

2015-J1971

LEGISLATIVE RESOLUTION supporting House of Representatives Resolution 443 (2013-14), and the work of diverse groups opposing the Dominican Republic Constitutional Court rendering hundreds of thousands of Dominican born persons stateless

WHEREAS, New Yorkers have a long history of diverse activism and advocacy regarding issues of equality and civil rights; and

WHEREAS, In September 2013, the Constitutional Court of the Dominican Republic issued a ruling that affected all persons born in the Dominican Republic as far back as 1929, stripping the children of undocumented migrants, despite their Dominican birth and registration, of Dominican citizenship, and denationalizing nearly 200,000 Dominicans of Haitian descent; and

WHEREAS, In May 2014, the Dominican Republic passed Naturalization Law 169-14, which required persons affected by the 2013 Constitutional Court's decision to be re-recognized as citizens or apply to gain state recognition based on their birth status and year, all the while setting unrealistic timetables and overly-burdensome registration requirements that have had a disproportionate and discriminatory impact on Dominicans of Haitian descent; and

WHEREAS, Later that same year, as an act of defiance in response to a ruling by the Inter-American Court of Human Rights that deemed the 2013 and 2014 actions of the Dominican Republic to be a clear violation of its own constitution, the Constitutional Court declared the Dominican Republic no longer recognized the authority of the Inter-American Court, which removed one of the few options that all Dominicans, including Dominicans of Haitian descent, still had to appeal to a higher power for judicial review on the human rights' impact of the decisions of the Dominican Republic's government; and

WHEREAS, By the time the deadlines set in the 2014 naturalization law had run their course, only a few thousand individuals who were eligible to be re-recognized or gain state recognition actually were able to meet the law's requirements, rendering tens of thousands of individuals still unregistered and vulnerable to deportation, discrimination and loss of livelihood; and

WHEREAS, The Constitutional Court's ruling effectively stripped these persons of their identity and affiliation with the Dominican Republic, rendering them stateless, and subjecting them to the risk of deportation from the country of their birth based solely on their heritage; and

WHEREAS, The Constitutional Court's ruling interpreting the Dominican Constitution to retroactively convey citizenship on the basis of parents' immigration status, instead of on the basis of birth in the territory of the Dominican Republic, is a violation of international law and has opened the door for legally justified and institutionalized discrimination; and

WHEREAS, Both rulings of the Constitutional Court and Law 169-14 have further separated Dominicans of Haitian descent from the larger Dominican community, allowing them to be more easily targeted by those perpetrating acts of discrimination and violence; and

WHEREAS, In the absence of any due process protections, the recent deportations and the continued threat of deportations faced by Dominicans of Haitian descent, with no family or social networks in Haiti from which they can draw support, further underscores the precarious conditions to which Dominicans of Haitian descent are subjected; and

WHEREAS, Article 15 of the Universal Declaration of Human Rights, of which the Dominican Republic and the United States are signatories, guarantees all people the right to nationality and states that, "No one

shall be arbitrarily deprived of his nationality nor denied the right to change his nationality"; and

WHEREAS, Congressman Gregory W. Meeks sponsored Resolution HR 443,

which resolves that it is the United States' policy to promote a right to nationality without arbitrary deprivation by any state, as articulated in Article 15 of the Universal Declaration of Human Rights; the Resolution also calls upon the United States Ambassador to the Organization of American States (OAS) to pursue a multilateral approach to promptly address the potential crisis in the Dominican Republic that may render hundreds of Dominican born persons stateless; and WHEREAS, Civil rights, human rights, academic, legal, political, and dozens of other groups across New York State, including the United States National Bar Association, Robert F. Kennedy Center for Justice and Human Rights, 1199 Service Employees International Union (1199 SEIU), Amnesty International (AI), Haitian American Lawyers Association of New York (HALANY), Coalition of Dominicans Against Racism (CDAR), We Are All Dominicans (WAAD), Haitian American Caucus (HAC), Haitian American Association for Political Action-PAC (HAAPA-PAC), Haitian Round Table (HRT), HABNET Chamber of Commerce, Haitian American Nurses Association of Greater New York (HANA-NY), Friends of Haiti 2010, Make the Road, Border of Lights, Northern Manhattan Coalition for Immigrant Rights, and Ahora/NOW are calling for immediate action by the Dominican government to reverse the effects of the Constitutional Tribunal rulings and Law 169-14; and

WHEREAS, New York State, a home to hundreds of thousands of Haitians and Dominicans, welcomes people from all places and supports the universal application of civil and human rights, whose citizens have a true stake in the actions of the Dominican Republic's government; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to express its concern and outrage over the rulings of the Constitutional Court of the Dominican Republic and the poor implementation of Law 169-14, and the increasing violence against those of Haitian descent, and as such, supporting House of Representatives Resolution 443 (2013-14), sponsored by Congressman Gregory W. Meeks, opposing the decision of the

Dominican Republic Constitutional Court that places hundreds of thousands of Dominican born persons at risk of statelessness; and be it further

RESOLVED, That the Assembly of the State of New York was heartened to learn of the recent lower court decision issued by the Supreme Adminis-

.SO DOC S R1971 RESO TEXT 2015

trative Tribunal in January of 2015, directing the Central Electoral Board to issue birth certificates and identity cards to 158 Dominicans of Haitian descent pursuant to Law 169-14, and encourages all the judicial and administrative branches of the government to continue to comply with the law's obligations, and that all procedural barriers to the implementation of Law 169-14 be removed, the deadlines extended, and to take any further actions necessary to mitigate the effects of the Constitutional Tribunal's rulings; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the Permanent Representative of the Dominican Republic to the United Nations, the National Haitian American Elected Officials Network for delivery to governmental representatives of the Dominican Republic in May 2015, and the aforementioned stakeholders from New York State.