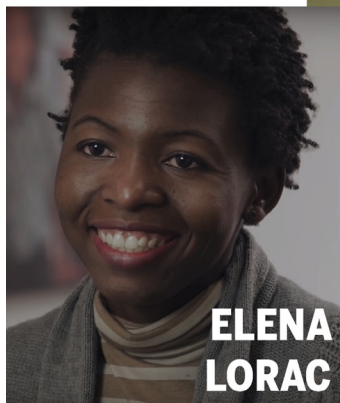


# THE WORLD'S STATELESS

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DEPRIVATION OF NATIONALITY



**MOVEMENT RECONOCIDO:  
AN ACTIVIST'S PERSPECTIVE**

# WHY WE CONTINUE TO FIGHT FOR OUR RIGHT TO NATIONALITY IN THE DOMINICAN REPUBLIC AND HOW YOU CAN HELP: *AN ACTIVIST'S PERSPECTIVE*

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BY MOVEMENT RECONOCIDO:  
ANA MARÍA BELIQUE\*,  
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AND PAOLA PELLETTIER\*

In the Dominican Republic, every time you perform a civil or political act (get a national ID card, get married, register at school or university, get a passport etc.) you need to request a copy of your birth certificate at a local civil registry office. In 2007 the institution in charge of the national civil registry system (Central Electoral Board) passed Resolution No. 12 that stated those who had 'irregularities' in the civil registry would be suspended for investigation. This administrative measure did not indicate what was meant by 'irregularities' nor when the investigations would conclude.

This administrative measure applied in practice affected us, Dominicans of Haitian descent, and not those of other national origin; it suspended or cancelled our birth certificates, national ID cards and passports. We did not know it was happening until we went to the civil registry offices to request a duplicate of our birth certificates

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and were denied. They said: “you are under investigation”, “your parents were illegal when you were born”, “you were registered with “ficha”<sup>1</sup>, “your parents are Haitians”, “your last name is Haitian”, “you are Haitian”, “you are foreign”, “we cannot find the book where you were registered”, and so on. We did not understand what was happening.

Then, in 2013, a Constitutional Court Ruling stripped us of our nationality (both those of us registered and unregistered), arguing that our parents had irregular migratory status when our births were registered. The claimant of this case, a Dominican of Haitian decent, Juliana Deguis Pierre, sued when officials in her town refused to issue her ID card because of Resolution No. 12-07. According to Dominican constitutional procedural law, the effect of the ruling of this type of judicial action for fundamental rights (called ‘Amparo’) only apply to the claimant; however in this case, the Constitutional Court illegally ordered the decision to also apply to all those in “similar situations” who were not part of this judicial case, born between 1929 - 2010. In 2012, it is estimated that approximately 2.5% (250,000) of ten million persons in the Dominican Republic were of Haitian descent, and it is estimated that this ruling affected 210,000 of us.<sup>2</sup>

We are the only population affected by the 2013 Constitutional Court ruling. For us, the solution is the full and collective restoration of our nationality since it was deprived to a huge portion of Dominicans of Haitian Decent. Naturalisation is not the answer: we were born in the country and we have the right to Dominican nationality by *ius soli* as the Constitution stated when we were born. This is our right that has been taken away. This solution and these standards have been established by the Inter-American Commission of Human Rights<sup>3</sup> and the Inter-American Court of Human Rights concerning Dominicans of Haitians descent born in Dominican Republic, who are also stateless.<sup>4</sup>

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<sup>1</sup> “Ficha” is an informal ID issued in the past by sugar cane industries, mostly owned by the State, to identify Haitian migrant workers, since they do not have identification from Haiti. This was not the official national ID card of the State, neither a residence card. The “ficha” is what our parents held at the time of our registration and its number was registered in our birth certificates. “The ficha” stated in our birth certificate was one indicator used by the State to identify and profile us and suspend the issuance of our duplicate documentation.

<sup>2</sup> ONE (National Office for Statistics of the Dominican Republic). The last official census in Dominican Republic was conducted in 2010 and the population was estimated to be approximately 10 million habitants (ONE-UNFPA-European Union, ‘Primera Encuesta Nacional de Inmigrantes de la República Dominicana ENI-2012’ (2013), available at <http://sicen.one.gob.do/>; [http://media.onu.org.do/ONU\\_DO\\_web/596/sala\\_prensa\\_publicaciones/docs/0321395001368132272.pdf](http://media.onu.org.do/ONU_DO_web/596/sala_prensa_publicaciones/docs/0321395001368132272.pdf), p. 17). By 2017, 252,349 persons are descendants of Haitian born in Dominican Republic, approximately 2.7% of the population. (‘Segunda Encuesta Nacional de Inmigrantes ENI-(2017), available at <https://dominicanrepublic.unfpa.org/sites/default/files/pub-pdf/ENI-2017%20FinalWeb.pdf>, p. 29;75;84).

<sup>3</sup> Inter-American Commission of Human Rights OAS, ‘Preliminary Observations from the IACHR’s visit to the Dominican Republic’ (2013), available at <https://www.oas.org/es/cidh/actividades/visitas/2013RD/Preliminary-Observations-DR-2013.pdf>, p. 20; see also Inter-American Commission of Human Rights, OAS, ‘Situation of Human Rights in the Dominican Republic’ (2016), available at <https://www.oas.org/en/iachr/reports/pdfs/DominicanRepublic-2015.pdf>.

<sup>4</sup> See Inter-American Court of Human Rights, *Girls Yean and Bosico (2005) and Expelled Dominicans and Haitians (2014) versus Dominican Republic* concerning Statelessness.

## **CONTEXT OF DOMINICANS OF HAITIAN DESCENT BORN IN THE DOMINICAN REPUBLIC**

Our parents, grandparents and great grandparents were brought here from Haiti as migrant workers as a result of agreements between Haiti and the Dominican Republic. Others were victims of smuggling and trafficking. They never returned back to Haiti, and a group of us were registered in the civil registry offices at birth while others were never registered. We are Dominicans because at the time of our birth the Dominican Constitution recognised the *jus soli* system.

However, we believe that even before 2007, the State began identifying or ‘making a list’ of those who were born in the Dominican Republic and were of Haitian origin, listing those who could have their nationality stripped – a vetting process similar to the one undertaken through the National Register of Citizens (NRC) in Assam, India in 2019. When requesting our documents, the State profiled us or our parents from the information contained in our birth certificates (e.g. a name or last name that looked French); our parents not having residency status at the time of our birth registration; the place we were born (we were born in very poor and invisible communities between sugar cane fields called ‘*bateyes*’) and our skin color (visible when we go in person to request our documents).

The Dominican Republic is a mixture of African slaves and Spanish colonials, mostly black and ‘*mulatos*’ (mixture of colonials and Africans brought as slaves).<sup>5</sup> Our independence in 1844 was not from Spain but from Haiti, and throughout the years a narrative of the “other” has been perpetuated: that through Haitian migration, Haiti will invade the Dominican Republic again. This discriminatory narrative has been constructed and fed historically by ex-presidents, ex-dictator Trujillo, ultranationalist groups, the media, literature and the way history is taught at schools. Therefore, statelessness in the Dominican Republic is the result of a historical denial of our black-African identity, post-colonialism and structural racial discrimination.

Nowadays, being Haitian or of Haitian descent in the Dominican Republic means being subject to verbal and physical discrimination and aggression, racism, xenophobia, hate speech and violence, threats of death (including via social media), deportations based on racial profiling and other forms of discrimination. All of these occur with the support of state actors. As a result of this context, many of us deny our own Haitian origin, are scared to speak Créole (the language of our parents) and walk in the streets. Children of Haitian descent, like stateless children in other

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<sup>5</sup> After almost 40 years there is still no official data concerning ethnic identity. However according LAPOP, a survey about perception of the population in the Dominican Republic, it is interesting that 62.4% of the population considers itself as Indian or “mestizo” (Indians were practically exterminated during colonial times); 14.1% black; 13.6% white; 8.7% mulato. Dominican Republic Vanberbilt University-USAIID, ‘Latin American Barometer for the Americas (LAPOP): Dominican Republic’ (2018-2019), available at [https://www.vanderbilt.edu/lapop/dr/AB2018-19\\_Dominican\\_Republic\\_Country\\_Report\\_V6\\_Rev\\_W\\_01.20.20.pdf](https://www.vanderbilt.edu/lapop/dr/AB2018-19_Dominican_Republic_Country_Report_V6_Rev_W_01.20.20.pdf), p. 227-228.

countries, are bullied because of their lack of documentation and “weird non-Spanish name or last name”, thus they are called “Haitians” in a derogatory manner.

## THE “RECONOCIDO MOVEMENT”

**“ Reconocido was born as a movement integrated by young leaders Dominicans of Haitian descent to defend our nationality rights against any form of discrimination because of the colour of skin and the origin of our parents. Reconocido was born from the deepest sugar cane fields, from this black land, from the work and strength of our parents and ancestors.”**

*Elena Lorac,  
Reconocido Movement Co-Coordinator*

Reconocido (“Recognised”) started as a campaign in 2011. We have received support and empowerment from the Jesuit Network with Migrants and Refugees (NGO) since 2007, where cases from all over the country were identified. We are a political movement, comprised mostly of young leaders taking a stand against statelessness and representing hundreds of the affected population. Our objective is to defend our rights and the recognition of our Dominican nationality. We did not know each other before this situation and today we are more than brothers and sisters.

Since 2011 we have been working in communities as paralegals, activists, and providing information to the affected population. We engage in advocacy to key local political actors, journalists and the media, we participate in local and international networks, we are also active in social networks. We organise and participate in public protests, but in the last two years we have not taken part in public protests regarding our right to nationality as we cannot ensure our security due to both the threats from ultranationalist groups and our limited resources.

We are part of the “DominicanosxDerecho” (Dominicans for Rights) Platform, a local civil society statelessness network, where we engage in advocacy. At the beginning of 2014, we and other members of this Platform met the President of the Dominican Republic, Danilo Medina, who promised a solution. We have the support of an International Task Force, “We are Dominicans” (a Diaspora Platform based in New York), as well as other local civil society and key actors. In January 2014 we received protection measures as human rights defenders ordered to the

State by the Inter-American Commission of Human Rights, which are still in force today, but as you have read nothing ensures our security.

Through the “DominicanosxDerecho” Platform, regional and national workshops are organised to inform the population and listen to their concerns. We published a book about our life stories and the impact belonging to Reconocido Movement has had on our lives;<sup>6</sup> we have been screening the documentary “Hasta La Raíz” (Down to Roots)<sup>7</sup> to raise awareness and open reflections about the issue domestically and internationally; we are also developing a pilot project for women in a local community (*batey*) called “*Muñecas Negras*” (Black Dolls) to raise awareness on African-black identity, contributing to women and community empowerment.<sup>8</sup> Moreover, we are reflecting on our African identity through the “Slavery Route” visiting different places in Santo Domingo in memory of African slaves and their resistance to colonialism. Sadly, there is no information provided in their memory by the State in most of the places we have visited, which is also evidence of racism and the denial of our black identity.<sup>9</sup>

## WHAT IS HAPPENING NOWADAYS?

The State has always denied that there is statelessness in the Dominican Republic. As a result of international pressure, in May 2014 the State adopted Law No. 169-14 ordering the restoration of nationality of those born between 1929 and 2007 (not until 2010) as a special amnesty. However, the Inter-American Court of Human Rights indicated in 2014 that this Law does not follow international standards since the State continues to consider those born in the country from parents with ‘irregular migratory status’ before the 2010 Constitution not as Dominican, but as foreigners.<sup>10</sup> Moreover, the aforementioned Resolution No. 12-07, issued by the

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<sup>6</sup> Media reports concerning the launching of Reconocido’s book “Nos cambió la vida” [Our lives were changed] about our life stories and the impact in our lives of becoming part of Reconocido Movement (2018), available at <https://teleantillas.com.do/sociales/movimiento-reconocido-puso-circular-hoy-nos-cambio-la-vida/>; <https://eldigital.com.do/nos-cambio-la-vida/> Accessed 30 January 2020.

<sup>7</sup> Patio Común (Juan Carlos González, Director), Documentary “*Hasta La Raíz*” (Down to Roots) (2017). The documentary explains in 90 minutes the statelessness situation in Dominican Republic through the story of three women of Haitian descent and the activism of Reconocido Movement. Trailer available at <https://www.youtube.com/watch?v=EiGFhBMDRxE>.

<sup>8</sup> A. Belique, ‘*Muñecas Negras* Ig: @mujeresnegras’, available at <https://anabelique.wordpress.com/2019/03/24/munecas-negras-un-sueno-hecho-realidad/> Accessed 30 January 2020.

<sup>9</sup> Acción Afro-Dominicana, Reconocido and others, available at <http://accionafrodominicana.blogspot.com/2019/11/palabras-de-apertura-de-la-5ta-jornada.html> Accessed 30 January 2020.

<sup>10</sup> “323. The Court notes that Law No. 169-14, in the same way as judgment TC/0168/13 on which it is based, is founded on considering that those born in Dominican territory, who are the children of aliens in an irregular situation, are aliens. In practice, this understanding, applied to persons who were born before the 2010 constitutional reform, entails a retroactive deprivation of nationality; and, in relation to some presumed victims in

Central Electoral Board and the Constitutional Court ruling of 2013, are still in force.

Both the treatment Dominicans of Haitian descent face and their restrictions in accessing documentation, is completely different from descendants of other national origins born in the Dominican Republic. These people are not discriminated against and they do receive Dominican documentation.<sup>11</sup> Law No. 169-14 and its implementation is also problematic as it contributes to our segregation by dividing us further into groups. After almost six years of this law being in force, approximately 48% of the 61,000 persons who had previously been registered in a civil registry (Group A) have received their documentation back. They now feel like they “exist”, “are persons” in the society, and are “recognised” as citizens with access to all rights. However, approximately 52% of Group A have still not yet received their documentation back.<sup>12</sup>

This Law also offered a special regularisation and naturalisation process for those born in the country from parents with “irregular migratory status” and who were never registered in the civil registry (called ‘Group B’ in the Law). Having to apply for naturalisation means we are considered foreigners in our own country and are only offered a second category of citizenship. The application process was only open for 180 days, a very short deadline for the majority of the population historically affected to get their papers in order. The total number of individuals in Group B is unclear but only 8,755 individuals of this group and only the first generation could apply to this special naturalisation process. There were also legal and material obstacles faced in this application process. The assigned nationality from the Dominican State on the ID residence cards of those who received it read “Haiti” - more evidence of the State not accepting ‘statelessness’ as a phenomenon. The Law also established that two years after regularisation, the applicants would become Dominican through naturalisation; however, after almost six years of Law’s adoption, these applicants still have not been able to acquire Dominican nationality through naturalisation.

There is no legal solution for those who are not included in the civil registry and did not apply to the special naturalisation process, including for those born between 2007 and 2010. Moreover, there is another group of persons born in the country from a mother or parents on ‘irregular migratory status’ and are registered in a

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this case, it has already been determined that this is contrary to the Convention”, *see also* Inter-American Court of Human Rights, *Expelled Dominicans and Haitians vs. Dominican Republic* (2014), paras. 319-325,

<sup>11</sup> ONE-UNFPA, ‘Descendientes de Inmigrantes en la Republica Dominicana. Estudio complementario a la Encuesta ENI-2017’ (2018), available at [https://dominicanrepublic.unfpa.org/sites/default/files/pub-pdf/ENI-2017\\_Descendientes%20de%20inmigrantes%20-%20Ed%20-%20Web%20%281%29.pdf](https://dominicanrepublic.unfpa.org/sites/default/files/pub-pdf/ENI-2017_Descendientes%20de%20inmigrantes%20-%20Ed%20-%20Web%20%281%29.pdf), p. 78; 135

<sup>12</sup> UNHCR, ‘Dominican Republic Participation (Minutes 2:01:56-2:08:25). General Debate (Cont’d) - 6th Meeting, 70th session of UNHCR Executive Committee’ (9 October 2019), available at <http://webtv.un.org/watch/general-debate-contd-6th-meeting-70th-session-of-unhcr-executive-committee/6093645658001/?term=>.

'Foreign Book' which does not state a nationality; the number of this group is approximately 45,000, and is mostly made up of children.<sup>13</sup>

Since 2016, UNHCR's annual population statistics concerning the number of statelessness people, collated in its 'Global Trends' report does not include the Dominican Republic. This raises concerns because without such reports, the situation remains completely invisible to the world, as if it were resolved. UNHCR's operation in the Dominican Republic does not have their logo outside its office nor on its vehicles, which is evidence of the shrinking space UNHCR has to undertake their work on the ground in the Dominican Republic.

Nevertheless, at the UNHCR High Level Segment on statelessness in October 2019 in Geneva, UNHCR High Commissioner, Filippo Grandi, made the following comments about the situation in the Dominican Republic: concerning "Group B, I understand that some people did not register in time and I would urgently suggest the Dominican Republic to adopt a very pragmatic approach in this respect, so that statelessness issues are progressively but steadily resolved".<sup>14</sup> UNHCR is therefore pointing out to the Dominican Republic that there is statelessness on its territory and the situation is not yet resolved.

There is still disinformation and anxiety felt by the affected population. There is no public information campaign. The State expects us to go to them, but they do not come to us, to our communities. There are material obstacles in accessing documentation, issues with following up on the status of our cases and applications, including travel costs and the distance to civil registry offices and the capital city. People cannot register their children, face obstacles in obtaining ID cards, getting a job and are unable to take national examinations, enter secondary education, or access to tertiary education (university) because birth certificates are required.

In 2020, there will be elections in the Dominican Republic. However, without documentation, our political rights are denied, we are still segregated and not integrated. The most important political parties do not support us, since our inclusion in their speeches would be at a political cost: the loss of votes.

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<sup>13</sup> ONE-UNFPA, *Descendientes de Inmigrantes en la Republica Dominicana. Estudio complementario a la Encuesta ENI-2017 (2018)*, available at [https://dominicanrepublic.unfpa.org/sites/default/files/pub-pdf/ENI-2017\\_Descendientes\\_de\\_inmigrantes\\_-\\_web.pdf](https://dominicanrepublic.unfpa.org/sites/default/files/pub-pdf/ENI-2017_Descendientes_de_inmigrantes_-_web.pdf), p. 18.

<sup>14</sup> UNHCR, 'General Debate (Cont'd) - 6th Meeting, 70th session of UNHCR Executive Committee' (9 October 2019), available at <http://webtv.un.org/watch/general-debate-contd-6th-meeting-70th-session-of-unhcr-executive-committee/6093645658001/>, Minutes 2:51:37-2:52:28.



## WHAT WE ASK OF YOU

We ask the international community to collaborate and support us. Law 169-14, contrary to what the government says, has not resolved the situation. The laws and policies adopted by the State have failed, instead they produce more segregation; for us the State does not show interest in the application of the law nor in restoring our nationality. The first obstacle is the State continuing to deny that there is a stateless population in Dominican Republic.

We request the Dominican Republic to overrule the Constitutional Court Ruling of 2013, recognise the jurisdiction of the Inter-American Court of Human Rights and fulfill its rulings,<sup>15</sup> and adhere to the 22 recommendations from different States in the last UPR session in 2019 concerning the collective restoration of our nationality without administrative procedures.<sup>16</sup>

We also ask the Dominican State to respect the Constitution and international agreements; publicly denounce violence and hate speech, hold perpetrators to account, recognise the existence of the stateless population and work towards implementing a reconciliation process. This is a matter of intercultural education and changing public policies on integration. We have our dialogue channels open, but we need the international community to collaborate and exert pressure on the State to produce positive change.

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<sup>15</sup> In November 2014, after the Inter-American Court of Human Rights issued the ruling “*Expelled Dominicans and Haitians*”, as reaction, the Constitutional Court of the Dominican Republic issued the Judgment No. 256-14 stating the Inter-American Court of Human Rights does not have jurisdiction over the Dominican Republic, arguing the act of acceptance of the Court’s jurisdiction in 1999 was not ratified by the National Congress. This decision was brought by ultranationalists groups in 2005 challenging the Constitutionality of its jurisdiction, 9 years later, given this political context, the indicated judgement was ruled, and until today remains in force, available at <https://www.tribunalconstitucional.gob.do/content/sentencia-tc025614>.

<sup>16</sup> Dominican Republic, Responses to Recommendations: UPR, Third Review Session 32 (2019), available at [https://www.upr-info.org/sites/default/files/document/dominican\\_republic/session\\_32\\_-\\_january\\_2019/2rps\\_domrep.pdf](https://www.upr-info.org/sites/default/files/document/dominican_republic/session_32_-_january_2019/2rps_domrep.pdf).

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