



**Dominican@s
por Derecho**



**Institute on
Statelessness and
Inclusion**

**Dominicanos por Derechos, The Institute on Statelessness and Inclusion & The Center for
Justice and International Law**

Joint Submission to the Human Rights Council at the 32nd Session of the Universal Periodic
Review

The Dominican Republic

**Appendix A: Previous Relevant Recommendations to the Dominican Republic
under the First and Second UPR Cycles**

<i>Recommendations under the Thirteenth Session of the First Cycle</i>	
Recommendation	Response by the Dominican Republic
88.11 Ratify the Convention on the Reduction of Statelessness and sign and ratify the Convention relating to the Status of Stateless Persons (Canada).	Accepted.
89.1 Ensure that appropriate legal frameworks are in place in line with the international conventions governing the issue of nationality (Canada).	Not accepted. The Dominican Republic does not accept this recommendation, since nationality is already established in the Constitution and is not open to interpretation.
89.2 Cancel all retroactive measures taken to replace the principle of <i>jus soli</i> with the principle of <i>jus sanguinis</i> for the acquisition of nationality (Spain).	Not accepted. The Dominican Republic agrees that the law is not retroactive, but cannot accept the allegation that the Constitution is applied in a retroactive manner.
89.4 Adopt measures to ensure that Dominican of Haitian descent are not denied citizenship or access to civil and birth registration procedures and are not arbitrarily subject to retroactive cancellation of birth and identity documents (United States).	Not accepted. This is not acceptable because, as noted earlier, application of the law is not retroactive in the Dominican Republic. In addition the Constitution of the Dominican Republic is not subject to interpretation as to who is or is not a Dominican.
89.5 Apply consistent and non-discriminatory citizenship policies and practices (Canada).	Not accepted. (No response provided.)

Recommendations from the Twenty-Sixth Session of the Second Cycle	
Recommendation	Response by the Dominican Republic
98.15 Consider ratifying the conventions on stateless persons (Nicaragua).	Noted (taken under advisement).
98.16 Consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Uruguay).	Noted (taken under advisement).
98.17 Accede, as early as possible, to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Brazil).	Noted (taken under advisement).
98.18 Take urgent steps to ensure full respect for the right to a nationality, and ratify the August 1961 Convention on the Reduction of Statelessness, which it signed in December 1961 (Ireland).	Noted (taken under advisement).
98.76 Take all necessary measures to provide effective birth registration (Belgium).	Accepted.
98.109 Introduce effective measures to prevent discriminatory practices linked to the process of granting citizenship and civil status registration (Norway).	Accepted.
98.110 Undertake all necessary measures to immediately recognize citizenship to those who had it at the time of their birth (Slovenia).	Noted (not supported).
98.111 Apply promptly and in a non-discriminatory manner the Plan for the Regularization of Foreigners and consider, for these effects, the recommendations of the Inter-American Commission on Human Rights following its visit to the country on December 6, 2013, stating that the process, as a whole, be made in accordance with its international human rights obligations (Spain).	Noted (not supported).
98.112 Respect every person's right to nationality in accordance with the recommendations of the Inter-American Commission on Human Rights and the judgment of the Inter-American Court on Human Rights (Mexico).	Noted (not supported).
98.113 Maximize its efforts to resolve the cases of statelessness, in coordination with UNHCR and with the support, among others, of the United Nations and Inter-American multilateral systems, strengthening a national civil registration system, so as to ensure that all the inhabitants of the Dominican Republic enjoy their rights (Uruguay).	Noted (not supported).
98.114 Strengthen measures to guarantee the right to a nationality and include necessary safeguards to prevent statelessness of those born in the territory of the Dominican Republic (Argentina).	Noted (taken under advisement).
98.115 Ensure that international standards on nationality and statelessness continue to be fully applied in the country to all individuals without discrimination (Italy).	Noted (taken under advisement).

98.116 Seek the technical advice of the United Nations High Commissioner for Refugees to identify, prevent and reduce statelessness, protect stateless persons and address the statelessness situation (Brazil).	Noted (not supported).
98.117 Ensure that its treatment of all affected persons is in line with its international human rights obligations and that it seek the technical advice of the United Nations High Commissioner for Refugees to identify, prevent and reduce statelessness (Germany).	Noted (not supported).
98.118 Adopt measures to ensure that Dominicans of foreign descent keep their Dominican nationality, avoiding possible cases of statelessness (Chile).	Noted (not supported).
98.119 The Naturalization law include all persons of foreign descent proving birth in the Dominican Republic before 2010, whether registered or not, be given state identity documents (Australia).	Noted (taken under advisement).
98.122 Effectively follow up the guidelines adopted by the Dominican Republic and Haiti Joint Commission on concrete measures to safeguard the fundamental rights of people of Haitian origin (Brazil).	Accepted.
98.125 Take steps to ensure protection of the fundamental rights of all individuals born in the Dominican Republic, including the offspring of undocumented foreigners who may be at risk of becoming stateless as a consequence of Constitutional Tribunal ruling 168/13 (Canada).	Noted (not supported).
98.126 Seek the technical advice of the United Nations High Commissioner for Refugees to identify and prevent statelessness, and protect stateless persons, to address the challenges created by the ruling of the Constitutional Court (Norway).	Noted (taken under advisement).
98.127 Give a special attention to children affected by the Constitutional Court ruling ensuring the provision of their basic rights, such as education, health and protection (Portugal).	Noted (taken under advisement).
98.128 Avoid the retroactive application of the norms that could result from the execution of the Constitutional Court's judgment 168/13 and generate situations of statelessness for citizens holding the Dominican citizenship (Spain).	Noted (not supported).
98.129 Take all possible measures to improve the situation of the persons whose rights have been adversely affected by the decision of the Constitutional Court of 23 September 2013, and to ensure compliance with its obligations under international law (Switzerland).	Noted (not supported).
98.130 Take the necessary political, legislative, judicial and administrative steps to redress most urgently the	Noted (not supported).

unacceptable humanitarian situation created by the Constitutional Court ruling (Trinidad and Tobago).	
98.131 Implement a regularization process, in accordance with its international obligations, to prevent the arbitrary deprivation of nationality, avoid deportations of populations affected by the Tribunal’s ruling, and ensure a non-discriminatory process for the acquisition of nationality by individuals born in the Dominican Republic and their descendants for whom documentation is not accessible (United States of America).	Noted (not supported).
98.132 All rights be restored retroactively to those affected by the Constitutional Court judgment and that they be given prompt and nondiscriminatory means to acquire their Dominican Republic citizenship (Australia).	Noted (not supported).
98.133 Take all necessary measures to prevent statelessness and allow all residents to fully enjoy their fundamental rights in particular persons of Haitian’s descent who have been affected by the ruling of the Constitutional Tribunal of the 23rd of September 2013 (France).	Noted (not supported).