



Doctor

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United Nations Office of the High Commissioner for Human Rights (OHCHR)

CC: Anti-Racial Discrimination Section of the United Nations Office of the High Commissioner for Human Rights (OHCHR)

***Ref.: Inputs for the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21.***

Distinguished Dr. Bachelet:

We write to you, and through you to the Anti-Racial Discrimination Section, in order to make some clarifications regarding the human rights violations and the situation of discrimination suffered by Haitian immigrants and Dominicans of Haitian descent by the Dominican Republic Government, regarding the request for contributions to the report of the High Commissioner, in accordance with Human Rights Council resolution 47/21.

The Coalition "***Social Protection for Haitian Immigrants and their Descendants in the Dominican Republic***" is made up of organizations that work to promote respect for the human rights of vulnerable groups, specifically Haitian immigrant workers and their descendants born in the Dominican Republic and that brings together the following organizations: ***Socio-Cultural Movement for Haitian Workers (MOSCTHA)***, <sup>1</sup>***The Institute on Race, Equality and Human Rights.- Race & Equality***<sup>2</sup>-, ***Platform of Institutions of Haitian Immigrants and their Families in the Dominican Republic (PIHF-RD)***, ***Haitian Dominican Meeting Network- Jacques Viau-***, ***Licda. Maria Bizenny Martinez LLM.*** <sup>4</sup>

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<sup>1</sup> **The Socio-Cultural Movement for Haitian Workers (MOSCTHA)**, is a non-profit organization founded in January, 1985, and incorporated by decree 583-03. Formed by Haitians Immigrants and Dominican of Haitian ancestry and other Vulnerable groups of the population. Since its formation it has implemented human rights programs and projects, legal assistance, health and education to women in Batey's communities and marginalized neighborhoods of Santo Domingo.

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<sup>2</sup> **The Institute on Race, Equality and Human Rights**

is an international non-governmental human rights organization that works with local counterparts and activists in Latin America to promote and protect the human rights of marginalized populations, whether because of their national or ethnic origin, sexual orientation or gender identity. We strengthen grassroots organizations to become political actors and promote structural changes in the countries where we work. Our methodology is based on technical training, documentation of human rights violations and advocacy work at the national and international levels to achieve sustainable structural changes.

Represented by: Mr. Carlos Quesada, E-mail. [quesada@raceandequality.org](mailto:quesada@raceandequality.org), website <https://raceandequality.org/es/634-2/>

<sup>3</sup> **Platform of Institutions of Haitian Immigrants and their Families (PIHF-RD)**

The Platform of Haitian Institutions and their Families in the Dominican Republic (PIHF-RD): is a coalition of associations made up of immigrants. These groups among which the Churches Evangelical students y workers Make Interventions Important with these communities. Represented by: Ing. Jonah Albath, Email: [jonasalbath@hotmail.com](mailto:jonasalbath@hotmail.com)

<sup>4</sup>**The Haitian Dominican Meeting Network Jacques Viau (REDH-JV)**

It is a space for consultation and articulation that brings together seventeen civil society organizations. The REDH-JV promotes, encourages and promotes the defense of human rights and fairer migration policies, through the impact on the elaboration, adoption and application of public policies aimed at improving the quality of life of migrants, refugees and the most vulnerable population, especially the Haitian population, and the population. Dominicans of Haitian descent. Represented by: Manuel De Jesus Dandre. Email: [dejesusdandre@yahoo.com](mailto:dejesusdandre@yahoo.com)



## INTRODUCTION

This document is a section that narrates facts that show the human rights situation of Haitian immigrants and Dominicans of Haitian descent in the Dominican Republic, being prepared from monitoring the actions of state agencies, testimonies, as well as the contents captured by the national and international media.

The Dominican Republic, despite the advances in the management of COVID.19 and international tourism, has left aside the respect for human rights, being left behind and submerged in customs, affecting social development and stagnating multiculturalism.

Racial discrimination against Haitian immigrants and their descendants has been subject to administrative resolutions, abuse of power by state authorities and the application of norms that violate human rights standards, a situation that persists for decades even under the protection of a guarantor constitution, which promotes equality in dignity and rights in accordance with the Universal Declaration of Human Rights.

Therefore, the intermediation of all human rights bodies is urgent, in order to promote an intersectoral and frank dialogue with a view to real and definitive solutions in this matter.

## CONTEXT

Haitian immigration to the Dominican Republic has its roots, in the rise of the sugar industry and the decline of agriculture in the Republic of Haiti. This industry began to expand after the Second World War and finding a close source in the hiring of Haitians for the cutting of cane during the harvests, and maintenance of the sugarcane fields to produce cane, the raw material for the production of sugar, because it required expert hands in agriculture and others that were extremely economical. This workforce was used in the plantations of bananas, tomatoes, rice, among other agricultural items, contributing to sustain the economic of the country.

In its evolution, the Dominican economy goes from an agricultural economy to a service economy, which brought with it another more professional immigration, which works in the area of construction of large towers and condominiums, to finally provide its services in the area of Call Center and Hotels, reflecting for 2017, a total of 497,825 immigrants of which 249,000 participated in the regularization plan for foreigners carried out in 2013.<sup>5</sup>

On the other hand, there are the descendants of Haitian immigrants born in the Dominican Republic before 2010, which were affected by judgment 168.13 issued by the Constitutional Court on September 23<sup>th</sup>, 2013, leaving as an effect more than 200,000 people in a legal limbo (stateless), without nationality and subject to discrimination and abuse of power.<sup>6</sup>

For these reasons, based on some of the considerations of Human Rights Council resolution 47/21, we will look at the following issues:

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<sup>5</sup> National Inmigrant Survey (ENI\_2017), <https://www.one.gob.do/publicaciones/#>, <https://web.one.gob.do/media/nlfmavjb/encuestasegundaencuestanacionaldeinmigrantesenlarepdomversi%C3%B3nresumida2017jun2018.pdf>

<sup>6</sup> <https://www.tribunalconstitucional.gob.do/consultas/secretar%C3%ADa/sentencias/tc016813/>



## ***1. SYSTEMIC AND STRUCTURAL RACISM, EFFECTS ON HAITIAN IMMIGRANTS AND THEIR DESCENDANTS IN THE DOMINICAN REPUBLIC.***

### ***(A) SYSTEMATIC RACISM AGAINST HAITIAN IMMIGRANTS<sup>7</sup>***

Among the facts that show racism against Haitian immigrants, we can point out a whole historical analysis, which permeates Dominican education at all levels, in which the approach of an alleged Haitian invasion of the Dominican Republic in the year (1822) under the command of General Jean Pierre Boyer is encouraged, the non-recognition of the contribution of Haitian labor for the advancement of the Dominican economy, negative that brings as a consequence the lack of delivery of pensions to workers of the sugar industry who for decades lent their labor directly to the Dominican state and the most recent expulsions without due process, refusal to renew the documents obtained through the national plan of regularization for foreigners.

Civil society organizations that work to promote the rights of immigrants and their descendants have insistently expressed their concern to the Dominican state, however xenophobia and discriminatory acts have increased, mainly in the new Government coordinated by President **Luis Abinader Corona**, this due to the lack of continuity of the dialogue tables created by the government of President **Danilo Medina**, at the recommendation of the Inter-American Commission on Human Rights, in addition to the lack of rapprochement with the real organizations that have developed proposals to resolve the issue from a perspective of human rights and international standards, putting at risk all the advances that were made, which have been questioned to the detriment of the beneficiaries, motivating with this verbal violence and xenophobia in addition to taking negative actions in different areas that contradict any attempt to protect rights.

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<sup>7</sup> <https://www.oas.org/es/cidh/jsForm/?File=/es/cidh/prensa/comunicados/2022/059.asp>

The state has carried out arbitrary measures such as:

**1. Denial to renew documents obtained according to the criteria of the National Plan for the Regularization of Foreigners;** the new government refuses to take positive measures that help the renew and regularize the people who attended this process, based on alleged internal irregularities of the ministry (Ministry of Interior and Police) that launched said plan, paralyzing any way to renew said documentation and open an audit process to the registered persons.<sup>8</sup>

**2. Communications from state authorities generate and encourage social violence and xenophobia.** The General Directorate of Migration, on January 19, 2021, issued a statement calling on the population not to rent or rent homes to unregulated immigrants they called (Illegal immigrants), causing some homeowners to make the decision to enter the houses and remove the trousseau of immigrants under threats, in addition, many increased rents for this population, so they had to pay them or leave the place.<sup>9</sup>

**3. Refusal to fulfill commitments that generate regularity for Haitian immigrants;** On May 8, 2021, the Dominican State<sup>10</sup> and the Haitian Embassy announced the opening of a regularization plan for students, which did not start on the announced date, but at the end of August measure that never flowed and this process ended in the suspension on November 2<sup>nd</sup>, under the assumption that terrorists<sup>11</sup> and criminals could enter the country with these visas, this situation is not very credible because these requests are made in the internal order and the students to be renewed were in Dominican territory.

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<sup>8</sup> <https://mip.gob.do/2021/11/02/consejo-nacional-de-migracion-auditar-extranjeros-que-fueron-regularizados-en-plan-migratorio/>

<sup>9</sup> <https://listindiario.com/la-republica/2021/01/19/653122/migracion-multara-a-los-que-le-alquilen-casas-a-inmigrantes-ilegales>

<sup>10</sup> <https://www.diariolibre.com/actualidad/autoridades-iniciaran-proceso-de-regularizacion-especial-para-estudiantes-haitianos-LE26114168>

<sup>11</sup> <https://proceso.com.do/2021/11/04/estudiantes-de-haiti-en-rd-niegan-sean-una-amenaza-para-los-dominicanos/>

On October 6, 2021, the General Directorate of Migration issues a resolution to issue a border inhabitants card<sup>12</sup> for Haitian citizens residing on the border on the Haitian side who do daily business in Dominican territory, based on the migration law 285-04 and its regulation 631-11, but at the time of implementation, which was announced for the month of January 2022 does not start, rather, it is announced that the implementation of this initiative was suspended until further notice.<sup>13</sup>

## **2. PERSISTENCE OF VIOLENT AND DISCRIMINATORY PRACTICES OF A RACIST NATURE PERPETRATED BY LAW ENFORCEMENT OFFICIALS (IMMIGRATION OFFICERS):**

On September 28, 2021, the National Migration Council resumed the speech of the President<sup>14</sup> of the Dominican Republic through meeting minutes and launched the prohibition of medical care for pregnant and lactating immigrant women Non-Residents or in irregular condition, with the intention that pregnant women<sup>15</sup> are not treated in public hospitals, knowing that; 1) Approximately 94% of the immigrants who participated in the Regularization Plan obtained a non-resident migratory category, 2) That there is a considerable number of Dominicans of Haitian descent, who have not been able to obtain national documentation and are in a state of greater vulnerability because they cannot show a document when requesting medical service.

Since the beginning of this measure, massive migratory raids have been carried out, inside and outside hospital centers<sup>16</sup>, with the assumption of returning parturient women to Haiti, a measure that has placed mothers and their newborn and unborn children at risk. On the other hand, it is confirmed that the measures are applied by skin color and without considering that many of these women are Dominicans of Haitian descent, that the State

<sup>12</sup> <https://migracion.gob.do/transparencia/wp-content/uploads/2021/11/Rosolucion-Carnet-Habitante-Fronterizo.pdf>

<sup>13</sup> <https://listindiario.com/la-republica/2022/02/10/708464/suspendido-por-ahora-entrega-carnet-para-habitantes-fronterizos>

<sup>14</sup> <https://eldinero.com.do/128712/luis-abinader-dice-que-rd-no-puede-financiar-partos-de-haitianas/>

<sup>15</sup> <https://elnacional.com.do/gobierno-dominicano-reitera-que-no-dara-asistencia-a-parturientas-haitianas/>

<sup>15</sup> <https://listindiario.com/la-republica/2021/11/12/696600/migracion-detiene-haitiana-en-maternidad-y-la-mujer-se-desangra-en-el-camion>

<sup>15</sup> [https://www.swissinfo.ch/spa/r-dominicana-hait%C3%AD\\_rep%C3%BAblica-dominicana-deport%C3%B3-a-cientos--de-embarazadas-en-los-%C3%BAltimos-d%C3%ADas/47107364](https://www.swissinfo.ch/spa/r-dominicana-hait%C3%AD_rep%C3%BAblica-dominicana-deport%C3%B3-a-cientos--de-embarazadas-en-los-%C3%BAltimos-d%C3%ADas/47107364)

<sup>16</sup> <https://cmnespanol.cnn.com/2021/11/12/republica-dominicana-detiene-y-deporta-grupo-de-haitianas-embarazadas-y-con-bebes-recien-nacidos-en-las-afueras-de-hospital/>

<sup>16</sup> <https://z101digital.com/director-de-migracion-si-usted-esta-ilegal-yo-lo-puedo-sacar-de-abajo-de-la-cama-la-ley-me-lo-permite/>

<sup>16</sup> <https://listindiario.com/la-republica/2021/11/12/696600/migracion-detiene-haitiana-en-maternidad-y-la-mujer-se-desangra-en-el-camion>

has left them without an identity document and that others have the documents "that qualify them as immigrants" or presumed expired foreigners due to the way in which the General Directorate of Migration has been handling these people.

The migration authorities continue to apply their policy of criminalization of immigration, they enter the communities, and in the houses, persecuting<sup>17</sup> in a violent way<sup>18</sup> to immigrants who carry out informal work, selling markets, and in avenues, they take away their merchandise, they imprison them without giving them the option to call their homes to tell the relatives the situation.

### ***(B) SYSTEMATIC RACISM AGAINST THE DESCENDANTS OF HAITIAN IMMIGRANTS.***

Racism towards the descendants of Haitian immigrants has been systematic and increasing, which can be evidenced by the attention offered by the Civil Status offices (of the JCE) to this population. We can emphasize that practices such as denying registration in civil registry books and placing them in a registry book not recognized by the law governing the matter, goes against the best interests of the child, a practice that has been manifested on the basis of racial and ethnic criteria, the excuse being the nationality of the parents and the migratory status.

Factors such as the application of the Resolution that creates "a so-called registry book of non-resident foreign mother children (02-2007 and instruction 02-2011), strengthened the delivery of the so-called "Pink" sheets under a bad criterion of immigration law 285-04 and the ruling of the supreme court of justice of 2005", a document that was used by hospitals in order to differentiate the birth of the children of immigrants and children of nationals, creating discriminatory gaps that are perpetuated over time.

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<sup>17</sup> <https://youtu.be/WmOCDLXXtIU>

<sup>18</sup> <https://noticiassdn.com/video-agresivos-y-encapuchados-andan-empleados-del-asdn-arrebatando-mercancia-a-buhoneras-en-villa-mella/>



The sentence of September 23, 2013, issued by the constitutional court of the Dominican Republic, under No. 168-13 highlights the situation that the descendants of Haitian immigrants born in the Dominican Republic had been dragged and the refusal to consider them Dominicans by Jus Solís.

Following the ruling of TC 168.13, pronouncements emerge from civil society, human rights bodies, and some states, resulting in an on-site visit by the Inter-American Commission on Human Rights (IACHR), several thematic hearings, and the Court's ruling on non-repetition. Therefore, the Dominican State opens the National Regularization Plan for Immigrants and the dialogue between the Government, Civil Society and the IACHR, in addition to the promulgation of Law 169.14 to mitigate the damaged caused by the sentence, implying that it would be a good advance for the definitive solution of the problem. But the implementation of the law helped create another milestone of more discrimination, by segregating Dominicans of Haitian descent into groups (a and b).

Thus, they arise: Groups a), which are children of Haitian migrants registered, in the Civil Registry with documents, presumably not recognized by current regulations to whom it orders to return their identity documents, a task attributed to the Central Electoral Board (JCE), the state entity that motorized discrimination and b) Children of immigrants without registration in the Civil Registry, who had never had identity documents, which were given 180 days to register as foreigners in the national regularization plan for foreigners with the promise that in this way they would be able to obtain nationality by naturalization in a period of two years, registering in it a total of 8,755 people of which there are 7,159 obtained migratory cards as if they were foreigners, arrived from other countries.

We also want to emphasize that record books have been created not contemplated in Dominican legislation that show segregation by ethnic profile, are the cases of *transcription books*, attributed their creation illegally, to Law 169.14, whose mandate did not have that purpose, the *books of foreigners* and *foreign books, special registry*, these books created by administrative provision taken by the Central Electoral Board.



### **3. ROLE OF THE DOMINICAN STATE IN THE AGENDA AGAINST RACISM AND THE IMPLEMENTATION OF THE 2030 AGENDA, LEAVING NO ONE BEHIND.**

We can point out that the issues of immigration and nationality do not have a clear path to the agenda of the Sustainable Development Goals, this because plans have been placed only on paper, but the treatment of this population is questionable, since the lack of political will avoids making any positive decision.

Objectives 1, 2, 3, 4, 5, 8, 10, will be difficult to achieve, if measured from the point of view of leaving no one behind, since the examples taken since the COVID. 19 pandemic, highlight the lack of social protection for this population, which did not achieve access to government social programs. Therefore, when evaluating the direct actions and the route taken by the state in terms of human rights, we can say that if the actions are not changed, it will become a failed state, which does not provide social protection to the people who are in the territory and its measures do not cover vulnerable populations, this will lead to the sustainable development goals lagging behind.

### **4. IMMIGRANTS AND THEIR DESCENDANTS IN NATIONAL ACTION PLANS.**

The Government of the Dominican Republic has directed a set of action plans, however, to date there is no plan that ***promotes the restitution of nationality to Dominicans of Haitian descent victims of sentence 168.13***, equality, non-discrimination and much less respect for the rights of immigrants.

Article 39 of the 2010 Constitution prohibits discrimination based on gender, colour, age, disability, nationality, family ties, language, religion, political or philosophical opinion, social or personal status, but national policies and strategies that are fundamental to development and respect for human rights are not linked to the issue of racial discrimination and racism, always remaining invisible, which helps to replicate racist ideas, attitudes and actions on the part of public officials<sup>19</sup> towards the immigrant population

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<sup>19</sup> <https://ayuntamientosantiago.gob.do/noticias/alcalde-abel-martinez-advierte-sobre-peligrosa-amenaza-a-nuestra-soberania-e-identidad-ante-presencia-masiva-ilegales/>



and their descendants, generating acts of violence and excesses of authorship, because there is no regime of consequences.

## 5. PETITIONS

***IN VIEW OF THE ABOVE, THE SIGNATORY INSTITUTIONS VERY RESPECTFULLY REQUEST THE FOLLOWING:***

- 1- That the Office of the High Commissioner for Human Rights motivate the Office of the Rapporteur on Discrimination to prepare a report on the ground and updated on the situation in which Haitian immigrants and their descendants live in the Dominican Republic.
- 2- That the Office of the High Commissioner for Human Rights promote the creation of a technical, intersectoral table from the United Nations system where Civil Society, the Dominican State and international experts on Migration and Statelessness converge, with the mandate to elaborate consensual proposals that put an end to the lack of documentation of Immigrants and their descendants.

**To recommend to the Dominican State in a strongly manner:**

- 3.- Review and suspend all measures that violate human rights and dignity.
4. Reactivate the administrative processes for the renewal of identity documents for immigrants, who availed themselves of the National Plan for the Regularization of Foreigners (PNRE).
5. Maintain a real dialogue with the civil society organizations that work on the issue, in order to develop joint proposals on the issue of migration and nationality.
6. Trace a path that allows the issue of the acquisition of nationality to be taken up, within a human rights framework and in accordance with international human rights standards.
7. Refrain from deporting immigrants settled in the country for decades and from expelling people born in Dominican territory, whose nationality has not been recognized, due to obstacles imposed by authorities of the Dominican State that keep them in a state of undocumented.
8. Motivates the signing and ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
9. Motivate and accompany the Dominican government for the signing of the conventions on the eradication of statelessness persons.
- 10- Create an economic fund, which allows to give stability to the intersectoral table in matters of Immigration and Nationality.