

International Court Fights Racial Discrimination Against Children

(October 7, 2005) Today's ruling by the Inter-American Court of Human Rights recognizing the right of Dominican-born children of Haitian ancestry to nationality and education is a landmark victory for children's rights. "This watershed decision will change the Dominican Republic just as *Brown v. Board* changed the United States," said Laurel Fletcher, director of the International Human Rights Law Clinic of the University of California, Berkeley, School of Law. The ruling requires the Dominican government to reform public policy to address historic discrimination in its birth registration and education systems.

The Inter-American Court concluded that the Dominican Republic had violated the rights of children of Haitian ancestry and rendered them stateless by refusing to issue their birth certificates because of their race. The Court recognized the right to nationality as the gateway to the enjoyment of all other rights and found that children who are denied their birth certificates are also denied their membership to a political community.

As remedy for the violations committed, the Inter-American Court ordered the Dominican Republic to drastically reform its birth registration system and to issue birth certificates to children regardless of the immigration status or race of their parents. The ruling also requires the Dominican Republic to open its schools' doors to all children, including children of Haitian ancestry living in that country. Additionally, during the next six months, the Dominican Republic must publicly recognize international responsibility for the violations and ask for forgiveness from the victims.

After seven years of litigation by the International Human Rights Law Clinic at the University of California, Berkeley, School of Law; the Center for Justice and International Law (CEJIL); and the Association of Women of Haitian Descent (MUDHA) the violations suffered by the plaintiffs, two Dominican-born girls denied birth certificates because of their Haitian heritage, will finally be addressed. "Today's ruling is a victory for children's rights and sends a clear message that the Dominican state must put an end to discrimination," stated Sonia Pierre, the General Coordinator of MUDHA. "The future of this country depends on the government's ability to protect and guarantee the rights of its children."

The Dominican government systematically denies citizenship to Dominican-born children of Haitian ancestry despite constitutional guarantees that all persons born in the Dominican Republic are nationals. The government has conditioned nationality on the parents' legal status, thus ensuring that most children of Haitian ancestry cannot obtain birth certificates. "Without their identity documents, these children are locked out of participation in society, they are routinely expelled from schools and may be expelled from their country," said Roxanna Altholz, a lecturer in the International Human Rights Law Clinic.

In contrast to previous findings, the Inter-American Court's ruling is binding on the Dominican government and compliance is obligatory. The Dominican Republic is one of 22 Latin American countries to have ratified the American Convention on Human Rights and accepted the Court's jurisdiction.

Haitian and Dominico-Haitian communities in the Dominican Republic have historically endured violence and repression, including massive expulsion campaigns. After the release of a 1999 report on anti-Haitian discrimination by the Inter-American Commission on Human Rights, more than

10,000 people of Haitian descent were expelled. Recently, the Dominican Secretary of State for Labor commented that the Dominican government is preparing a plan to "de-Haitianize" the country. In the wake of this ruling, the international community will closely monitor the government's reaction. "We hope that with this decision the Dominican government will condemn the violence, comply fully with the Court's orders, and embrace the rule of law," said David Baluarte, staff attorney at CEJIL.

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