 2010]
- 9) Matter of Juan Almonte Herrera et al. regarding Dominican Republic [May 25, 2010]
- 10) Matter of González Medina and Family regarding Dominican Republic [August 30, 2011]

- 11) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [December 1, 2011]
- 12) Matter of Juan Almonte Herrera et al. regarding Dominican Republic [January 20, 2012]
- 13) González Medina and Family regarding Dominican Republic [June 21, 2012]
- 14) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [February 29, 2012]
- 15) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [September 7, 2012]
- 16) Matter of Haitians and Dominicans of Haitian-origin in the Dominican Republic regarding Dominican Republic [September 7, 2012]
- 17) Matter of Juan Almonte Herrera et al. regarding Dominican Republic [November 13, 2015]