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# Inter-American Justice Comes to the Dominican Republic: An Island Shakes as Human Rights and Sovereignty Clash

by David C. Baluarte

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**O**n September 8, 2005, the Inter-American Court of Human Rights (Inter-American Court or Court) handed down its decision in *Yean and Bosico v. Dominican Republic*,<sup>1</sup> a historical judgment in which it found that the Dominican government had violated the right to nationality of two young Dominican girls of Haitian descent by denying them birth certificates. This judgment is significant for a number of reasons. It was the first judgment to be entered against the Dominican state since it ratified the jurisdiction of the Inter-American Court in 1999. The judgment also addressed Haitian migration, perhaps the most contentious political issue in Dominican society. Further, the decision both identified the institutionalized discrimination of Haitians in the Dominican Republic and outlined the state's affirmative obligations to remedy the situation.

This decision has thrust Dominican society into a furious debate, and although the outcome of that debate is still unclear, a number of implications are quickly coming to light. The executive, legislative, and judicial branches of the Dominican government are now responding to the decision. Two resounding consistencies stand out: hostility and an apparent unwillingness to fulfill the country's international obligations. These sentiments are disconcerting to human rights organizations that have been struggling against institutionalized anti-Haitian discrimination for years. Their concern arises principally from the Dominican government's demonstrated disrespect for the authority of the Inter-American Human Rights System and international human rights law in general. Further, it fuels the flames of xenophobia that have been burning since a wave of mass expulsions and violence swept the country last May.

To put the Court's ruling into perspective, this article begins by offering a brief overview of the hostility suffered by Haitian migrants in the Dominican Republic and highlighting the violence of the past months. With that background in mind, this article then discusses the problem of nationality in the Dominican Republic in the context of the *Yean and Bosico* case and the legal framework provided by the Court's sentence. Finally, this article explores the state response to the decision and offers some concluding remarks. In so doing, it will provide insight into some tense human rights issues in Dominican society, analyze groundbreaking international jurisprudence, and examine how an Organization of American States (OAS) member state responded to the shock of being subjected to the scrutiny of the Inter-American Human Rights System.

## BACKGROUND: THE PRECARIOUS STATE OF HAITIANS IN THE DOMINICAN REPUBLIC

SINCE THE HAITIAN REVOLUTION spilled over the border of Haiti and into the Dominican Republic, which led to Haitian rule of the

Dominican Republic in 1801, there has been tension between the two countries. In the Dominican Republic, this tension has become entrenched in all corners of Dominican society and manifests itself as xenophobia with overtones of racism. Dominican politicians have readily stirred up these sentiments when attempting to consolidate power. One horrific example is the 1937 genocide ordered by the Dictator Rafael Trujillo in the northwest border region, which resulted in the massacre of approximately 15,000 Haitians.<sup>2</sup> Today in the Dominican Republic, Haitians and Dominicans of Haitian descent suffer under a regime of institutionalized discrimination that is promoted through state policies and procedures.

Due to high levels of illegal immigration, it is unclear exactly how many Haitians currently reside in the Dominican Republic. Official records of the Dominican government show a total of 4,205 Haitian residents.<sup>3</sup> Civil society organizations that work with Haitian communities estimate a Haitian population of around 300,000 individuals, while Dominican nationalist groups estimate a Haitian population of more than 1 million individuals.<sup>4</sup> There is pressure from all sectors of Dominican society to regulate



MUDHA marches for the right to nationality.

immigration. The Dominican government's most recent effort to answer this call was the controversial Immigration Law 285-04, passed in August 2004, which denies citizenship to Dominican-born children of Haitian immigrants.<sup>5</sup> This law is an illustration of the general trend in the Dominican Republic to legislate anti-Haitian sentiments. Moreover, in December 2005, in a deeply flawed decision, the Supreme Court of Justice of the Dominican Republic upheld the law as constitutional.<sup>6</sup>

## HATILLO PALMA: MASS EXPULSIONS AND VIOLENCE

IN APRIL 2005, AMIDST RISING TENSION and increased pressure to regulate Haitian migration, the Secretary of Labor of the Dominican Republic announced a plan to "dehaitianize" the country.<sup>7</sup> This worried many human rights organizations in the region because it added fervor to existing anti-Haitian rhetoric. Additionally, the tragic murder of a Dominican woman in the

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northwest region of Hatillo Palma in May 2005 set off a wave of violence against Haitians and Dominicans of Haitian descent. In the midst of this violence, the Dominican immigration authority initiated a campaign of massive expulsions and forcibly deported over 2,000 individuals in one weekend.<sup>8</sup> This campaign was carried out in a brutal fashion; people were taken from their homes, families were separated, and large groups were pushed over the border at night with no food or money. These expulsions have continued,<sup>9</sup> and although it is impossible to know the exact number of people affected, the havoc wreaked on Haitian communities by this campaign is evident.

Massive expulsion, however, is only one of the Haitians' problems. Anti-Haitian violence has continued in the wake of Hatillo Palma. Hooded groups have attacked Haitian communities with machetes and other weapons, which has resulted in widespread fear among Haitians. In the face of calls for justice, the Public Ministry

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openly justified the activities of the vigilantes.<sup>10</sup> Since this initial wave of violence, attacks on Haitians have become more common, and beatings, stabbings, and burnings have resulted in a number of deaths. Perpetrators of this anti-Haitian violence have enjoyed complete impunity, which sends the message that they can continue their brutal campaign unhindered.

It was within this context of mass expulsions, violence, and general anti-Haitian sentiment that the Inter-American Court ordered the Dominican government to amend its internal legislation and prevent the discriminatory denial of Dominican nationality to Dominicans of Haitian descent.

#### DOMINICANS OF HAITIAN DESCENT AND THE RIGHT TO NATIONALITY

ARTICLE 11 OF THE DOMINICAN CONSTITUTION grants Dominican nationality to anyone born in the Dominican Republic, with the exception of the children of diplomats or other people who are “in transit.”<sup>11</sup> This provision establishes the *ius soli* rule of nationality, a legal doctrine under which nationality is determined by place of birth.

Despite this constitutionally-established rule, nearly 30 per-

cent of the Dominican population does not have a birth certificate, which effectively deprives them of a nationality.<sup>12</sup> This phenomenon is partly explained by the overwhelming poverty of a large sector of the population. Haitians and Dominicans of Haitian descent often live in agricultural communities called *bateyes*, with minimal access to basic services, including hospitals. Consequently, it is common for members of these poorer populations to give birth at home, where they cannot automatically be issued a birth certificate. The high rate of Dominicans without birth certificates is also explained in part by a discriminatory administrative process for the posterior issuance of birth certificates.<sup>13</sup>

A perfect example of this can be drawn from the case recently decided by the Inter-American Court. In 1997 Yean and Bosico, 10 months and 12 years old, respectively, went with their mothers and representatives from the Movement for Dominican Women of Haitian Descent (MUDHA) to request birth certificates from the Dominican civil registry. The two girls presented documentation showing that their mothers were Dominican and that they were born in the Dominican Republic. Despite this evidence the



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A *bateye* community in the Dominican Republic.

Dominican civil registry refused to issue birth certificates to the girls. An 11-point proof of nationality test that carried prohibitively onerous requirements for documentation led to the denial of the girls' Dominican nationality. Although the girls appealed this decision to the Dominican judicial system, the refusal was upheld, ultimately leading to Bosico's expulsion from school.<sup>14</sup>

#### LITIGATING *YEAN AND BOSICO* IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

IN OCTOBER 1998 MUDHA, the Center for Justice and International Law (CEJIL), and the International Human Rights Law Clinic at University of California, Berkeley, as representatives of Yean and Bosico, petitioned the Inter-American Commission on Human Rights (Inter-American Commission or Commission) and alleged violations of the American Convention on Human Rights (American Convention or Convention) by the Dominican government. In September 1999, pursuant to precautionary measures that the Commission had issued on behalf of the two girls, the Dominican government offered guarantees that the girls would not be expelled. In January 2000 both parties entered into a process of friendly settlement, but after over a year of stagnant negotiations, the victims and their representatives withdrew from the process. In September 2001 the Dominican government issued birth certificates to Yean and Bosico in an attempt to avoid litigation before

the Inter-American Court, but this gesture fell short of the complete remedy sought by the victims and their representatives, which led them to request that the Inter-American Commission take the case before the Court.<sup>15</sup>

In March 2003 the Commission presented a complaint to the Inter-American Court, which alleged that the Dominican Republic had violated the girls' rights to a juridical personality, judicial guarantees, special protections as children, nationality, equality before the law, and judicial protection in conjunction with the obligation of states to respect all the rights of the Convention and to integrate them into national law.<sup>16</sup> In a separate complaint the petitioners alleged violations of the rights to personal integrity, liberty of conscience and religion, family, a name, as well as the progressive development of social, economic, and cultural rights.<sup>17</sup> The Court heard oral arguments on these points of law in March 2005 and issued its decision in September 2005.<sup>18</sup>

### FINAL JUDGMENT BY THE INTER-AMERICAN COURT

THE INTER-AMERICAN COURT found that the Dominican Republic had violated the girls' rights to nationality, equality before the law, a juridical personality, a name, and special protection as children, in conjunction with the state's obligation to

respect the rights guaranteed in the Convention (Articles 20, 24, 3, 18, 19, and 1.1, respectively). Further, the Court found that the state had violated the girls' families' right to personal integrity (Article 5). Important considerations of the Court were the legal doctrine of *jus soli* enshrined in Article 11 of the Dominican Constitution and the jurisdictional doctrine of *ratione temporis*, which limits the



A map of the Dominican Republic.

Court's ability to review facts that predate a state's ratification of its jurisdiction.<sup>19</sup>

The Court held that because the Dominican Constitution incorporates the *jus soli* rule of nationality, granting nationality to those born on Dominican soil could not be restricted beyond the exceptions within the Constitution itself. Further, the Court found that the "in transit" exception in Article 11 of the Dominican Constitution could not be read so broadly as to include all undocumented migrants. On the basis of these findings, the Court concluded that the 11-step process applied to the two girls in the case was too onerous and resulted in the discriminatory denial of their right to nationality as Dominicans of Haitian descent. It is important to note, however, that the Court invoked the jurisdictional doctrine of *ratione temporis* and found that the Dominican Republic was only responsible for the violation from the time it ratified the Court's jurisdiction on March 25, 1999, to the date it issued the birth certificates on September 25, 2001.<sup>20</sup>

The Court also held that the state's denial of nationality deprived the plaintiffs of a juridical personality, which was an affront to their human dignity. The denial of birth certificates also resulted in the violation of their right to a name, inasmuch as they could not register their identities publicly or enjoy the protections that accompany registration. Bosico's expulsion from school specif-

ically violated her right to special protection as a child. Finally, the Court understood these rights to be violated in relation to the Dominican Republic's obligation to respect all rights protected by the American Convention.<sup>21</sup>

The Court avoided a rigorous analysis of Article 2, a state's obligation to conform domestic legislation to its obligations under the Convention, and Article 26, the progressive development of social, economic, and cultural rights. The Court also found that the factual allegations did not support a holding that the state had violated Article 17, the protection of the family unit, or Article 12, liberty of conscience and religion. Additionally, the Court ruled that the jurisdictional principle of *ratione temporis* prevented a finding that the state had violated Articles 8 and 25, judicial guarantees and protections.<sup>22</sup>

Finally, the Court found a violation of the girls' families' Article 5 right to personal integrity based on the anxiety they suffered because of the possibility that their children would be deported. Interestingly, the Court did not find a violation of this Article with respect to the girls themselves and declared that the insecurity they suffered fell within the violations of the other Articles already discussed.<sup>23</sup>

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In terms of reparations, the Court ordered that the Dominican Republic publish the sentence nationally, as well as organize a public act of recognition of responsibility to apologize to the plaintiffs within the first six months of the date of the sentence. Further, the Court gave the state one year to pay \$8,000 to each plaintiff and \$6,000 to the three entities that represented them. Additionally, the Court ordered that the Dominican Republic implement legislative and administrative measures to ensure the non-discriminatory issuance of birth certificates and establish an effective judicial procedure to challenge the process. The Court also called on the Dominican government to guarantee free access to elementary education, independent of a child's heritage or origin. These last two institutional orders for relief are to be carried out "within a reasonable period of time." Finally, the Court declared that because the violation of the family members' right to personal integrity was non-material, the sentence itself acted as sufficient reparation.<sup>24</sup>

Although undramatic on their face, these reparations are striking when considered within the context of violence and mass expulsions across the Dominican national landscape. Dominican society has never admitted that Dominicans of Haitian descent suffer institutionalized discrimination. Indeed, the outrage produced by the sentence within the Dominican Republic has shocked the international community and moved human rights advocates into action on a variety of levels.

### DOMINICAN SOCIETY RESPONDS

ON OCTOBER 11, 2005, just days after the Court issued its ruling, the Dominican Ministry of Foreign Affairs released a statement calling the Court's decision "unacceptable."<sup>25</sup> This press release reflected the negative sentiments expressed throughout Dominican society. The Vice-President soon after denied the validity of the Court's holdings and declared that the country was under siege by international organizations intent upon discrediting the Dominican Republic before the world community.<sup>26</sup>

On a more positive note, the Dominican ambassador to the OAS recently made a statement advocating for complete compliance with the judgment. He simultaneously acknowledged, however, that the President and the Minister of Foreign Affairs, who have been less receptive to the judgment, will have the final word.<sup>27</sup> Echoing the resistance to compliance expressed by many executive officials, legislative and judicial responses issued in the wake of *Yean and Bosico* have also prompted concern within the human rights community.

On October 18, 2005, the Dominican Senate issued a resolution rejecting the ruling of the Court. Although it is unclear what the effect of this resolution will be, the extreme hostility of the legislature, the body responsible for executing institutional reforms ordered by the Court, is clear cause for alarm. It is also important to note that some nationalist Senators are orchestrating a wave of xenophobic and anti-Haitian sentiment that is currently sweeping through the country. These legislators are leading a movement to amend the Constitution and change the Dominican rule of nationality to *jus sanguine* (citizenship through blood) so that Dominican nationality would only pass to the children of Dominican nationals.<sup>28</sup> Although there are many countries in the world that use this rule and it is not contrary to international law *per se*, such an effort to avoid compliance with the Inter-American Court sentence reaches beyond bad faith and reaffirms the existence of institutionalized discrimination within the Dominican Republic.

Finally, the Dominican Supreme Court of Justice recently handed down a decision that directly defies a portion of the Inter-American Court's ruling by upholding a provision in the 2004 Immigration Law that fits undocumented immigrants squarely into the "in transit" exception to the *jus soli* rule of nationality enshrined in Article 11 of the Dominican Constitution.<sup>29</sup> This decision, widely regarded as political discourse rather than constitutional interpretation, cedes the right to interpret the Dominican Constitution to the legislature and, rather than clarifying legal citizenship, confuses the concept. In as much as this decision is not retroactive and does not apply to Yean and Bosico as children of Dominican mothers, it does not affect the Dominican government's obligation to comply with the individual reparations ordered by the Inter-American Court. It does, however, defy the Court's order for institutional reparations and sets a bad precedent for future legislative measures.

### CONCLUSION

THE HOSTILITY DEMONSTRATED by the Dominican Republic's response to the ruling of the Inter-American Court in *Yean and Bosico* should be understood in the context of how states generally respond to resolutions and judgments of the Inter-American Human Rights System. Although there are positive examples such as Colombia, which has paid millions of dollars in reparations, and Peru and Guatemala, which have publicly recognized international responsibility for grave human rights violations, there are also many less successful examples. Venezuela openly disregards rulings of the Inter-American Court as affronts to its sovereignty, and Trinidad and Tobago revoked the jurisdiction of the Court when its system of capital punishment was challenged. One thing is true of all of the countries in the Americas: it is a hard-fought process to ensure compliance with decisions from international bodies relating to obligations under human rights law.

Although the future of Dominican compliance with the Inter-American Court's decision in *Yean and Bosico v. Dominican Republic* has yet to be determined, a new chapter in Dominican history has opened. The recent decision is a valuable milestone because a legal framework has been assigned to one of the country's most vicious social problems. The extent to which the Dominican government conforms to that framework will be determined in the coming years as the battle rages between the human rights community and a country's xenophobia. *HRB*

### ENDNOTES: Inter-American Justice Comes to the Dominican Republic

<sup>1</sup> Case 130, Inter-Am. C.H.R. (Sept. 8, 2005), available at [http://www.corteidh.or.cr/serieic\\_ing/index.html](http://www.corteidh.or.cr/serieic_ing/index.html) (accessed Feb. 6, 2006).

<sup>2</sup> Richard Lee Turits, *Hispanic American Historical Review*, "A World Destroyed, A Nation Imposed: The 1937 Haitian Massacre in the Dominican Republic," 589-635 (Aug. 2002).

<sup>3</sup> *El Caribe*, "Aumenta debate sobre el 'jus soli,'" [www.elcaribecdn.com.do](http://www.elcaribecdn.com.do) (Nov. 10, 2005).

<sup>4</sup> *Id.*

<sup>5</sup> Ley de Migración No. 285-04, passed by the Dominican Congress and promulgated on Aug. 15, 2004. See also *Clave Digital*, "La nueva ley de Migración: Un híbrido cargado de contradicciones," [http://clavedigital.com/Perspectiva/Articulo.asp?Id\\_Articulo=5673&offset=3](http://clavedigital.com/Perspectiva/Articulo.asp?Id_Articulo=5673&offset=3) (July 2, 2005).

<sup>6</sup> Decision on the constitutional challenge to the General Migration Law No. 285-04, Supreme Court of Justice of the Dominican Republic, available at <http://www.suprema.gov.do/novedades/sentencias/inconstitucionalleydemigra->

[cioncertificada.htm](http://www.suprema.gov.do/novedades/sentencias/inconstitucionalleydemigra-cioncertificada.htm) (accessed Dec. 14, 2005). For more insight into the flaws of this decision, see *Espacinsular*, "Los Fallos del Fallo," [http://espacinsular.org/article.php3?id\\_article=834](http://espacinsular.org/article.php3?id_article=834) (Dec. 24, 2005).

<sup>7</sup> *Listin Diario*, "Fadul: Gobierno trata de 'deshaitianizar' el país," <http://www.listin.com.do/antes/abril05/040405/cuerpos/ciudades/ciu3.htm> (Apr. 4, 2005).

<sup>8</sup> *Clave Digital*, "Denuncian maltratos a haitianos y convocan a jornada por los derechos de migrantes," [http://www.clavedigital.com.do/Noticias/Articulo.asp?Id\\_Articulo=6772](http://www.clavedigital.com.do/Noticias/Articulo.asp?Id_Articulo=6772) (Sept. 1, 2005).

<sup>9</sup> *Hoy Digital*, "Autoridades dominicanas repatrian 600 haitianos en cinco días," <http://www.hoy.com.do/app/article.aspx?id=46730> (June 15, 2005); *terra*, "Autoridades dominicanas repatrian 300 haitianos indocumentados," <http://www.terra.com.do/noticias/nacionales/articulo/html/nac39916.htm> (accessed Jan. 24, 2006); *Hoy Digital*, "Repatrian unos mil haitianos del

destroyed in the earthquake and rebuilding has proven difficult. The region poses significant logistical challenges because its terrain is mountainous and landslides have blocked many of the supply roads. Much of Kashmir's communication and electrical infrastructure were also destroyed, which has added to the difficulties of delivering aid to the region. To facilitate a better exchange of goods and the movement of Kashmiri people, Pakistan's government has opened the "Line of Control." For over 50 years these crossing points in Kashmir between Pakistan and India have been closed. Some observers have predicted that the necessities of the disaster might help improve relations between these countries.

As emotionally charged images of Pakistanis suffering and dying spread throughout the world, Pakistan's government has been criticized for its slow and delayed response. Critics alleged that Pakistan's president and military leader, Pervez Musharraf, spent six years building up and financing the country's military, but when the earthquake hit, he proved unable to mobilize the army fast enough to provide immediate relief. Musharraf's government responded by citing blocked roads and destroyed infrastructure as the cause for such delays and contended that people within its administration and the army were also victims of the tragedy.

The international community was also slow to respond in the first month after the disaster, which prompted UN Secretary General Kofi Annan to criticize its "weak and

tardy" response when compared with the reaction to the Southeast Asian tsunami in December 2004. Pakistan appealed for \$5.2 billion from the international community, but this amount was not met until after there was sufficient public disapproval for the inadequate donations from governments and international donors. Two weeks after the earthquake, only approximately 25 percent of the UN-requested \$550 million had been met. In contrast, 92 countries contributed 99 percent of the UN emergency appeal for the 2004 tsunami. Nonetheless, Pakistan now has \$5.4 billion in pledges, with approximately \$2 million in grants and the remainder in loans. The U.S. government, who considers Pakistan an ally in its war against terrorism, was one of the largest donors at \$510 million, three times as much as its original pledge. Even with the pledges met, most of the money is allocated for long-term reconstruction. According to UN and other aid officials, the current relief funds are insufficient for a six-month emergency operation to keep survivors alive over the winter.

In mid-December 2005 the UN High Commissioner for Refugees (UNHCR) established additional camps in Kashmir to close and relocate inadequate camps. An estimated 2.5 million individuals are temporarily housed in tents in the lower regions, while close to half a million remain in Kashmir's higher altitudes, some of whom have not received any aid at all. Even those who have found shelter suffer from overcrowded conditions and may not receive adequate servic-

es. More camps are needed to promote proper hygiene and to prevent the spread of disease, but Kashmir's rough terrain limits the amount of available land. The procurement of the tens of thousands of tents necessary to protect people is another hurdle to the establishment of refugee camps.

In the meantime Pakistan's government and the UNHCR have begun to set up camps in rural areas so that some survivors can be closer to their villages to rebuild their homes during the spring. The immediate goal is to provide warmth and shelter to refugees to survive the harsh winter conditions.

For more information on relief efforts, visit the UNHCR website at <http://www.unhcr.ch>, the Kashmir International Relief Fund website at <http://www.kirf.org/>, the International Federation of the Red Cross and Red Crescent Societies website at <http://www.ifrc.org/>, and the International Committee of the Red Cross website at <http://www.icrc.org/>. *HRB*

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## ENDNOTES: Inter-American Justice Comes to the Dominican Republic *continued from page 28*

Cibao," <http://www.hoy.com.do/app/article.aspx?id=51616> (Aug. 16, 2005).

<sup>10</sup> Leopoldo A. Espaillat N., *Listin Diario*, "La ofensa haitiana: tomando el toro por el rabo," <http://www.listindiario.com.do/antes/diciembre05/291205/cuerpos/republica/rep15.htm> (Dec. 29, 2005).

<sup>11</sup> Constitution of the Dominican Republic, art. 11 (2002), *available at* <http://www.georgetown.edu/pdba/Constitutions/DomRep/domrep02.html> (accessed Feb. 6, 2006).

<sup>12</sup> It is widely cited within the Dominican Republic that 30 percent of the Dominican population does not have a birth certificate. *See* Eddy Tejeda, Facultad Latinoamericana de Ciencias Sociales, Programa República Dominicana (FLACSO-RD), "La identidad de los niños del batey." *See generally* U.S. Dep't. of State, *Country Report on Human Rights Practices*, <http://www.state.gov/g/drl/rls/hrrpt/2004/41758.htm> (Feb. 28, 2005).

<sup>13</sup> *See id.*

<sup>14</sup> *Yean and Bosico*, Case 130.

<sup>15</sup> *Id.*

<sup>16</sup> Articles 3, 8, 19, 20, 24, and 25 in conjunction with Article 1.1 and 2 of the American Convention respectively, *available at* <http://www.oas.org/juridico/english/Treaties/b-32.htm> (accessed Jan. 24, 2006).

<sup>17</sup> Articles 5, 12, 17, 18, and 26 respectively. *Id.*

<sup>18</sup> *Yean and Bosico*, Case 130.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Secretaria de Estado de Relaciones Exteriores, "Declaración en torno a una Sentencia de la Corte Interamericana de Derechos Humanos," Santo Domingo, Dominican Republic (October 11, 2005).

<sup>26</sup> *El Nacional*, "Vicepresidente niega campaña xenofobia en contra haitianos," <http://www.elnacional.com.do/app/article.aspx?id=40267> (Oct. 8, 2005).

<sup>27</sup> *Clave Digital*, "El Estado debe acatar la sentencia de la Corte Interamericana de los Derechos Humanos," [http://www.clavedigital.com/Portada/Articulo.asp?Id\\_Articulo=6777](http://www.clavedigital.com/Portada/Articulo.asp?Id_Articulo=6777) (Jan. 23, 2006).

<sup>28</sup> *Clave Digital*, "El presidente del PNVC respalda eliminación del 'jus solis,'" [http://www.clavedigital.com/Noticias/Articulo.asp?Id\\_Articulo=7737](http://www.clavedigital.com/Noticias/Articulo.asp?Id_Articulo=7737) (Nov. 22, 2005).

<sup>29</sup> Suprema Corte de Justicia, Función de Tribunal Constitucional, Fallo sobre Recurso de Inconstitucionalidad de la Ley General de Migración num. 285-04, Santo Domingo, Dominican Republic (Dec. 14, 2005).