

**NATIONAL BAR ASSOCIATION**

Resolution Urging the Government of the Dominican Republic to  
Eradicate Statelessness by Reinstating the  
Citizenship of Black Dominicans of Haitian Descent

**WHEREAS** the National Bar Association is the nation's oldest and largest national network of predominantly African American attorneys and judges, representing approximately 60,000 lawyers, judges, law professors and law students and having over 80 affiliate chapters throughout the United States and around the world;

**WHEREAS** the United Nations High Commission for Refugees (UNHCR) defines Statelessness as the lack of citizenship. Specifically, Article 1 (1) of the United Nation's Convention Relating to the Status of Stateless Persons provides that a stateless person is someone who is "not considered as a national by any state under the operation of its law";

**WHEREAS** the Government of the Dominican Republic (hereinafter "Dominican Republic") is the home of the largest stateless population, almost all of which are Black Dominicans of Haitian Descent, in the Americas;

**WHEREAS** the Dominican Republic's Constitutional Tribunal Judgment 168/13 (hereinafter "Judgment 168/13") and Naturalization Law 169-14 (hereinafter "Law 169-14") are the root causes of statelessness in the Dominican Republic;

**WHEREAS** on September 23, 2013, Judgment 168/13 in effect revised the country's citizenship transmission laws retroactively to 1929 and stripped hundreds of thousands of Black Dominicans of Haitian Descent of their citizenship, mostly children who were born in the Dominican Republic to irregular (undocumented) Haitian migrant workers, which was conferred by virtue of *jus soli*;

**WHEREAS** *Jus soli*, when adopted by sovereign states, is a universally held principle where the country of the citizenship of a child is determined by its country of birth;

**WHEREAS** the Dominican Republic adopted *jus soli* through its citizenship transmission laws until Judgment 168/13 effectively stripped and/or continues to deprive generations of Black Dominicans of Haitian Descent of their citizenship;

**WHEREAS** on May 21, 2014, the Dominican Republic enacted Law 169-14 in response to the international community's outcry to Judgment 168/13 to provide a pathway to citizenship for those that were stripped of their citizenship;

**WHEREAS** Law 169-14 (a) provides for the validation of birth certificates and re-acquisition of citizenship for individuals born in the Dominican Republic between 1929 and 2007 whose births had been registered in the Dominican civil registry (Group A); and (b) introduced a special registration procedure under which individuals born in the Dominican Republic whose births were never registered in the Dominican civil registry (Group B) could apply for registration as *foreigners* and regularization of their status, and, after two years, for nationality through the regular naturalization procedure. However, conformance with this law by many, primarily individuals in Group B, has proven to be impracticable;

**WHEREAS** factors frustrating Black Dominicans of Haitian Descent's conformance with Law 169-14 (both Group A and B) include a well settled history of systemic discrimination practiced by the Dominican Republic where (1) Black Dominicans of Haitian Descent are deprived of personal identification documentation necessary to verify their citizenship (e.g., *acta de nacimiento*, *constancia de nacido vivo*, and the *cédula de identidad*); or (2) the re-acquisition of citizenship has been denied for some Group A and B individuals in possession of the aforementioned personal identification documents in violation of Law 169-14. These documents, both birth certificates and government identification cards, are also prerequisites to exercise a number of fundamental rights, including but not limited to, the right to education and healthcare;

**WHEREAS** consequently, the vast majority of Group B individuals have not been able to register with the Dominican civil registry and are now facing the possibility of forever being barred from re-acquiring citizenship because the special registration period, or naturalization process, expires in the Summer of 2017. No alternative avenues to re-acquire citizenship for Group B individuals currently exist;

**WHEREAS** collectively, Judgment 168/13 and Law 169-14 have also further negatively impacted the human rights of Black Dominicans of Haitian Descent in the Dominican Republic;

**WHEREAS** Black Dominicans of Haitian Descent have been and continue to be subjected to arbitrary deprivation to nationality, the denial of access to documentations, the denial of access to education, the denial of access to healthcare, compromised freedom of travel in and outside of the Dominican Republic, fractured families as a result of expulsion of family members from the Dominican Republic, restricted and severely limited access to employment, denial to equal protection of the law, denial of voting rights, landlessness, as well as a chilling effect experienced by Black Dominican Women of Haitian Descent in that violence against women goes unreported because of fear of deportation;

**WHEREAS** such human rights violations have been assessed and corroborated by the Human Rights-Rule of Law Fact Finding Initiative: Mission to the Dominican Republic, a Howard University School of Law dispute resolution project;

**WHEREAS** the Dominican Republic's persistent and pervasive practice of systemic racial discrimination has been corroborated, detailed, and admonished by the United Nations' "Report of the Special Rapporteur on contemporary forms of racism, discrimination, xenophobia, and related intolerance: Mission to the Dominican Republic"; and

**WHEREAS** the Inter-American Court for Human Rights (IACHR) condemned the Dominican Republic and determined that Judgment 168/13 and Law 169-14 violated fundamental human rights. The IACHR found, in part, that Judgment 168/13 implied an arbitrary deprivation of citizenship and that the ruling had a discriminatory effect, stripped citizenship retroactively, and led to statelessness for individuals not considered citizens.

**NOW THEREFORE BE IT RESOLVED**, that the NBA calls for the Dominican Republic to (a) reinstate the full citizenship of all Black Dominicans of Haitian Descent, in accordance with the country's citizenship transmission laws prior to 2005, who have conferred citizenship by virtue of *jus soli* since 1929; (b) lift or extend the current deadline for the re-acquisition of citizenship, particularly the special registration deadline for Group B individuals; and (c) ensure that Group





B individuals are eligible and included in all subsequent citizenship transmission laws and/or processes;

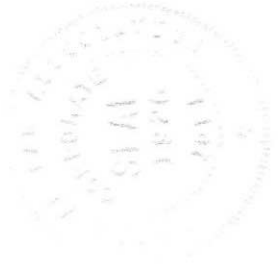
**BE IT FURTHER RESOLVED**, that any subsequent citizenship transmission laws and/or processes account for and provide safeguards against the systemic discrimination which has historically deprived Black Dominicans of Haitian Descent of personal identification documentation necessary to verify their citizenship; and

**BE IT FINALLY RESOLVED**, that all international relationships and/or partnerships with the Dominican Republic be conditioned on the Dominican Republic's recognition and eradication of statelessness as well as the elimination of systemic discrimination. Including, but not limited to, such economic and political partnerships with the United States, Canada, the European Union (EU), and the Caribbean Union (CARICOM).

Done this 3rd day of August  
in the year 2017 in Toronto, Canada.

By:   
Kevin Judd  
President, National Bar Association

Attested and subscribed to  
  
Jonathan Richardson  
Secretary, National Bar Association



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