

INTER-AMERICAN COURT OF HUMAN RIGHTS

CASE OF EXPELLED DOMINICANS AND HAITIANS *v.* DOMINICAN REPUBLIC¹

OFFICIAL SUMMARY PREPARED BY THE INTER-AMERICAN COURT

JUDGMENT OF AUGUST 28, 2014

(Preliminary objections, merits, reparations and costs)

On August 28, 2014, the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”) delivered judgment on preliminary objections, merits, reparations and costs in the case of *Expelled Dominicans and Haitians v. The Dominican Republic*, and declared the State internationally responsible for the violation of the following rights established in the American Convention on Human Rights: recognition of juridical personality (Article 3), to nationality (Article 20), to a name (Article 18) and also, owing to these three violations taken as a whole, the right to identity, to personal liberty (Article 7), to freedom of movement and residence (Article 22(1), 22(5) and 22(9)), to judicial guarantees (Article 8(1)), to judicial protection (Article 25(1)), to protection of the family (Article 17(1)), and to privacy in relation to the prohibition of arbitrary interference in private and family life (Article 11(2)). The violation of these rights was declared in relation to the failure to comply with the obligations established in Article 1(1) of the Convention including, where appropriate, the obligation to respect rights without discrimination. In addition, the Court declared the violation of the rights of the child (Article 19), to the detriment of the victims who were children at the time of the events. Lastly, the Court declared that the State had failed to comply with its obligation to adopt domestic legal provisions established in Article 2 of the Convention, in relation to the rights to recognition of juridical personality, a name and nationality, as well as, owing to those violations taken as a whole, the right to identity, and the right to equality before the law. These violations were committed to the detriment of Willian Medina, Lilia Jean Pierre, Awilda Medina Pérez, Luis Ney Medina, Carolina Isabel Medina, Jeanty Fils-Aimé, Janise Midi, Antonio Fils-Aimé, Diane Fils-Aimé, Endry Fils-Aimé, Bersson Gelin, William Gelin, Antonio Sensión, Ana Virginia Nolasco, Ana Lidia Sensión Nolasco, Reyita Antonia Sensión Nolasco, Victor Jean, Marlene Mesidor, Markenson Jean Mesidor, Miguel Jean, Victoria Jean, Natalie Jean and Rafaelito Pérez Charles, based on the specific situation of each victim. Lastly, the Court declared that it was not necessary to rule on the alleged violation of the rights to personal integrity (Article 5(1)) and to property (Article 21(1)).

The Court noted that the facts of this case occurred in a context in which, in the Dominican Republic, the Haitian population and those born in Dominican territory of Haitian descent usually lived in poverty and frequently suffered derogatory or discriminatory treatment, even from the authorities, which increased their situation of vulnerability. This situation was related to the difficulty encountered by the members of this population to obtain personal identity documents. The Court also verified that in the Dominican Republic, at least at the time of the events of this case and throughout almost all the 1990s, there was a systematic pattern of expulsions of Haitians and persons of Haitian descent based on discriminatory concepts, including collective expulsions or proceedings that did not include an individualized examination.

The relevant facts concerning the members of each of the families that are victims in this case are described below:

¹ The case was processed before the Inter-American Commission on Human Rights, and also during the proceedings on the contentious case before the Inter-American Court of Human Rights, under the heading of “*Benito Tide et al. v. Dominican Republic*.” By a decision of the Court, this Judgment is delivered under the heading *Case of Expelled Dominicans and Haitians v. Dominican Republic*.

a) *Medina family*, consisting of: Willian Medina, who was born in the Dominican Republic and had a Dominican identity card; his companion Lilia Jean Pierre, born in Haiti, and their children: Awilda, Luis Ney and Carolina Isabel (who died in 2004), all three with Dominican birth certificates and the first also with a Dominican identity card. In November 1999 or January 2000, State officials went to the family home and, without previously verifying their official documentation, all the members of the family were taken to the "Oviedo prison," and after several hours were transported, together with other individuals, to Haitian territory. In addition, following the public hearing held on October 8 and 9, 2013, the State advised that, based on proceedings instituted in September 2013, on October 18 that year, the Central Electoral Board had decided to authorize the provisional suspension of the issue of certifications of the birth records of Willian Medina Ferreras and of his children, Awilda, Luis Ney and Carolina Isabel, and that the competent courts would be requested to annul their birth declarations; in addition, the Central Electoral Board had recommended the cancellation of the identity and electoral cards of Willian Medina Ferreras and Awilda Medina Ferreras. Lastly, it had requested that "Winet" (the person who, according to the Central Electoral Board, had identified himself as Willian Medina Ferreras) be brought to justice for presumed "identity theft." At the date that the Judgment of the Inter-American Court was delivered, the Court had not been provided with any information on the conclusion of these proceedings.

b) *Fils-Aimé family*, consisting of: Jeanty Fils-Aimé (who died in 2009), his companion Janise Midi, who was born in Haiti and has a Haitian identity card, and their children: Antonio, Diane and Endry, regarding whom, as in the case of Jeanty Fils-Aimé, the Court was unable to verify their place of birth or nationality. On November 2, 1999, State agents arrested Jeanty Fils-Aimé near the market and, later that same day they went to his home and also arrested Janise Midi together with their three children, forced them to board a "truck" and took them the "Pedernales Fortress, near the Customs House." Then, together with other persons, they were expelled from Dominican territory to Haiti.

c) *Gelin family*: consisting of Bersson Gelin, whose place of birth and nationality could not be verified, and his son, William Gelin. According to Bersson Gelin, on December 5, 1999, while he was on his way to work, he was stopped and forced to board a "*guagua*,"² and then taken to Haiti. This meant that he was separated from his son.

d) *Sensión family*: consisting of: Antonio Sensión who was born in the Dominican Republic and has a Dominican identity card, his companion Ana Virginia Nolasco, a Haitian national with an identity card of that country, and their daughters, Ana Lidia and Reyita Antonia, born in the Dominican Republic, with Dominican identity cards. In 1994, Mrs. Nolasco and her daughters were detained by immigration officials and transported in a "truck" to the border with Haiti. Mr. Sensión discovered that his family had been expelled the same year, and found them eight years later, in 2002.

e) *Jean family*: consisting of Victor Jean who was born in the Dominican Republic, his companion, Marlene Mesidor, born in Haiti, and their children: Markenson, born in Haiti with a Haitian passport, and Miguel, Natalie and Victoria (who died on April 20, 2014). According to the evidence provided to the Court, it was determined that Victor Jean, and also Miguel, Natalie and Victoria were born in the Dominican Republic, but none of them had official documents. In December 2000, State agents went to the Jean family home, knocked loudly on the door, and then entered the house and ordered all the members of the family to leave and to board a "bus." They were taken to the border at Jimaní and left in Haitian territory.

f) *Rafaelito Pérez Charles*: was born in the Dominican Republic and has a Dominican identity card. On July 24, 1999, Mr. Pérez Charles was detained by several immigration agents when returning from work; the officials made him board a "*guagua*," took him to a detention center and, subsequently, transported him to Jimaní, from where he was expelled to Haitian territory.

The State presented three preliminary objections; two of them, relating to failure to exhaust domestic remedies and the Court's lack of competence *ratione personae*, were rejected, and the other, concerning the Court's lack of competence *ratione temporis* was partially admitted by the Court.

² For the effects of this Judgment, the Court understands "*guagua*" to mean a motorized vehicle that provides urban or interurban services.

With regard to the rights to recognition of juridical personality, to a name, to nationality, to identity, in relation to the rights of the child, the right to equality before the law, and the obligations to respect rights without discrimination and to adopt domestic legal provisions, the Court reiterated its case law on these rights recognized in Articles 3, 18, 19, 20, 24, 1(1) and 2, respectively. In particular, it referred to the obligation to prevent, avoid and reduce statelessness, to the peremptory principle of the equal and effective protection of the law and non-discrimination, to the fact that the migratory status of the parents cannot be transmitted to their children, to the right to identity, and to the rights of the child because, at the time of the facts, most of the victims were children, and this element crossed the Judgment.

According to the facts, Willian Medina's personal documents were destroyed by the Dominican officials during his expulsion, and in the case of Awilda, Luis Ney and Carolina Isabel, all surnamed Medina, they were unable to present their documents to the officials, because the expulsion was carried out without either their documents or their nationality being verified. In the case of Rafaelito Pérez Charles, he was unable to present his documents because, following his arrest by the State agents, he was not allowed to go and get his documents which were at his home. The Court added that this situation also violated other rights, such as the right to a name, to juridical personality, and to nationality, which, taken as a whole, violated the right to identity, and that, in the case of the children, the State did not take the best interests of the child into consideration. The Court concluded that, by disregarding the documentation of these persons at the time of their expulsion, the State violated their rights to recognition of juridical personality, to a name and to nationality (Articles 3, 18 and 20, respectively) of the American Convention, and also, owing to those violations taken as a whole, the right to identity, in relation to the failure to comply with the obligation to respect rights without discrimination (Article 1(1)) of the Convention), and also the rights of the child recognized in Article 19 of the Convention, to the detriment of Awilda, Luis Ney and Carolina Isabel (deceased), all surnamed Medina.

With regard to Victor, Miguel, Victoria and Natalie, all surnamed Jean, who were born in Dominican territory, but who had never been registered and had no documentation to prove their identity and nationality, the Court examined this omission, as of March 25, 1999, the date on which the Dominican Republic accepted its contentious jurisdiction. The Court noted that, before the 2010 constitutional reform, or at least prior to the enactment in 2004 of Migration Law No. 285-04, the State did not have a consistent practice or a standard judicial interpretation of denying nationality to the children of aliens in an irregular situation, and that the State's argument that the victims would not be stateless, based on the assertion that Haiti adhered to the principle of *ius sanguinis* was insufficient. Consequently, the Court considered that the State had violated the rights to recognition of juridical personality, to a name and to nationality recognized in Articles 3, 18 and 20 of the American Convention, as well as the right to identity, owing to these violations taken as a whole, in relation to failure to comply with the obligations established in Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Victor Jean, Miguel Jean, Victoria Jean (deceased) and Natalie Jean, and also the rights of the child recognized in Article 19 (Rights of the Child) of the Convention, to the detriment of the last three.

In addition, in light of the *iura novit curia* principle, the Court determined that the State had failed to comply with Article 2 (Domestic Legal Effects) of the American Convention with regard to judgment TC/0168/13 of the Constitutional Court of the Dominican Republic of September 23, 2013, and articles 6, 8 and 11 of Law No. 169-14 of May 23, 2014.

In judgment TC/0168/13, the Constitutional Court interpreted Dominican constitutional law before the 2010 constitutional reform, understanding that, it could be understood from the latter, that "[a]liens who [...] are in an irregular migratory situation [...] may not claim that their children born in the country have the right to obtain Dominican nationality [...] because it is juridically inadmissible to found the inception of a right on a *de facto* illegal situation." In this regard, the Inter-American Court noted that the difference made between the children of aliens who are born in Dominican territory is not based on a situation that involves the children, but rather on the different situation of their parents, as regards their regular or irregular migratory situation. Thus, this distinction between the situations of the parents does not, in itself, explain the grounds for or the purpose of the difference in treatment among those born in Dominican territory. Consequently, the Court found no reason to diverge from its considerations in its judgment in the *case of the Yean and Bosico Girls v. the Dominican Republic*, that "a person's migratory status is not transmitted to his or her children," and determined that the distinction indicated in judgment TC/0168/13 was discriminatory in the Dominican

Republic, when it was applied in a context that discriminated against Dominicans of Haitian descent, which was also a group that was disproportionately affected by the introduction of the differentiated criteria. This resulted in a violation of the right to equality before the law recognized in Article 24 of the Convention.

In addition, judgment TC/0168/13, which interpreted that the children of irregular migrants did not have the right to Dominican nationality, even if they had been born in the State's territory, established a general policy to audit all birth records as of 1929, and to detect "aliens who were registered irregularly." The Court considered that the rights of the victims in this case whose documentation was disregarded by the authorities when they were expelled could be violated, due to the fact that the Dominican authorities would review their birth certificates or the registration of their birth and might determine that they were "registered irregularly." Consequently, the Court concluded that, in view of its general implications, judgment TC/0168/13 failed to comply with the obligation to adopt domestic legal provisions codified in Article 2 of the American Convention, in relation to the rights to recognition of juridical personality, to a name, and to nationality established in Articles 3, 18 and 20 of this instrument, respectively, and owing to the violation of these rights taken as a whole, the right to identity, as well as the right to equal protection of the law established in Article 24 of this instrument; all in relation to the provisions of Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Willian, Awilda, Luis Ney, Carolina Isabel (deceased), all surnamed Medina, and Rafaelito Pérez Charles.

Law No. 169-14, regulated by Decree No. 250-14, established a procedure under which the children "whose parents are aliens in an irregular migratory situation and who, although they were born in national territory, do not appear registered in the Dominican Civil Registry," could acquire Dominican nationality by "naturalization," thereby making the granting of nationality conditional on an administrative requirement that had never before been established in any Constitution; in other words, the formal act of registration. The Court noted that, by considering that the said persons were aliens and requiring them to undertake a procedure to accede to the nationality that corresponded to them as of their birth, Law No. 169 represented an impediment to the full exercise of the right to nationality of the victims. In this regard, it violated the obligation to adopt domestic legal provisions, in relation to the rights to juridical personality, to a name, and to nationality recognized in Articles 3, 18 and 20 of the Convention, and owing to the violation of these rights taken as a whole, the right to identity, and the right to equal protection of the law recognized in Article 24 of this instrument; all in relation to the provisions of Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Victor Jean, Miguel Jean, Victoria Jean and Natalie Jean.

The Court also examined Circular No. 017 of March 29, 2007, and Resolution No. 12-2007 of December 10, 2007, and considered that, *per se*, they were not contrary to the American Convention.

In addition, the Court ruled on the rights to personal liberty, judicial guarantees, freedom of movement and residence, and judicial protection, in relation to the obligation to guarantee rights without discrimination, and also the rights of the child. The Court reiterated its case law concerning the said rights, which are recognized in Articles 7, 8, 19, 22(1), 22(5), 22(9), 25(1) and 1(1) of the American Convention. In this regard, it indicated that any restriction of the right to personal liberty must only be for the reasons and in the conditions previously established by the Constitution or relevant laws (material aspect), and also strictly subject to proceedings objectively defined in those instruments (formal aspect). The Court also referred to the series of basic guarantees of due process of law that apply when determining rights and obligations of a "civil, labor, fiscal or any other order," as well as the standards for expulsion procedures, regarding which it indicated that "due process must be ensured to everyone, regardless of their migratory status." The Court has also considered that proceedings that may result in the expulsion of an alien must be individualized, in order to assess the personal circumstances of each individual and to comply with the prohibition of collective expulsions. Furthermore, it stressed that, in expulsion procedures that involve children, the State must also observe the guarantees designed to protect the best interests of the child, so that any decision of an administrative or judicial organ that must decide on family separation based on the migratory status of one or both parents must consider the particular circumstances of the specific case, thus ensuring an individual decision, which must seek a legitimate purpose pursuant to the Convention, and be suitable, necessary and proportionate. In cases of expulsion, the State must analyze the particular circumstances of each case as regards: (a) the immigration record, the length of the stay, and the extent of the ties of the parent and/or the family to the receiving State; (b) consideration of the nationality, custody and residence of the children of the person who it is intended to deport; (c) the

implications of the breakup of the family owing to the expulsion, including of the persons with whom the child lives, as well as the time that the child has lived in this family unit, and (d) the extent of the disruption of the child's daily life if the family situation changes owing to the expulsion of a person in charge of the child, so that these circumstances are rigorously weighed in light of the best interests of the child against the essential public interest it is sought to protect. In addition, the Court considered that the fundamental factor to determine the "collective" nature of an expulsion of aliens, an act prohibited by Article 22(9) (Freedom of Movement and Residence) of the Convention, was not the number of aliens affected by the expulsion decision, but that it was not based on an objective analysis of the individual circumstances of each alien. The Court also referred to the fact that no one can be expelled from the territory of the State of which he is a national, established in Article 22(5) (Freedom of Movement and Residence) of the American Convention.

Regarding the right to personal liberty, the Court concluded that the members of the Jean, Medina and Fils-Aimé families, and Rafaelito Pérez Charles and Bersson Gelin, were deprived of their liberty before being expelled to Haiti. In addition, they were not informed of the specific reasons why they were being deported as established in Immigration Law No. 95 and the Immigration Regulations No. 279 of the Dominican Republic. Consequently they were unable to have recourse to a competent judicial authority who could have decided that they should be released, because their release did not take place on in Dominican territory, but rather when they were expelled to Haiti. These special circumstances made it impossible for the victims to file an effective remedy that would have examined the lawfulness of the detention. Lastly, the Court noted that the deprivations of liberty were arbitrary because the arrests made by the State agents were based on racial profiling related to the fact that the victims apparently belonged to the group of Haitians or individuals of Haitian descent who live in the Dominican Republic. Therefore, the Court declared that the State had violated paragraphs 2, 3, 4, 5 and 6 of Article 7 (Right to Personal Liberty) of the Convention, to the detriment of the said victims, in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, and also Article 19 (Rights of the Child) of this instrument.

In addition, the case *sub judice* reveals that Lilia Jean Pierre, Janise Midi, Marlene Mesidor and Markenson Jean, all of Haitian nationality, were arrested and expelled in less than 48 hours, together with the members of their families and other persons, without any evidence that they had been the object of an individualized assessment of the kind mentioned above before being expelled. The Court concluded that, during the expulsion of these persons, there was no individualized assessment of the specific circumstances of each of them in violation of Article 22(9) (Freedom of Movement and Residence) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, and also Article 19 (Rights of the Child) of this instrument.

With regard to the prohibition to expel anyone from the territory of the State of which he is a national, the Court noted that Rafaelito Pérez Charles, Willian Medina Ferreras, Victor Jean and the children at the time, Luis Ney Medina, Awilda Medina, Carolina Isabel Medina, Miguel Jean, Victoria Jean and Natalie Jean, were Dominicans, and that their right to nationality was violated, so that they should have been considered Dominicans as regards the application of Article 22 of the Convention. The Court also considered that, although some of the victims were, in fact, able to return to Dominican territory, as a result of the destruction of the documents of the Dominican nationals who did have documentation, as well as the expulsion of Dominicans who lacked official documentation, the victims were prevented from returning to Dominican territory legally, and residing and moving about freely and legally in the Dominican Republic. Consequently, the Court concluded that the State had violated the right of the said victims to enter the country of which they were nationals, and to move about and reside in it established in Articles 22(1) and 22(5) (Freedom of Movement and Residence) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, and also Article 19 (Rights of the Child) of this instrument.

Regarding judicial guarantees, the Court established that anyone subject to expulsion must have certain basic guarantees: (a) to be informed expressly and formally of the charges against them and the reasons for the expulsion or deportation. This notice must include information on their rights, such as: (i) the possibility of explaining their reasons and contesting the charges against him, and (ii) the possibility of requesting and receiving consular assistance, legal advice and, if appropriate, translation or interpretation services; (b) if an unfavorable decision is taken, the right to request a review of their case before a competent authority, and to appear before this authority in that regard, and (c) to receive formal legal notice of the eventual decision on expulsion, which must be reasoned pursuant to the law; none of which was complied with in the instant case.

The Court noted that the victims were not accorded the basic guarantees that corresponded to them as persons subject to expulsion or deportation, which violated Article 8(1) (Right to a Fair Trial/Judicial guarantees) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Willian Medina Ferreras, Lilia Jean Pierre, Luis Ney Medina, Awilda Medina, Carolina Isabel Medina (deceased), Jeanty Fils-Aimé (deceased), Janise Midi, Diane Fils-Aimé, Antonio Fils-Aimé, Endry Fils-Aimé, Marlene Mesidor, Victor Jean, Markenson Jean, Miguel Jean, Victoria Jean (deceased), Natalie Jean, Rafaelito Pérez Charles and Bersson Gelin, and also Article 19 (Rights of the Child) of this instrument.

In addition, with regard to judicial protection, the Court determined that owing to the particular circumstances of the case, the victims did not have real and effective access to the right to appeal, which violated the right to judicial protection, recognized in Article 25(1) (Right to Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of Willian Medina Ferreras, Lilia Jean Pierre, Luis Ney Medina, Awilda Medina, Carolina Isabel Medina (deceased), Jeanty Fils-Aimé (deceased), Janise Midi, Antonio Fils-Aimé Midi, Diane Fils-Aimé Midi, Endry Fils-Aimé Midi, Rafaelito Pérez Charles, Bersson Gelin, Victor Jean, Marlene Mesidor, Miguel Jean, Markenson Jean, Victoria Jean (deceased), and Natalie Jean, and also Article 19 (Rights of the Child) of the Convention, to the detriment of those who were children at the time of the expulsion.

With regard to the protection of privacy, in the case of the Gelin family, the Court considered that the State had violated the right to protection of the family, established in Article 17(1) of the Convention, in relation to the failure to comply with the obligation to respect rights without discrimination established in Article 1(1) thereof, to the detriment of Bersson Gelin and William Gelin, and also Article 19 (Rights of the Child) of this instrument, to the detriment of the child, William Gelin. In the case of the Sensión family, the Court determined that the State had violated the right to protection of the family, recognized in Article 17(1) of the Convention, in relation to Article 1(1) of this instrument, to the detriment of the members of the Sensión family, and also Article 19 (Rights of the Child) thereof, to the detriment of the children at the time: Ana Lidia Sensión and Reyita Antonia Sensión.

In addition, the Court determined that the interference in the homes of the members of the Jean, Medina and Fils-Aimé families was not justified, because it was not in accordance with the procedure established in domestic law, and therefore represented arbitrary interference in the private life of these families, in violation of Article 11(2) (Right to Privacy) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof. This arbitrary interference was particularly serious in the case of the children concerned. In view of their special situation of vulnerability, the State had the obligation to adopt special measures of protection in their favor, as established in Article 19 (Rights of the Child) of the American Convention.

The Court also concluded in relation to the rights recognized in Articles 7, 8(1), 11(2), 17(1), 22(1), 22(5), 22(9) and 25(1) of the American Convention, that the State had failed to comply with the obligation established in Article 1(1) of the American Convention to respect these rights without discrimination, and also the rights of the child, in the case of the victims who were children at the time of the events, because the State failed to adopt special measures in light of the principle of the best interests of the child.

The Court concluded that it was not necessary rule on the alleged violation of the rights to personal integrity and to property recognized in Articles 5 and 21 of the Convention.

Lastly, with regard to the measures of integral reparation ordered in the Judgment, the Court established that its Judgment constituted *per se* a form of reparation. In addition, it ordered the State, in the way and within the time limits established in the Judgment: *A) Measures of restitution:* (a) to adopt the necessary measures for the Dominican victims to be properly registered and to have the necessary documentation to prove their Dominican nationality and identity. In the case of the victims who were being investigated, to annul the administrative investigations, as well as the civil and criminal judicial proceedings underway concerning their records and documentation; (b) to adopt the necessary measures to ensure that a Haitian victim could reside or remain lawfully in the territory of the Dominican Republic; *B) Measures of satisfaction:* (c) to publish, once, in the official gazette of the Dominican Republic and in a national newspaper with widespread circulation, the official summary of the Judgment, and to publish the Judgment in its entirety on an official website of the State; (C) *Guarantees of non-repetition:* (d) to provide continuing and permanent training programs for those involved in immigration matters, such as members of the Armed Forces, border control agents, and

agents responsible for immigration and judicial proceedings, in order to ensure: (i) that racial profiling never constitutes a reason for detention or expulsion; (ii) strict observance of the guarantees of due process during any proceedings related to the expulsion or deportation of aliens; (iii) that Dominican nationals are never, in any circumstances, expelled, and (iv) that collective expulsions of aliens are never executed; (e) to adopt the domestic legal measures required to prevent Constitutional Court judgment TC/0168/13 of September 23, 2013, and the provisions of articles 6, 7 and 11 of Law No. 169-14 of May 23, 2014, from continuing to produce legal effects; (f) to adopt the necessary measures to annul any type of norm, whether administrative, regulatory, legal or constitutional, as well as any practice, decision or interpretation that establishes or has the effect that the irregular permanence of parents who are aliens constitutes grounds for denying Dominican nationality to those born on the territory of the Dominican Republic; (g) to adopt the legislative and even, if necessary, the constitutional, administrative or any other type of measures required to regulate a simple and accessible procedure to register births, to ensure that all those born on its territory may be registered immediately after birth, regardless of their descent or origin, and the migratory situation of their parents, and (D) *Compensation, costs and expenses, and reimbursement to the Victims' Legal Assistance Fund*; (h) to pay the amounts established as compensation for pecuniary and non-pecuniary damage, and also for reimbursement of costs and expenses, and to reimburse the amount established to the Victims' Legal Assistance Fund. In addition, the State must provide the Court with a report on the measures adopted to comply with the Judgment.

The Court will monitor full compliance with this Judgment, in exercise of its attributes and in fulfillment of its obligations under the American Convention on Human Rights, and will consider this case concluded when the State has complied fully with its provisions.

The composition of the Court for the delivery of this Judgment was as follows: Humberto Antonio Sierra Porto (Colombia), President; Roberto F. Caldas (Brazil), Vice President; Manuel E. Ventura Robles (Costa Rica), Eduardo Vio Grossi (Chile), and Eduardo Ferrer Mac-Gregor Poisot (Mexico). Judges Diego García-Sayán and Alberto Pérez Pérez recused themselves from the deliberation of this Judgment by the presentation of an excuse, and for reasons of *force majeure*, respectively.

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This communiqué was prepared by the Secretariat of the Inter-American Court of Human Rights, and is the exclusive responsibility of the Secretariat.

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