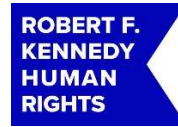




**Dominican@s
por Derecho**



**Dominican@s por Derecho (DxD), the Center for
Justice and International Law (CEJIL), Robert F.
Kennedy Human Rights (RFKHR) and the Institute
on Statelessness and Inclusion (ISI)**

Joint Submission to the
Universal Periodic Review

Fourth Cycle

Dominican Republic

9 October 2023

Dominican@s por Derecho (DxD), the Center for Justice and International Law (CEJIL), Robert F. Kennedy Human Rights (RFKHR) and the Institute on Statelessness and Inclusion (ISI)

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Introduction

1. Dominican@s por Derecho (DxD)¹, the Center for Justice and International Law (CEJIL)², Robert F. Kennedy Human Rights (RFKHR)³ and the Institute on Statelessness and Inclusion (ISI)⁴ presented to the Human Rights Council, within the framework of the Universal Periodic Review (UPR), this joint submission on the right to nationality and the human rights challenges related to statelessness in the Dominican Republic.
2. This submission focuses on violations towards the right to nationality, discrimination and arbitrary expulsions of Dominican people of Haitian descent and Haitian people. The report will address: I) recommendations issued in previous UPR cycles and by UN Treaty Bodies; II) international obligations of the State related to the right to nationality and statelessness; III) national law relevant to the right to nationality; IV) updates on the deficient implementation of Law 169-14; V) impact of immigration restrictions on the rights of people of Haitian ancestry and victims of arbitrary expulsions, particularly pregnant women, children and adolescents, and victims of trafficking; VI) restrictions on access to social rights of the people of Haitian descent; VII) increase in hatred and acts of violence anti-immigrant; VIII) recommendations.

I. Recommendations issued in previous cycles of the UPR and other human rights bodies

3. The Dominican Republic has been subject to review by the Human Rights Council within the

¹ DxD is a collective of civil society organizations that promotes equal access and free of discrimination to all public services related to civil registration, documentation and identity in the Dominican Republic. The collective is made up of: Dominican-Haitian Women's Movement (MUDHA), Socio-Cultural Movement for Haitian Workers (MOSCTHA), Center for Sustainable Development (CEDESO), Caribbean Migrants Observatory (OBMICA) . For more information, see: <https://dominicanosxderecho.wordpress.com/>.

² CEJIL is a regional non-governmental human rights organization that contributes to the full enjoyment of human rights in the Americas through the effective use of the instruments of the Inter-American Human Rights System and other international mechanisms for the protection of human rights. CEJIL represents various cases from various countries before the IAHR, including the Dominican Republic. For more information, see: <https://cejil.org/>.

³ Robert F. Kennedy Human Rights (RFKHR) is a nonpartisan, nonprofit organization that has worked to realise Robert F. Kennedy's dream of a more just and peaceful world since 1968. In partnership with local activists, we advocate for key human rights issues, pursuing strategic litigation at home and around the world. And to ensure lasting change, we foster a socially sound approach to business and investing and educate millions of students about human rights and social justice. For more information, see: <https://rfkhumanrights.org/>.

⁴ ISI is the first and only human rights NGO dedicated to working on the right to nationality at a global level. ISI's mission is to promote inclusive societies by realizing and protecting everyone's right to a nationality. ISI has submitted to the UPR more than 100 specific reports on the human rights of stateless persons. In addition, ISI has compiled summaries on human rights challenges related to statelessness in all countries reviewed between the 23rd and 43rd sessions of the UPR. For more information, see: <https://www.institutesi.org/>.

framework of the 13th, 26th, and 41st sessions of the UPR. During the most recent cycle, 11 States made recommendations regarding the right to nationality and statelessness.⁵ Despite the recommendations issued in previous cycles, the State continues to systematically fail to comply with them. Taking into account the absence of actions to resolve cases of denationalization and the structural nature of discrimination against people of Haitian descent, we consider that there was no progress in the implementation of such recommendations.

4. Since the last UPR, the Human Rights Council regretted that the State has not adopted measures to address cases of statelessness.⁶ In 2023, the Inter-American Commission on Human Rights (IACHR) highlighted the persistent challenges in matters of immigration detention, expulsion and access to nationality for people of Haitian descent⁷ and urged the State to eradicate the situation of statelessness in which thousands of people were placed since the issuance 10 years ago of the TC/0168/13 Ruling ("*La Sentencia*") of the Constitutional Court.⁸ The Committee on the Elimination of Discrimination against Women (CEDAW) recommended the immediate suspension of deportations of pregnant or lactating women of Haitian descent, their protection from acts of violence and discrimination, the issuance of residence permits for those who had and raised boys and girls in the country,⁹ as well as the adoption of a law to prohibit all forms of discrimination against women.¹⁰
5. The State has maintained a position of denial in the face of criticism from the international community. In reaction to the observations of the HRC, it reaffirmed that statelessness does not exist and highlighted good practices on the issue.¹¹ During the CEDAW session, the State affirmed that it respects the rights of pregnant women and minors in the context of immigration operations¹². Regarding the implementation of Law 169-14, before the IACHR, the State recognised that the "solutions have not been perfect and have had setbacks and continue to have them"¹³. However, it stated that there is no discrimination in medical care and justified the deportations of pregnant women.¹⁴ Finally, in response to the complaint made by the IACHR about the people affected by Sentence TC/0168/13, the Ministry of Foreign Affairs rejected these accusations and alleged that "the historical and legal context" was not being adequately considered by the IACHR.¹⁵ We reiterate our commitment to dialogue and cooperation with the IACHR to address the challenges related to nationality in the Dominican Republic.

II. International obligations on the right to nationality and statelessness

⁵ UN – Human Rights Council. Report of the Working Group on the Universal Periodic Review – Dominican Republic. UN Doc. A/HRC/41/16. April 18, 2019. Paras. 94,178, 94,179, 94,181, 94,183, 94,185, 94,186, 94,187, 94,188, 94,189, 94,190, 94,191.

⁶ Ibid. Q.5.

⁷ IACHR. Annual Report 2022. Chapter IV.a. Development of human rights in the region. OAS/Ser. L/V/II. Doc. 50 rev.1. April 1, 2023. Para. 668.

⁸ IACHR. Press release no. 232/23. "Dominican Republic: IACHR urges the State to eradicate statelessness", September 29, 2023. Available at: <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2023/232.asp>

⁹ UN - CEDAW. Concluding observations on the eighth periodic report of the Dominican Republic. UN Doc. CEDAW/C/DOM/CO/8. Para. 12.

¹⁰ Ibid. Para. 10(a).

¹¹ UN – Human Rights Committee. Information received from the Dominican Republic regarding the follow-up to the concluding observations on its sixth periodic report. UN Doc. CCPR/C/DOM/FCO/6. July 15, 2021. Paras. 8 and 10.

¹² UN – CEDAW. Summary record of the 1869th meeting - Consideration of reports submitted by States parties under article 18 of the Convention: Eighth periodic report of the Dominican Republic (continued). UN Doc. CEDAW/C/SR.1869. February 28, 2022. Para. 51.

¹³ IACHR. Situation of human rights of migrants and their families in the Dominican Republic. Thematic hearing. 183rd session. Thursday March 17, 2022.

¹⁴ Ibid.

¹⁵ Acento, "Chancellery 'strongly' expresses rejection of IACHR accusations", September 29, 2023. Available at: <https://acento.com.do/actualidad/cancilleria-expresa-contundente-rechazo-a-las-acusaciones-de-cidh-9251443.html>

6. The Dominican Republic is not a party to the Statelessness Conventions.¹⁶ However, the State has ratified a set of instruments that generate obligations to respect and guarantee without discrimination the rights of Dominican people of Haitian descent. In particular, the right to nationality is included in the International Covenant on Civil and Political Rights,¹⁷ the Convention on the Rights of the Child,¹⁸ the International Convention on the Elimination of All Forms of Racial Discrimination,¹⁹ the Convention on the Elimination of All Forms of Discrimination against Women²⁰ and the American Convention on Human Rights.²¹ This right must be protected without discrimination on the basis of ethnic origin, colour, language, national origin or social status, among others.²² Furthermore, as a State party to the International Covenant on Economic, Social and Cultural Rights, the State must ensure access to social services to every person regardless of national origin, colour, race or migratory context.²³

III. National law

7. In the previous cycle, we presented the situation related to the retroactive denationalization of approximately 133,770 Dominican people of Haitian descent by the Ruling of the Constitutional Court TC/0168/13, issued in September 2013, based on the irregular immigration status of their parents at the time of their birth in the Dominican Republic.²⁴ Although the Constitution adopted in 2010 denies the descendants of migrants in an irregular situation the right to nationality, it establishes this right for all people who enjoyed Dominican nationality before its entry into force.²⁵
8. In response to the situation of massive statelessness generated by the Ruling, the State adopted Law 169-14 that establishes two categories of people and different regularisation processes. For Dominicans in “Group A” – those born in the country between June 16, 1929 and April 18, 2007 who were registered in the civil registry – the Law provides for a verification, approval and “transcription” process of their birth certificates. For people in “Group B” – those born in the Dominican Republic

¹⁶ States parties to the 1951 Convention relating to the Status of Refugees and the Protocol of 197. Available at: <https://www.acnur.org/fileadmin/Documentos/BDL/2001/0506.pdf>.

¹⁷ International Covenant on Civil and Political Rights; adopted by the General Assembly of the United Nations Organization on December 16, 1966. Entered into force on March 23, 1976. Ratified by the Dominican Republic on January 4, 1978. Article 24 (hereinafter, “ICCPR”).

¹⁸ Convention on the Rights of the Child; adopted by the General Assembly of the United Nations Organization on November 20, 1989. Entry into force on September 2, 1990. Ratified by the Dominican Republic on June 11, 1991. Articles 7 and 8 (hereinafter, “CRC”).

¹⁹ International Convention on the Elimination of All Forms of Racial Discrimination; adopted by the General Assembly of the United Nations Organization on December 21, 1965. Ratified by the Dominican Republic on May 25, 1983. Article 5 (hereinafter, “CERD”).

²⁰ Convention on the Elimination of all Forms of Discrimination against Women; adopted by the General Assembly of the United Nations Organization on December 18, 1979. Ratified by the Dominican Republic on September 2, 1982. Article 9 (hereinafter, “CEDAW”).

²¹ American Convention on Human Rights; adopted by the General Assembly of the Organization of American States on November 22, 1969. Ratified by the Dominican Republic on January 21, 1978. Article 20 (hereinafter, “ACHR”).

²² International Covenant on Civil and Political Rights; adopted by the General Assembly of the United Nations Organization on December 16, 1966. Entered into force on March 23, 1976. Ratified by the Dominican Republic on January 4, 1978. Article 26; Convention on the Rights of the Child; adopted by the General Assembly of the United Nations Organization on November 20, 1989. Entry into force on September 2, 1990. Ratified by the Dominican Republic on June 11, 1991, Article 2.1; ACHR, Ibid. Article 1.

²³ International Covenant on Economic, Social and Cultural Rights; adopted by the General Assembly of the United Nations Organization on December 16, 1966. Entered into force on January 3, 1976. Ratified by the Dominican Republic on January 4, 1978. Articles 2.2 and 12.1 (hereinafter, “ICESCR”); Convention on the Elimination of all forms of Discrimination against Women; adopted by the General Assembly of the United Nations Organization on December 18, 1979. Ratified by the Dominican Republic on September 2, 1982. Article 12.2.

²⁴ DxD, ISI and CEJIL. Joint Submission to the Human Rights Council at the 32nd Session of the Universal Periodic Review, Third Cycle, January-February 2019, The Dominican Republic. July 12, 2018.

²⁵ Constitution of the Dominican Republic, proclaimed on January 26. Published in the Official Gazette No. 10561, January 26, 2010, Articles 18.2. and 18.3.

during the same period that were never registered in the civil registry – they can register in a book of foreigners, obtain immigration status for a period of two years and then apply for naturalization.²⁶ Below, we present the main persistent challenges related to the poor implementation of this regulation.

IV. Update on the violation and non-application of Law 169-14 and its consequences

9. More than 9 years after the adoption of Law 169-14, thousands of denationalized people continue to be stateless. In addition to the inherent deficiencies in the law,²⁷ important challenges persist to its full implementation. The State lacks political will to resolve the situation of stateless people.²⁸ Despite the recommendations issued to the Dominican Republic in the last two UPR cycles, the majority of people affected by the ruling, that is, at least 130,000 people,²⁹ are left in a situation of statelessness without access to simple, fast and effective legal means to reestablish and enjoy their Dominican citizenship. There is also a lack of measurement of the impact of this regulation, as well as clear public data on the number of people who have not yet been able to recover their nationality.³⁰ After some time, new profiles of stateless people are also generated, particularly the descendants of denationalized people.³¹
10. From “Group A”, approximately 34,000³² or 35,000³³ people – more than 56% of the total population – have not yet received identity documents. Furthermore, their documents were transcribed in a book other than the official record, exposing them to discriminatory treatment and nullity actions due to duplication of records.³⁴ The main challenges in obtaining these documents include the need to go to the Central Electoral Board (JCE) several times, the lack of guidance on the regularisation process, discretionary and discriminatory acts by JCE officials³⁵ and the fear that the process will be used for deportation purposes.³⁶
11. On the other hand, of the 7,159 people who registered in “Group B” whose files had been approved, only 1,835 exhausted the procedures and were able to submit an application for naturalization.³⁷ Only 799 benefited from presidential decrees of naturalization³⁸, which have not been fully fulfilled due to a lack of cooperation from state institutions. In particular, the vice Minister of the Ministry of the

²⁶ Dx/D, ISI and CEJIL. Joint Submission to the Human Rights Council at the 32nd Session of the Universal Periodic Review, Third Cycle, January-February 2019, The Dominican Republic. July 12, 2018; Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 6.

²⁷ For example, the one that requires people from “Group B”, born in the country, to register as “foreigners” in order to access naturalization.

²⁸ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 395.

²⁹ Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022.

³⁰ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 366, 367, 370.

³¹ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 395.

³² US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 18; Ad-hoc coalition of civil society organizations. Joint Report to the Committee on the Rights of the Child on the situation of children and adolescents in the Dominican Republic, with emphasis on the rights to nationality, equality, non-discrimination, and access to education and health. 2023. P. 9.

³³ IACHR. Annual Report 2022. Chapter IV.a. Development of human rights in the region. OAS/Ser. L/V/II. Doc. 50 rev.1. April 1, 2023. Para. 675; OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 376.

³⁴ Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 22

³⁵ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 385.

³⁶ Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 26.

³⁷ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 373; Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 38.

³⁸ Decree 262-2020 adopted by former President Danilo Medina in July 2020 in favour of 749 people and Decree 297-21 adopted by President Luis Abinader Coronado on April 31, 2021 in favour of 50 people. Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 38.

Interior and Police (MIP) blocked the process, alleging that people lost the benefit due to failure to pay taxes on time.³⁹ Although the decrees recognized the right to nationality of the beneficiaries, the MIP's position could generate a "second denationalization."⁴⁰ From the end of 2022, beneficiaries began to receive identity documents.⁴¹ However, only 38 people out of 799 have been accepted.⁴²

12. Likewise, the Law 169-14 Unit in charge of processing "Group B" naturalization applications has remained closed since 2020; in the following years, the identity documents and residence permits of these 7,000 people have expired without the possibility of renewing them.⁴³ Thus, people in Group B find themselves in a situation of acute legal insecurity, without access to information about the status of their applications for naturalization or renewal of immigration documents.⁴⁴
13. Furthermore, thanks to the efforts of civil society and UNHCR, it has been identified that there is a group of approximately 23,700 people called "B2", people who share the characteristics of the people registered in "Group B" but were unable or unwilling to register in "Group B" within the period established by Law 169-14.⁴⁵ The majority were prevented from doing so due to the short deadlines and the requirements demanded. Other people did not participate because they do not consider themselves foreigners.⁴⁶ On the other hand, people born between 2007 and 2010 did not have access to a legal means to restore their nationality.⁴⁷
14. Likewise, this law does not provide any measures for children of affected people born after the constitutional change of 2010, facilitating the "intergenerational transmission of statelessness."⁴⁸ With the documents obtained under Law 169-14 and the PNRE, the people affected by the ruling cannot register their descendants as citizens and transmit to them an insecure legal status.⁴⁹ Within the framework of the process established by Law 169-14 for people in Group B, 75,000 minors were registered in a book for foreigners.⁵⁰ In addition, 46,235 descendants of foreign parents born between 2010 and 2017 do not have access to identity documents⁵¹ and are at risk of statelessness. Among them, almost all are descendants of Haitian immigrants,⁵² including people affected by the Ruling. This new problem had not been addressed in previous cycles.
15. In light of the recommendations issued by the CEDAW, the permanence of the situation of under-registration of the descendants of mixed couples is highlighted, particularly those born to a Dominican father and a foreign mother or of foreign ancestry in an irregular situation. In this scenario, regardless

³⁹ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 381.

⁴⁰ Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 37.

⁴¹ US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 17.

⁴² Ad-hoc coalition of civil society organizations. Joint Report to the Committee on the Rights of the Child on the situation of children and adolescents in the Dominican Republic, with emphasis on the rights to nationality, equality, non-discrimination, and access to education and health. 2023. P. 10

⁴³ Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 34; US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 18..

⁴⁴ IACHR. Situation of human rights of migrants and their families in the Dominican Republic. 183rd session. March 17, 2022. 10:02.

⁴⁵ US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 18 ; Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 39

⁴⁶ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 383.

⁴⁷ Citizen participation. Preliminary report of the investigation on the implementation of Law No. 169-14. October 13, 2022. P. 7.

⁴⁸ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 385.

⁴⁹ Ibid.

⁵⁰ CLADEM. Alternative Report from Civil Society Organizations on the Occasion of the Presentation of the 8th Report of the Dominican State to the CEDAW. June 2020. P. 6.

⁵¹ UNFPA. Complementary study to the second national survey of immigrants ENI-2017: "Descendants of immigrants in the Dominican Republic". Second edition. November 2019. P. 97.

⁵² Ibid.

of whether the couple is married or in a free union⁵³, the mother's passport is required for the registration of children; although it is not required in the reverse case of a father in an irregular situation and a Dominican mother.⁵⁴ This discrimination based on gender can generate situations of statelessness⁵⁵, even for descendants of mothers previously registered with the PNRE and who have not been able to renew their immigration documents⁵⁶. Furthermore, in practice, birth registration is characterized by a high level of discretion and discrimination exercised by responsible officials.⁵⁷ For example, birth certificates have been erroneously issued to foreigners based on the perception that their parents were Haitian migrants.⁵⁸

V. Restrictive immigration policies and expulsions of documented Dominicans and Haitian migrants

16. A notorious tightening of the Government's immigration policies started in 2021. While people in human mobility suffer increasing impediments to entering the country or when trying to renew their immigration status, people of Haitian origin are subjected to greater restrictions to their mobility and possibility of access Dominican nationality. This migratory policy with the beginning of the construction of a border wall, the militarisation of immigration control⁵⁹ and the decision of the National Migration Council (CNM) to prevent entry into the country of any foreign person “who implies an unreasonable burden on public finances, including women who are in a state of proven pregnancy equal to or greater than six months.”⁶⁰
17. The descendants of Haitian parents have less access to Dominican documentation compared to other people of foreign descent.⁶¹ More than 200,000 people who had regularised their migratory situation through PNRE, have not been able to renew their residence permit due to a general audit of the Plan, restrictive documentary requirements and the closure of the office in charge of records.⁶² In addition, the Government suspended two regularization programs for Haitian migrants: a special program for students and another for border residents who carry out daily business in the country.⁶³

⁵³ OBMICA. Facilitating access to the Dominican civil registry for descendants of mixed couples: protocol for their legal support. September 2018. p. 35.

⁵⁴ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 385.

⁵⁵ CLADEM. Alternative Report from Civil Society Organizations on the Occasion of the Presentation of the 8th Report of the Dominican State to the CEDAW. June 2020. P. 6.

⁵⁶ Ad-hoc coalition of civil society organizations. Joint Report to the Committee on the Rights of the Child on the situation of children and adolescents in the Dominican Republic, with emphasis on the rights to nationality, equality, non-discrimination, and access to education and health. 2023. P. 11.

⁵⁷ Fernando I. Ferrán, Tahira Vargas García, and Miguel Ceara Hatton, “Qualitative Study of Behaviour Patterns in Two Border Provinces of the Dominican Republic” (Santo Domingo: Vargas Social Research Team, February 2020), available at: <https://mepyd.gob.do/wp-content/uploads/drive/DPDZF/Publicaciones/Patrones%20de%20comportamiento%20en%20ZF%20-%20Vargas%26Ferr%C3%A1n%20-%202020.pdf>, p. 67; UNHCR and OAS, Regional Study on Late Registration of Births, Granting of Nationality Documents and Statelessness: Standards, Best Practices, Barriers and Challenges in Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, Dominican Republic and Uruguay (December 2020) Authors: Estefanía Calderón López, Mónica Espinoza Rojas & Ana Paola Murillo Nassar, pp. 79, 85, 86, 118, 120.

⁵⁸ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. p. 385.

⁵⁹ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 318 and 326; OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 16.

⁶⁰ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 256.

⁶¹ UNFPA. Complementary study to the second national survey of immigrants ENI-2017: “Descendants of immigrants in the Dominican Republic”. Second edition. November 2019. P. 92.

⁶² OBMICA, p. 22; US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 19.

⁶³ Coalition Social protection for Haitian immigrants and their descendants in the Dominican Republic. Contributions to the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21. September 14, 2022. P. 5.

18. In this context, there has been a historical increase in arbitrary expulsions and persecution of people of presumed Haitian origin, based on their skin colour, both in regular and irregular immigration situations, as well as denationalized people or people at risk of statelessness. There was deportation of 40,203 people to Haiti in 2021⁶⁴ and 120,812 people in 2022.⁶⁵ During the first six months of 2023, approximately 110,465 people have been deported to Haiti, indicating that the total number of deportations could exceed the historical level reached the previous year.⁶⁶ In reaction to calls from international organisations to suspend deportations to the country that does not allow a dignified and safe return,⁶⁷ the President announced the intensification of expulsions in November 2022.⁶⁸ The Dominican Republic is the country that carries out the highest number of deportations from Haiti, despite the deterioration of the situation in this country. During the first half of 2023, 93% of deportations to Haiti came from the Dominican Republic.⁶⁹
19. Dominican authorities continue to arbitrarily detain and deport Dominican and Haitian people in a regular situation, or awaiting regularisation, based on the discriminatory and erroneous presumption that they could be Haitian migrants in an irregular situation.⁷⁰ Authorities systematically resort to immigration detention without prior verification of irregular immigration status, although this verification is required by law.⁷¹ In a context of mass deportations,⁷² the authorities do not provide individualised treatment and violate the due process of the people concerned. In September 2022, DxD reported 800 attempted deportations of Dominican nationals.⁷³ Denationalized Dominicans who have not yet been able to obtain their documents are at particular risk. In 2022, the deportation of 12 Dominican people from “Group A” was documented.⁷⁴ According to OBMICA, there have been “constant” arrests and deportations of PNRE beneficiaries whose residence permits have expired and they have not been able to renew them;⁷⁵ The Government has not adopted any guidelines to prevent the deportation of this group of more than 200,000 people⁷⁶ which includes the 7,000 people in Group B.⁷⁷ Therefore, they tend to limit their circulation in the country.⁷⁸ In particular, blind people and those with other types of disabilities remained in a situation of “quasi-confinement” to avoid being deported in conditions that do not take into account their particular needs.⁷⁹

⁶⁴ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 333.

⁶⁵ IACHR. Annual Report 2022. Chapter IV.a. Development of human rights in the region. OAS/Ser. L/V/II. Doc. 50 rev.1. April 1, 2023. Para. 676.

⁶⁶ Free Diary. More than 100 thousand Haitians deported from the Dominican Republic in the first six months of 2023, available at: <https://www.diariolibre.com/actualidad/nacional/2023/07/06/rd-deporta-mas-de-100-mil-haitianos-ilegales-en-6-meses/2396595>.

⁶⁷ OHCHR. Statement by the United Nations High Commissioner for Human Rights, Volker Türk, on the deportation of Haitians from the Dominican Republic. November 11, 2022; CERD. Statement. Situation of migrants, asylum seekers and refugees of Haitian origin in the region of the Americas. April 29, 2023.

⁶⁸ CNN. The president of the Dominican Republic, Luis Abinader, describes statements by the UN high commissioner on the deportation of Haitians as “unacceptable and irresponsible”, available at: <https://cnnespanol.cnn.com/2022/11/11/republica-dominicana-presidente-abinader-inaceptables-irresponsables-declaraciones-onu-sobre-deportacion-de-haitianos-orix/>.

⁶⁹ IOM. Haiti Emergency Response. Situation Report. July 2023, available at: https://haiti.iom.int/sites/g/files/tmzbd11091/files/documents/2023-08/external_sitrep_july_23.pdf.

⁷⁰ US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 7.

⁷¹ Regulations for the application of the General Migration Law, “Decree 631-11”; adopted by the President on October 19, 2011. Article 134.

⁷² OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 342.

⁷³ OBMICA. Bulletin. September 2022. P. 3.

⁷⁴ OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 14.

⁷⁵ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 342.

⁷⁶ Ibid. P. 343.

⁷⁷ US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 21.

⁷⁸ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 352.

⁷⁹ Interview conducted by Dominican@s por Derecho on September 5, 2023.

20. In the framework of immigration operations, people of Haitian descent have been victims of multiple violations of their rights.⁸⁰ These operations are carried out in communities, primary schools, hospitals, and workplaces, creating fear in the population to access basic services.⁸¹ In 2022, the death of a person in detention was reported after being beaten by immigration agents; and the murder of people in their homes and burning of residences by soldiers; and DGM agents⁸². Likewise, there have been repeated reports of excessive use of force, mistreatment and inhumane detention conditions, including an Haitian woman who was beaten and thrown from a moving vehicle by immigration agents.⁸³
21. Even though the law prohibits it,⁸⁴ the Dominican authorities have arbitrarily entered residences of Haitian and Dominican people through immigration raids without a court order. There have been reports of interference in homes with the use of violence at night, robberies, extortion and destruction of documents.⁸⁵ According to OBMICA, the adoption of the Presidential Decree to prevent and prosecute irregular invaders of private property could be a way of justifying interference in the residences of people of Haitian origin, which is particularly worrying for those who reside in old *bateyes* without legal title.⁸⁶
22. The human impact of arbitrary deportations is enormous, particularly on children and adolescents of Haitian origin. Although the immigration detention of children and adolescents is prohibited, the Government has justified their detention when they are with their parents.⁸⁷ However, a Memorandum of Understanding between the Dominican Republic and Haiti (1999) prohibits family separation in acts of “repatriation.”⁸⁸ The best interests of children are not systematically and adequately evaluated,⁸⁹ nor are the guarantees provided for in an internal protocol adopted by the Government for the identification, care and protection of children in human mobility respected.⁹⁰ Arbitrarily and illegally, the National Council for Children and Adolescents (CONANI) could have authorised the expulsion of children and adolescents to Haiti, claiming that it responds to their best interests.⁹¹ Likewise, the arbitrary detention and deportation of people can cause the loss of employment, economic income and livelihoods, which harms the quality of life of children and adolescents.

⁸⁰ OBMICA and UNICEF, A new look at children on the move on the Dominican-Haitian border, May 31, 2023, p. 58 (“Immigration grabbed me in Barahona, we were a group of about 15 people, we arrived at a place where there were many dogs barking when we came to see a colonel grabbed us and put handcuffs on our hands.” hands, they took us to prison for 7 days without food, without anything, then they released us” - testimony of E17, 17 years old; “Where they put us was cold, they didn’t put anything on the floor, you know, like when they put pigs in a pen? That’s how it was, there was nothing inside, they should have given us a mat, we couldn’t sleep on the cold floor, others slept sitting up” – testimony of E25, 17 years old).

⁸¹ CEDES and OBMICA. Press release. Soldiers break doors, attack Dominicans and migrants in southern *bateyes*. A minor and Dominicans with documentation in hand were detained. May 30, 2023.

⁸² US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 2.

⁸³ OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 44; US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 3 and 4.

⁸⁴ National Congress of the Dominican Republic, Criminal Procedure Code, approved by Law 76-02 (2002), article 80.

⁸⁵ US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 12.

⁸⁶ OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023, p. 52.

⁸⁷ DGM. Press release. DGM denies deportation of Haitian children without their parents accompanying them. February 21, 2022.

⁸⁸ OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 50.

⁸⁹ OBMICA. Forced Migration: Deportations by land from the Dominican Republic to the Republic of Haiti. Migration Policy Brief. October 2019. P. 15.

⁹⁰ OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 131.

⁹¹ Ad-hoc coalition of civil society organizations. Joint Report to the Committee on the Rights of the Child on the situation of children and adolescents in the Dominican Republic, with emphasis on the rights to nationality, equality, non-discrimination, and access to education and health. 2023.

23. Since September 2021, an increase in cases of detention of people in vulnerable situations has been noticed,⁹² despite the fact that the immigration detention of minors and pregnant or lactating women is prohibited by law.⁹³ Between January and November 2022, at least 1,800 unaccompanied children and adolescents were deported.⁹⁴ This situation has continued in 2023. Recently, the BBC has reported the case of a 15-year-old unaccompanied teenager who has been deported seven times to Haiti.⁹⁵ In the same period, a Haitian CSO reported receiving ten children and adolescents every day, including a Dominican teenager.⁹⁶ For example, during an immigration operation carried out in November 2022, DGM agents took the daughters of a mother who had temporarily fled to a nearby church.⁹⁷ In January 2022, six minors between 4 and 11 years old were intercepted on the way to school and then deported without adult accompaniment.⁹⁸ In June 2023, a mother was detained and transported in a DGM transport while her baby was hanging on the outside of the bars of the moving transport.⁹⁹ Likewise, in a violent raid in a *batey*, two unaccompanied minors were arrested by some soldiers.¹⁰⁰ Some children and adolescents have reported that they were detained in the Haina detention centre in undignified conditions.¹⁰¹ The lack of shelters certified by CONANI for children and adolescents on the Dominican side of the border is highlighted¹⁰² and the need for permanent training expressed by public and community institutions on the rights of children and adolescents in situations of human mobility.¹⁰³
24. Likewise, pregnant or lactating women of Haitian origin have been targets of arrests and deportations. In November 2021, authorities deported hundreds of pregnant women.¹⁰⁴ According to the Support Group for Returnees and Refugees (GARR), 1,463 Haitian women were deported to Haiti in 2022.¹⁰⁵ The IACHR expressed its concern about these expulsions and urged the State to respect the principle of non-refoulement, highlighting the case of a Haitian mother arrested in a hospital, separated from her baby and detained for four days.¹⁰⁶ Likewise, in September 2023, four rapporteurs and three groups of United Nations experts condemned these deportations, highlighting the risk of deterring Haitian migrant women in an irregular situation from going to health centres and the need to establish firewalls between immigration operations and health services¹⁰⁷. This situation also affects Dominican

⁹² OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P.48.

⁹³ Regulations for the application of the General Migration Law, "Decree 631-11"; adopted by the President on October 19, 2011.

⁹⁴ CNN. Exclusive: Dominican Republic expelled hundreds of children to Haiti without their families this year, available at: <https://www.cnn.com/2022/11/21/americas/dominican-republic-expels-haiti-children-intl-latam/index.html>.

⁹⁵ BBC. "They have returned me to Haiti 7 times and I have returned", the nightmare that Haitian children and adolescents live in the Dominican Republic." August 29, 2023, available at: <https://www.bbc.com/mundo/articles/c51v25y3dl4o>.

⁹⁶ Zanmi Timoun Foundation. Press release. The Municipality of Belladère, At the Risk of Repatriations, Deportations and Mass Refoulements Coming from the Dominican Republic. November 5, 2022.

⁹⁷ US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 9.

⁹⁸ Infobae. Dominican Republic confirms deportation of 4 Haitian children, available at:

<https://www.infobae.com/america/agencias/2022/01/21/republica-dominicana-confirma-deportacion-de-4-ninos-haitianos/>.

⁹⁹ Today. So she took a Haitian woman away in a prison truck while she held on to her baby, available at: <https://hoy.com.do/video-asi-se-llevo-migracion-a-una-haitiana-en-camion-carcel-mientras-se-aferraba-a-su-bebe/#negtt09jclzt8dgdna>.

¹⁰⁰ OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 36.

¹⁰¹ OBMICA and UNICEF, A new look at children on the move on the Dominican-Haitian border, May 31, 2023, p. 8.

¹⁰² Ad-hoc coalition of civil society organizations. Joint Report to the Committee on the Rights of the Child on the situation of children and adolescents in the Dominican Republic, with emphasis on the rights to nationality, equality, non-discrimination, and access to education and health. 2023. Para. Four. Five; OBMICA and UNICEF, A new look at children on the move on the Dominican-Haitian border, May 31, 2023, p. 8.

¹⁰³ OBMICA and UNICEF, A new look at children on the move on the Dominican-Haitian border, May 31, 2023, p. 7

¹⁰⁴ OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 27.

¹⁰⁵ Le National. More than 140 Haitians deported to Haiti in 2022, available at: https://lenational.org/post_article.php?pol=2964.

¹⁰⁶ IACHR. Press release. IACHR expresses concern for pregnant women expelled in the Dominican Republic and calls on the State to guarantee access to protection mechanisms and reproductive health services. December 1, 2021.

¹⁰⁷ OHCHR. Press release. Dominican Republic: UN experts condemn the detention and deportation of pregnant and postpartum Haitian women. September 12, 2023.

citizens and Haitian migrants who have lived in the country for years.¹⁰⁸ DxD denounced the arrest and detention for several hours of a 15-year-old Dominican teenager of Haitian descent when she, nine months pregnant, was undergoing prenatal consultation at a hospital. The teenager is still waiting for her nationality.¹⁰⁹ Under a new Protocol for the repatriation of pregnant foreigners, the Government alleges that these deportations would only be carried out when it is “medically safe” to do so.¹¹⁰ However, this protocol is incompatible with the prohibition of detention of pregnant women,¹¹¹ in addition to the fact that it is not applied systematically; for example, a case was documented of a woman who went into labour in a DGM vehicle after being taken from a maternity ward to be deported.¹¹² Therefore, the Dominican Republic has fulfilled with the recommendations on the avoidance of arbitrary expulsions and respect of the rights of deported people.

25. These immigration policies also expose Dominicans of Haitian descent and migrants to situations of human trafficking. The lack of access to their nationality for denationalized Dominican people and the non-renewal of permits obtained under the PNRE limit the access of these people to the labour market and, consequently, increases the risk of them being victims of trafficking.¹¹³ Likewise, restrictive immigration policies force migrants to seek alternative, irregular and more dangerous routes to enter the country.¹¹⁴ These policies contribute to the cycle of violence against women, who are often victims of sexual violence by traffickers on the way to the Dominican Republic before being sold for labour, sexual exploitation or servile marriage.¹¹⁵ The DGM's persecution against Haitians makes it impossible to identify female victims of trafficking, leaving them in a situation of lack of protection.¹¹⁶ Likewise, the lack of application of protocol policies for the identification of children and adolescents with protection needs in border areas increases the risk of trafficking.¹¹⁷ Traffickers have the complicity of Dominican officials to facilitate the transfer of people in an irregular situation.¹¹⁸ The US State Department identified unequal treatment of Haitian victims or victims of Haitian descent, who do not have access to justice, are not examined and do not receive assistance from Dominican authorities.¹¹⁹ In light of this information, it is evident that the recommendations made in the previous cycle for a more effective fight against migrant trafficking have not been fully implemented.

VI. Limited access to social services for people of Haitian descent

¹⁰⁸ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021.p. 347

¹⁰⁹ D.W.Spanish. Haitians deported from the delivery room. August 17, 2023, available at:

<https://www.youtube.com/watch?v=iVD1QO-bBrU>; Dominicans by Law. A pregnant Dominican teenager was detained and about to be expelled by immigration. Available at: https://dominicanosxderecho.wordpress.com/2021/12/01/adolescente-dominicana-embarazada-estuvo-detenida-ya-punto-de-ser-expulsada-por-migracion/?fbclid=IwAR3dV0OIRPWGtqiKZuSQ4187ewXRAnwk7Ytoq27b6V9oiCU53yGS5qzEx_2M, last access: August 14, 2023.

¹¹⁰ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 349.

¹¹¹ OBMICA. Dignified treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 27.

¹¹² OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 350.

¹¹³ US Department of State Dominican Republic: Human Trafficking Report. 2022.

¹¹⁴ INMRD, Foreign Children and Adolescents in situation or risk of trafficking in the Dominican Republic from the perspective of key actors. March 2022. P. 184.

¹¹⁵ INMRD, Qualitative study on trafficking in foreign women in the Dominican Republic. 2021. P. 210.

¹¹⁶ Ibid, p. 216.

¹¹⁷ INMRD, Foreign Children and Adolescents in situation or risk of trafficking in the Dominican Republic from the perspective of key actors. March 2022. P. 184; OBMICA and UNICEF, A new look at children on the move on the Dominican-Haitian border, May 31, 2023, p. 7.

¹¹⁸ US Department of State Dominican Republic: Human Trafficking Report. 2022.

¹¹⁹ Ibid.

26. The Constitution protects the social rights of every person without discrimination, including on the basis of colour or nationality, such as the right to health and education.¹²⁰ However, Dominican people of foreign ancestry and Haitian migrants face multiple obstacles in accessing social services.¹²¹
27. The decision of the National Migration Council (CNM-RD) to deny access to health services to people in an irregular situation and non-residents was interpreted broadly and has had a disproportionate impact on pregnant and lactating women.¹²² This decision is part of a public narrative of criminalisation of Haitian migration, particularly of pregnant women, which blames them for the deterioration of the health system.¹²³ However, health experts, including the former Director of the National Health System, have denied the figures provided by the State on an alleged excessive investment by the State in the medical care of pregnant women of Haitian origin and its negative impact on the health system.¹²⁴ Since the beginning of his mandate, the President has declared that the Dominican health system cannot respond to the needs of all people due to the number of pregnant Haitian women who go to Dominican hospitals.¹²⁵ In this context, since October 2021, Dominican authorities have carried out immigration raids in hospitals,¹²⁶ causing pregnant women of Haitian descent to avoid going to hospitals or do so at night, hindering adequate care.¹²⁷ Likewise, cases of obstetric violence were documented in a hospital in Dajabón and a health centre in the east that denied pregnant women access to health services.¹²⁸ In November 2021, more than 300 CSOs denounced this situation and demanded access to health care services without discrimination and intimidation.¹²⁹ Accordingly, the IACHR urged the State to guarantee the rights to sexual and reproductive health of pregnant women without discrimination and recalled that the right to confidentiality implies that the State cannot conduct immigration raids in hospitals.¹³⁰ In light of this situation, we consider that the State has not complied with the recommendations issued regarding

¹²⁰ Constitution of the Dominican Republic, proclaimed on January 26. Published in the Official Gazette No. 10561, January 26, 2010, Article 39, 61, 63.

¹²¹ US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 20 and 27.

¹²² OBMICA, Dignified Treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 47-48.

¹²³ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 325.

¹²⁴ MST. Dismantling the government's fake news against Haitian women, available at: <https://mst-rd.org/2021/11/18/desmontando-los-fake-news-del-gobierno-contra-las-mujeres-haitianas/>.

¹²⁵ Daily List. Luis Abinader: "Dominican health cannot and does not support the number of Haitian (parturient)", available at: <https://listindiario.com/la-republica/2020/11/25/645670/luis-abinader-la-salud-dominicana-no-poder-y-no-soporta-la-cantidad-de-parturientas-haitianas.html>.

¹²⁶ Coalition Social protection for Haitian immigrants and their descendants in the Dominican Republic. Contributions to the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21. September 14, 2022. P. 6.

For more recent examples of this practice, see Acento, "Monseñor Jesús Castro Marte raises his voice and calls what DGM did unacceptable," Acento, July 22, 2023, available at: <https://acento.com.do/actualidad/monsenor-jesus-castro-marte-alza-la-voz-y-tilda-de-inaceptable-lo-hecho-por-dgm-9227073.html>; #HaitianosRD Collective, "It's happening right now! The @migracionrdo is once again entering public health facilities, detaining and taking pregnant women in full health care, or nursing women and women with children... there are complaints and testimonies that show that DGM agents entered the Altagracia maternity hospital, in DN and detained some 12 women (or more) pregnant women to the Haina Detention Centre. They were also in the surroundings of La Maternidad Los Minas, and are operating inside a polyclinic in Verón, and in a hospital in Higüey. We call, first of all, to the Dominican authorities to stop this serious violation of human rights, and specifically to the @procuraduriagrard and the office of the @defensorrd to amend those actions of that institution that is already recurring in these flagrant violations of the rules. legal provisions of #DR, the Dominican-Haitian binational protocol, and international agreements on health and protection of women and children. We ask @amnistiaamericas to support us in urgent action to stop these actions, and prevent these situations of worrying violation of fundamental rights from worsening..." Instagram, July 20, 2023, <https://www.instagram.com/p/Cu7ZJdor21x/>.

¹²⁷ Today. Illegal parturients go to centres at night to avoid being deported, available at: <https://hoy.com.do/parturientas-ilegales-van-de-noche-a-centros-para-no-ser-deportadas/>.

¹²⁸ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 348.

¹²⁹ Acento, 300 organizations sign letter to Abinader for mistreatment of Haitians, available at: [300 organizations sign letter to Abinader for mistreatment of Haitians | Acento](https://acento.com.do/actualidad/300-organizaciones-signan-una-carta-a-abinader-contra-el-maltrato-a-haitianos/).

¹³⁰ IACHR. Press release. IACHR expresses concern for pregnant women expelled in the Dominican Republic and calls on the State to guarantee access to protection mechanisms and reproductive health services. December 1, 2021.

the protection of sexual and reproductive rights and the protection of pregnant or lactating women of Haitian descent.

28. Likewise, Dominican law guarantees the right to health and education to children, without discrimination based on national origin, immigration status or lack of identity documents.¹³¹ However, at least three cases of denial of paediatric services to descendants of foreign parents have been documented in the eastern region of the country.¹³² On the other hand, despite the national law and the will expressed by the Ministry of Education (MINERD),¹³³ the discretionary application of a measure that requires presenting documents that are difficult to obtain, such as a copy of the birth certificate or a multiple entry visa, contravenes equal and effective access to education.¹³⁴ Likewise, it has been reported that children of Haitian descent have been subjected to discrimination by directors or teachers who did not want to enrol them in public schools.¹³⁵ Thus, these children and adolescents face obstacles to accessing education at all stages of their school career. Stateless children and adolescents cannot receive a school diploma or access university.¹³⁶ Thus, the reality of access to education for children and adolescents of Haitian origin is far from the applicable standards.¹³⁷
29. Access to social services has been particularly restricted in the context of the pandemic for people of Haitian origin. In response to the health crisis, the Government adopted assistance programmes to mitigate the loss of income of individuals and companies in the formal and informal sectors.¹³⁸ However, migrants and denationalized people have not been able to benefit from them due to lack of Dominican documentation.¹³⁹ This exclusion exacerbated pre-existing inequalities in the country.¹⁴⁰ The loss of jobs in the formal sector and the limited circulation of money in the informal sector disproportionately affected Haitian migrants.¹⁴¹ Only 10% of the people in “Group A” were able to access the program called “Stay at Home”.¹⁴² The above is added to the closure of the offices in charge of naturalization applications and renewal of immigration documents during the pandemic, which exacerbates exclusion.¹⁴³ La mayoría de los NNA de origen haitiano no pudieron seguir la educación a distancia durante la pandemia por falta de acceso a la electricidad, internet y a un acompañamiento educativo en casa¹⁴⁴. Despite the challenges during the pandemic, we see that the State did not take

¹³¹ Code for the Protection System and Fundamental Rights of Children and Adolescents, Law 136-03, Articles 28 and 45.

¹³² Ad-hoc coalition of civil society organizations. Joint Report to the Committee on the Rights of the Child on the situation of children and adolescents in the Dominican Republic, with emphasis on the rights to nationality, equality, non-discrimination, and access to education and health. 2023. P. 19.

¹³³ Diario Libre, MinerD will register those who do not have a birth certificate, available at:

<https://www.diariolibre.com/actualidad/nacional/2023/07/26/ano-escolar-2023-2024-acogera-a-carentes-de-actas/2414952>.

¹³⁴ OBMICA and UNICEF, A new look at children on the move on the Dominican-Haitian border, May 31, 2023, pp. 9, 16.

¹³⁵ Ibid.

¹³⁶ US Department of State Annual Report on Human Rights Dominican Republic. 2022. P. 20.

¹³⁷ Immigration policy. The theory is far from reality, available at: <https://politicamigratoria3.wixsite.com/pomig>.

¹³⁸ Covid-19 Emergency Statelessness Fund (CESF) Consortium. Together We Can: The Covid-19 Impact on Stateless People & a Roadmap for Change. June 2021. P. 45.

¹³⁹ Ibid.

¹⁴⁰ FES and OBMICA. Coronavirus and Preexisting Inequalities: Mobilities in the Dominican Republic. September 2020. P. 5.

¹⁴¹ Bridget Wooding and Allison Petrozziello, “Impacts of COVID-19 on the Haitian population and their descendants in the Southern Zone of the Dominican Republic” (Santo Domingo: OBMICA, June 2021), p. 22 available at:

<https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Aascds%3AUS%3A90b26a53-0248-4ca6-848e-0c392aa9fa8c#pageNum=1>.

¹⁴² Ibid, P. 6.

¹⁴³ OBMICA, Dignified Treatment: New challenges for Due Process in Deportations from the Dominican Republic. February, 2023. P. 21.

Likewise, mobility restrictions limited the ability of Haitian migrants to recover their documentation. Covid-19 Emergency Statelessness Fund (CESF) Consortium. Together We Can: The Covid-19 Impact on Stateless People & a Roadmap for Change. June 2021. P. 44.

¹⁴⁴ Bridget Wooding and Allison Petrozziello, “Impacts of COVID-19 on the Haitian population and their descendants in the Southern Zone of the Dominican Republic” (Santo Domingo: OBMICA, June 2021), p. 24, available at:

the necessary measures to ensure equal access to essential social services and did not comply with the recommendation to guarantee the enjoyment of the rights to health and education of children and adolescents affected by the ruling.

VII. Anti-immigrant hatred and criminalisation of undocumented people

30. Since the last cycle, there has been an increase in hate speech against Haitian migrants and their descendants.¹⁴⁵ This racism has translated into acts of violence and discrimination by private actors, particularly ultranationalist groups, fuelled by decisions and statements by public authorities.¹⁴⁶ Ultranationalist political actors consider immigration a danger to Dominican identity.¹⁴⁷ For example, a mayor described Haitian immigration as an “existential threat” and the Minister of the Interior and Police stated that Haiti is the main threat to the country.¹⁴⁸ Similar statements stigmatize migrants of Haitian origin, legitimize acts of rejection against them, and have a special gravity on children and adolescents.¹⁴⁹
31. People of Haitian origin and the organisations and people who stand in solidarity with them have been victims of acts of rejection, threats and violence.¹⁵⁰ After a public call by the DGM not to rent homes to people in an irregular immigration situation,¹⁵¹ cases of evictions of people of Haitian origin were documented.¹⁵² In August 2022, ultranationalist sectors organised a march against Haitian immigration.¹⁵³ In Puerto Plata in October 2022, several residences of Haitian migrants were burned and hundreds of families had to flee after an attack by Dominican people who suspected a Haitian man of a homicide.¹⁵⁴ Similar events occurred in March 2021 in the province of Independencia.¹⁵⁵ Threats, acts of violence and lynchings of people of Haitian origin go unpunished and this lack of state response contributes to the cycle of violence and hatred against them,¹⁵⁶ with a significant impact on children and adolescents.
32. Likewise, CSOs defending the rights of stateless people and migrants of Haitian origin have been the target of threats, persecution and attacks by ultranationalist groups and state authorities. For

<https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Aascds%3AUS%3A90b26a53-0248-4ca6-848e-0c392aa9fa8c#pageNum=1>.

¹⁴⁵ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P 315.

¹⁴⁶ Coalition Social protection for Haitian immigrants and their descendants in the Dominican Republic. Contributions to the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21. September 14, 2022. P. 4.

¹⁴⁷ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P 388.

¹⁴⁸ Ibid, p. 327, 333.

¹⁴⁹ Ibid, p. 327.

¹⁵⁰ Dignified Treatment, “Militaries kill migrant and burn homes in Bahoruco,” June 21, 2022, available at:

<http://tratodiqno.obmica.org/index.php/2022/06/21/militares-dan-muerte-a-migrante-e-incendian-viviendas-en-bahoruco/>; Acento, “They condemn the attack in Parque Colón and blame it,” Acento, October 15, 2022, available at:

<https://acento.com.do/actualidad/condenan-ataque-en-parque-colon-y-culpan-a-ultraderechista-antigua-orden-dominicana-9118846.html>;

Recognized, “They Condemn the Repression of Haitian Workers in Cap Cana,” 12 February 2023, available at:

<https://www.recognized.do/condenan-la-represion-de-trabajadores-haitianos-en-cap-cana/>; Patricia Heredia, “Incident With Haitians

In Punta Cana Leaves One Dead,” Diario Libre, February 10, 2023, available at:

<https://www.diariolibre.com/actualidad/nacional/2023/02/10/incidente-con-haitianos-en-punta-cana-deja-un-muerto/2223954>.

¹⁵¹ Diary. Immigration will fine those who rent houses to illegal immigrants, available at: <https://listindiario.com/la-republica/2021/01/19/653122/migracion-multara-a-los-que-le-alquilen-casas-a-inmigrantes-ilegales.html>.

¹⁵² Coalition Social protection for Haitian immigrants and their descendants in the Dominican Republic. Contributions to the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21. September 14, 2022. P.5.

¹⁵³ GARR, August 2022 Monthly Report.

¹⁵⁴ GARR, October 2022 Monthly Report.

¹⁵⁵ OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 328.

¹⁵⁶ Ibid, p. 330.

example, the headquarters of the MUDHA organization was illegally raided in December 2022.¹⁵⁷ A defender of stateless people was arbitrarily detained.¹⁵⁸ Taking into account the lack of response from the State to protect the life and integrity of people of Haitian origin and the failure to adopt a general law on equality and non-discrimination,¹⁵⁹ we consider that the State has not complied with the recommendations made in previous cycles in this regard.

VIII. Recommendations

33. Based on the above, we urge the States to make the following recommendations to the Dominican Republic:

- I. Restore the citizenship of all persons denationalized by Ruling 168/13, within a reasonable period not exceeding two years, to put an end to cases of statelessness caused by the Ruling, with special attention to children and adolescents.
- II. Fully implement presidential decrees 262-2020 and 297-21 with the oath and granting of Dominican nationality documents to the 799 beneficiaries within a maximum period of four months.
- III. Complete, within a period of one year, the process of confirmation and restitution of nationality provided for in Law 169-14 for the 34,000 to 35,000 people in Group A and the 7,159 people in Group B.
- IV. Adopt a decree that establishes a quick and simple mechanism for the restoration of nationality to people in Group B2, with special attention to children and adolescents.
- V. Adopt without delay the draft law on equality and non-discrimination and take concrete measures to fight discrimination and acts of violence against people of foreign origin from public and private actors, including the activation of criminal proceedings against those responsible for hate crimes.
- VI. Put an immediate end to arbitrary and mass detentions and deportations, particularly of pregnant or lactating women and children and adolescents, and ensure that state actors are continuously trained and respect the fundamental rights of people on the move, with special attention to the protection of the best interests of children. Put an immediate end to the erroneous expulsions of Dominicans.
- VII. Implement a permanent training programme for officials responsible for processes and services related to children and adolescents of Haitian origin in situations of human mobility.
- VIII. Dismiss the decision of the National Migration Council to prevent access to medical services for foreigners and develop, implement and monitor clear guidelines for officials to

¹⁵⁷Graciela Cuevas, "UN asks to investigate alleged illegal raid on the premises of the Dominican-Haitian Women's Movement," *Diario Libre*, December 21, 2022, available at: <https://www.diariolibre.com/actualidad/nacional/2022/12/21/onu-pide-investigar-allanamiento-ilegal-a-ong/2176038>.

¹⁵⁸GARR, October 2022 Monthly Report; CLADEM. Alternative Report from Civil Society Organizations on the Occasion of the Presentation of the 8th Report of the Dominican State to the CEDAW. June 2020. P. 7.

¹⁵⁹OBMICA. Status of Migrations Concerning the Dominican Republic. 2021. P. 315.

guarantee access without discrimination of the people of foreign ancestry to public health and education services, particularly in favour of pregnant or lactating women and minors.

- IX. Develop migration policies focused on respect for the human rights of people in human mobility and the identification, care and protection without discrimination of trafficking victims of Haitian origin, with particular attention to minor victims.
- X. Adhere to and fully implement the 1954 and 1961 Statelessness Conventions.