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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-sixth session**  
29 April–10 May 2024

## **Summary of stakeholders' submissions on the Dominican Republic\***

### **Report of the Office of the United Nations High Commissioner for Human Rights\*\***

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 15 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations and cooperation with human rights mechanisms**

2. JS2, JS4, and WCC-CCIA recommended that the Dominican Republic adhere to, ratify, and accede to, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>3</sup>

3. CGNK noted that the Dominican Republic had signed the Convention on the Prevention and Punishment of the Crime of Genocide and appealed for its swift ratification.<sup>4</sup>

##### **B. National human rights framework**

###### **1. Constitutional and legislative framework**

4. JS2 recommended that the Dominican Republic modify and/or eliminate any legislation, ruling or provision that was not aligned with international treaties and agreements for the protection of human rights.<sup>5</sup>

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\* The present document is being issued without formal editing.

\*\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## 2. Institutional infrastructure and policy measures

5. JS2 recommended strengthening the role of the Ombudsman to promote and defend human rights regardless of gender, nationality, or belief.<sup>6</sup>

## C. Promotion and protection of human rights

### 1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

#### *Equality and non-discrimination*

6. JS4 reported there had been an increase in hate speech against Haitian migrants and their descendants, with this racism translating into violence and discrimination by private actors, fuelled by decisions and statements by public authorities.<sup>7</sup> JS3 noted an anti-Haitian climate in the country, ranging from racist expressions to extortion, physical aggression, and forced repatriations by authorities, which was justified by national security concerns. It stated that, in September 2020, the Draft General Law on Equality and Non-Discrimination was presented to Congress, evidencing the need to improve the protection of rights, due to the lack of specific legislation, which had resulted in human rights violations going unnoticed or unpunished. It highlighted that the Draft Law had not been adopted.<sup>8</sup>

7. JS3 and JS4 recommended the Dominican Republic adopt and implement the Draft General Law on Equality and Non-Discrimination.<sup>9</sup> JS4 recommended taking concrete measures to combat discrimination and acts of violence against foreign-origin individuals by both public and private actors, including initiating criminal proceedings against those responsible for hate crimes.<sup>10</sup> JS2 recommended promoting a national law on equality and non-discrimination that criminalises, prosecutes, and punishes racism and discrimination in all its forms, eliminating the policy of arrest, deportation, and expulsion based on racial profiling, taking precautions so that no Dominican is expelled from the territory because of skin colour or descent, and promoting interculturality in education and in the media.<sup>11</sup>

8. JS2 recommended the Dominican Republic promote and encourage the social integration of vulnerable groups, such as people living with HIV/AIDS and drug users.<sup>12</sup>

#### *Administration of justice, including impunity, and the rule of law*

9. JS5 noted the creation and implementation of the “Dignified Treatment Guide for Access to Justice” to ensure dignified treatment for all users of the justice system.<sup>13</sup>

10. JS2 recommended the Dominican Republic strengthen mechanisms to combat corruption, by promoting the investigation and accountability of state officials of the General Directorate of Migration or other officials found responsible for commission of crimes and violations of the human rights of migrants.<sup>14</sup>

#### *Fundamental freedoms and the right to participate in public and political life*

11. IACHR expressed concern about illegal surveillance of the communications of an investigative journalist, and called for a full investigation of the facts, and to prosecute and punish those responsible.<sup>15</sup>

12. JS4 and SCU-IHRC reported that human rights defenders advocating for the rights of Dominicans of Haitian descent had increasingly been the victims of threats, acts of intimidation, hate speech, cyber-bullying, and verbal and physical assaults because of their work. It stated human rights defenders were thus afraid to denounce acts of corruption and violence by state actors due to fear of reprisals by the police and immigration officials.<sup>16</sup>

13. SCU-IHRC recommended that the Dominican Republic: adopt measures to ensure a safe and enabling environment in which human rights defenders advocating on behalf of Dominicans of Haitian descent could safely carry out their work without fear of reprisals, threats, and harassment; adopt an anti-cyberbullying law that protects human rights defenders on social media platforms; publicly condemn hateful and discriminatory rhetoric that threatened the legitimacy of the work done by human rights defenders; ensure that law

enforcement officers received training on how to protect the rights to freedom of expression and personal integrity during public protests; and investigate, prosecute, and sanction those responsible for threats or acts of intimidation reported by human rights defenders.<sup>17</sup>

*Prohibition of all forms of slavery, including trafficking in persons*

14. ECLJ reported that, while the prohibition of human trafficking had been codified in law, execution and enforcement of the law had been ineffective, and widespread corruption within the country undermined the fight against human trafficking.<sup>18</sup> ECLJ stated greater action needed to be taken to fully address the corrupt system in the country and sufficiently support trafficking victims.<sup>19</sup>

15. JS3 recommended the Dominican Republic accelerate the adoption of anti-smuggling and anti-trafficking laws, and strengthen and fully implement programs, such as the National Action Plan against Trafficking in Persons and Smuggling of Migrants for 2022–2024.<sup>20</sup>

*Right to work and to just and favourable conditions of work*

16. SCU-IHRC reported that some companies engaged in forced labour practices with impunity, taking advantage of the vulnerability of workers whose legal status was still undetermined, discriminating against workers based on their real or perceived migration status, paying them very low wages, and maintaining workers in dreadful and overcrowded living conditions, with no electricity and lack of access to clean water and sanitation.<sup>21</sup> JS2 stated that undocumented Dominicans of Haitian descent were denied access to decent employment because at the time of applying for a job, they were asked for an identity card, which they did not possess due to the legal situation for migrants in the state.<sup>22</sup>

17. SCU-IHRC recommended that the Dominican Republic: strengthen enforcement measures to ensure companies respect the labour rights of Dominican workers of Haitian descent, including the rights not to be subjected to forced labour, to fair wages, to liveable working and living conditions, to clean water and sanitation services, and to not be discriminated against based on the nationality of their parents; implement a monitoring system to detect and address instances of forced labour; and investigate, prosecute, and punish those responsible for violating the rights of Dominican workers of Haitian descent, particularly in the “bateyes” (urban settlements) and sugar plantations.<sup>23</sup>

18. JS3 reported that working conditions for Haitian workers in the sugar fields were precarious, with some not receiving food or water during the day and lacking sanitation services, while wages were very low. Work may cover 17 hours a day, with no days off, while individuals may subcontract Haitian workers at a lower cost, and sugarcane workers could not access a pension system.<sup>24</sup> JS3 recommended that the government ensure sugar companies rigorously comply with the standards in the Labour Code of the Dominican Republic to guarantee fair working conditions for their workers, improve the situation of workers through a living wage and basic living conditions, and conduct labour inspections in sugar mills.<sup>25</sup>

19. JS2 and JS5 reported that people living with HIV suffered discrimination in accessing decent work, with many state institutions and private companies requiring medical tests for employment, in violation of the law that prohibited such testing.<sup>26</sup> JS5 recommended the Dominican Republic discontinue the practice of conducting HIV tests for job applications and residence services within public institutions, and issue a resolution prohibiting laboratories from performing HIV tests and sending results to employing companies without providing access to workers.<sup>27</sup>

*Right to social security*

20. JS5 commended the inclusion of people living with HIV in the subsidized regime of the 2022 National Health Insurance, and of vulnerable populations in social assistance programs during the COVID-19 pandemic.<sup>28</sup>

21. MOSCTHA recommended the Dominican Republic strengthen intersectoral coordination to address social protection challenges, and amend the social security law to ensure beneficiaries receive full coverage.<sup>29</sup>

*Right to an adequate standard of living*

22. MOSCTHA asserted that the COVID-19 pandemic had exposed structural inequalities faced by marginalized populations, and factors such as lack of access to medical care, high medication costs, poor living conditions, and economic precarity had disproportionately impacted vulnerable groups, including migrants, refugees, Dominicans of Haitian descent without documentation, people living with HIV, women and girls, and populations in marginalized areas.<sup>30</sup>

23. JS3 reported that, while the government was developing several housing projects, these plans responded to a market policy and offered housing to families in the formal sector with middle and upper-middle incomes, excluding the most impoverished sectors. It asserted the housing deficit was compounded by the increase in mass forced evictions from impoverished communities, while some 2,000 families remained in shelters following storms and hurricanes, without a policy providing an alternative housing solution.<sup>31</sup> Dwellings in the “bateyes” were reportedly extremely modest, precipitating concerns regarding lack of privacy, sanitation and waste management, water and electricity.<sup>32</sup> JS4 noted that, following a public call by the General Directorate for Migration not to rent housing to individuals in irregular migration status, evictions of people of Haitian origin had been documented.<sup>33</sup>

24. JS3 recommended that the Dominican Republic: ensure the envisaged 1% of gross domestic product (GDP) is allocated entirely to the construction of housing in the most impoverished areas over the next 10 years; provide legal assistance to ensure victims from the most marginalized sectors have access to judicial remedies in cases of violation of the right to adequate housing, especially forced evictions; develop a Ten-Year Housing Plan to guarantee the construction of social housing in the most impoverished areas and ensure that such housing is received by those who truly need it; develop a public policy that improves the habitat of impoverished communities on third-party land, guaranteeing the permanence of families in the territory with adequate compensation to the owner of the land and the titling of families in their homes; improve housing conditions in the “bateyes”, providing higher quality homes, an adequate sanitation system and accessibility to drinking water; and ensure that the authorities comply with the strictest procedure for forced evictions, including procedural safeguards such as consulting those affected, a sufficient period of notice, and housing alternatives.<sup>34</sup>

25. WCC-CCIA stated that social marginalization created by the deprivation of identity documentation was a major obstacle to overcoming structural poverty, especially in rural areas, and that in the sugar cane plantations, generations of people of Haitian descent lived in neglected circumstances. Denied the right to nationality, they were unable to enjoy other human rights and overcome marginalised living situations, including insufficient drinking water and limited access to sanitation systems. The COVID-19 pandemic had also reportedly aggravated pre-existing inequalities resulting from statelessness.<sup>35</sup> WCC-CCIA recommended allowing Dominicans of Haitian descent non-discriminatory to have access to government programs targeted to reduce poverty and famine.<sup>36</sup>

*Right to health*

26. MOSCTHA contended that: the disparity in service costs for those with and without insurance created a barrier to healthcare access; the availability of counterfeit medications forced patients to purchase from more expensive pharmacies to ensure authenticity; and individuals faced barriers to accessing mental health specialists, including costs, exclusion in private insurance, and the stigma surrounding mental health issues.<sup>37</sup> MOSCTHA recommended the Dominican Republic allocate 5% of GDP to comprehensive healthcare, create a comprehensive, inclusive and non-discriminatory public healthcare system, establish mechanisms for reporting, prosecuting, and penalizing medical malpractice, and propose legislation that classifies the sale of counterfeit medicines as voluntary manslaughter.<sup>38</sup>

27. MOSCTHA reported that the provision of health services to Dominicans of Haitian descent, Haitian migrants, and Afro-descendants was limited by segregation, refusal to provide documentation, xenophobic discourse, denial of nationality, and economic exclusion, while state immigration raids carried out in health centres prevented the care of undocumented black women or Haitian migrant women.<sup>39</sup> JS4 highlighted that the decision

by the National Migration Council to deny access to health services to those in irregular migration status and non-residents had had a disproportionate impact, especially on pregnant and lactating women, and access to social services had been particularly restricted during the COVID-19 pandemic for people of Haitian origin.<sup>40</sup> JS3 asserted that, due to pronouncements by officials about the high public health expenditure for the care of Haitian women, some hospitals had been reluctant to treat them or subjected them to obstetric violence.<sup>41</sup>

28. SCU-IHRC recommended that the Dominican Republic ensure equal access to public health institutions for all Dominicans of Haitian descent, and instruct staff at these institutions to not discriminate against them.<sup>42</sup> JS4 recommended dismissing the decision by the National Migration Council and developing, implementing, and monitoring guidelines for officials to ensure non-discriminatory access of foreign-origin individuals to public health and education services.<sup>43</sup> JS3 recommended undertaking a campaign on the eradication of different types of violence, including institutional violence against migrant women.<sup>44</sup>

29. JS3 reported that workers in the sugar industry lacked access to health insurance that provided them with basic medical care. Workers who were no longer able to work, due to illness or advanced age, lacked access to healthcare services in social security systems. Some sugar companies had medical clinics exclusively for those with private insurance, excluding Haitian workers, whereas other companies provided no assistance. It noted the Primary and Ambulatory Care Units that served the population in some “bateyes” lacked the required medicines and in some cases were not operational.<sup>45</sup> JS3 recommended that the Dominican Republic ensure that all workers and their families have access to health insurance by guaranteeing basic medical care and strengthen the capacities of the Units.<sup>46</sup>

30. JS2 and MOSCTHA identified high maternal mortality rates, teenage pregnancies, inadequate sex education, high rates of HIV/AIDS transmission and sexually transmitted diseases, a lack of access to contraceptives, and the absolute prohibition of abortion, among the problems related to reproductive health.<sup>47</sup> JS5 reported that the National Response to HIV campaign to prevent HIV/AIDS transmission had proven ineffective, with the general population unaware of them, while the disease continued to spread.<sup>48</sup> ECLJ also commented on issues related to abortion.<sup>49</sup> Broken Chalk recommended advancing sexual and reproductive health information for adolescents by raising awareness about available medical services and contraceptive options, and decriminalising abortion to prevent women from turning to illegal and sometimes life-threatening solutions.<sup>50</sup> JS2 recommended that the government promulgate the implementing regulations for Act No. 135-11 on HIV/AIDS.<sup>51</sup>

31. JS2 and JS5 highlighted that drug testing hindered access to employment for individuals with substance use disorders, and that people who tested positive for psychoactive substances were treated as criminals, as both the drug law and those who enforced it did not see consumption as a disease.<sup>52</sup> JS5 recommended that the government modify Law 50-88 on Drugs and Controlled Substances to include people with substance use disorders, from a health-centred perspective.<sup>53</sup>

#### *Right to education*

32. JS4 and SCU-IHRC reported that many Dominicans of Haitian descent had been unable to obtain the documentation arbitrarily required of them to pursue education.<sup>54</sup> JS4 noted that most children of Haitian origin were unable to participate in remote learning during the pandemic due to a lack of access to electricity, the internet, and educational support at home.<sup>55</sup> JS3 noted that, in some provinces, access to free education was partially restricted, especially for children of Haitian nationality and/or of Haitian descent, despite the fact that this was a right protected by the Constitution, following a provision of the Ministry of Education for the 2022/2023 school year applied in a discretionary manner.<sup>56</sup>

33. SCU-IHRC recommended that the government ensure equal access to public educational institutions for all Dominicans of Haitian descent, without discrimination or arbitrariness in applying the law, and instruct staff at such institutions to not discriminate against them.<sup>57</sup> JS3 recommended guaranteeing the right of access to education for all children without distinction.<sup>58</sup>

34. Broken Chalk called upon the Dominican Republic authorities to: continue strengthening access to quality education, safeguarding women’s academic equality, and

eliminating the biased treatment of citizens of foreign descent; develop primary school curricula to better equip students with basic literacy skills; fill in the gaps between education in rural and urban areas by increasing resources in less-developed regions; conduct research on the learning losses during the COVID-19 pandemic and offer supplementary classes for the most vulnerable students to avoid class repetition; in cases of teenage pregnancy, foster school continuation by offering alternative lesson attendance and psychological support; eliminate barriers of statelessness to education, by recognising the human right to nationality; and speed up civil registry mechanisms to equip students with the necessary documentation to excel.<sup>59</sup>

*Development, the environment, and business and human rights*

35. JS1 contended that there had been inadequate investigation into the acts of corruption that allegedly surrounded the process of bidding, contract awards, and construction of the Punta Catalina Thermoelectric Power Plant, the largest state-owned power generation company in the country. It noted that, following a confession of bribery by one of the constituent businesses in the consortium that won the construction contract, regarding several contracts it had been awarded, the Attorney-General had excluded investigation of this company from the broader framework of corruption investigations undertaken. It asserted that the alleged bribes exerted an undue influence on a decision that threatened the health and life of present and future generations in the country.<sup>60</sup>

36. JS1 reported that the above plant burned approximately 160,000 tons of coal per month, thus emitting high levels of gases and particulate matter that affected the air quality of a large part of the Dominican territory and exposed the population to dangerous concentrations of air pollutants. This was reportedly associated with an increase in related illnesses, toxic ash that affected crops, and potential groundwater contamination in the absence of a system to sustainably manage plant waste.<sup>61</sup> JS1 stated that the commissioning of a plant based on coal combustion not only deepened the country's dependence on imported fossil fuels, but also perpetuated climate change, to which the Dominican population was especially vulnerable.<sup>62</sup>

37. JS1 recommended that the Dominican Republic: investigate the facts of the corruption surrounding the construction of the plant and ensure related punishment of all those responsible, including public officials, third parties, and private companies; take urgent action to decarbonise the energy sector, starting with the closure of the plant by 2028; establish and implement an energy transition plan aimed at replacing coal-fired and other fossil fuels with renewable energy sources and modalities; conduct a comprehensive public assessment of the health impacts of the combined exposure to plant airborne emissions and toxic waste; create a monitoring system for plant emissions, including channels for interested communities to access this information; adopt and enforce substantive environmental standards that protect the population from pollution by public and private actors; ensure the sustainable management of toxic coal ash from the plant; promote the remediation and rehabilitation of sites contaminated by ash from the plant; and assess the impact that the plant's operation and improper management of its toxic waste has on water availability for present and future generations in the country.<sup>63</sup>

## **2. Rights of specific persons or groups**

*Women*

38. IACHR and JS2 expressed concern that pregnant women of Haitian nationality or descent had been detained at health centres and deported.<sup>64</sup> IACHR urged the State to respect the principle of non-refoulement and ensure the protection of populations on the move.<sup>65</sup> JS2 recommended promoting the protection of the human rights of women in vulnerable situations.<sup>66</sup>

39. JS2 and MOSCTHA highlighted the low participation of Dominican women in the political sphere.<sup>67</sup>

### *Children*

40. JS5 commended the enactment of Law 1-2021 stipulating that individuals under the age of eighteen could not marry under any circumstances.<sup>68</sup> While recognizing that this law was a step forward, JS2 noted that it did not refer to early unions, which was the most common practice and closely related to teenage pregnancies.<sup>69</sup>

41. ECP highlighted that the prohibition of corporal punishment still needed to be achieved in the home, alternative care settings, and day care. It noted that legal provisions against violence and abuse were not interpreted as prohibiting all corporal punishment, and that a 2019 Positive Parenting Bill aiming to explicitly prohibit all corporal punishment of children had not yet been adopted. It recommended that the Dominican Republic intensify its efforts, including amending its Criminal Code, to clearly prohibit all corporal punishment of children, however light, in every setting of their lives.<sup>70</sup>

42. JS3 asserted that insufficient progress had been made in setting up municipal offices of the National Council for Children and Adolescents. It noted the Council did not provide the legal support required by Haitian children, despite being mandated to do so by Law 136-03, and thus minors reaching the age of majority in homes had to leave them without any identity document. It reported the situation of minors on the northern border had worsened, due to the deportation of children of mixed couples, or the absenteeism of Haitian minors or minors of Haitian descent given the fear of deportation and the verbal violence they experienced at school.<sup>71</sup> JS3 recommended the government provide access to documentation that protects and helps re-establish the lives of children of Haitian nationality or stateless children of Haitian descent, and victims of trafficking, domestic violence, abuse and/or abandonment, who were under the protection of the Dominican State.<sup>72</sup>

### *Persons with disabilities*

43. FVPS reported that there were an estimated 85,000 persons under the age of 19 who had some type of disability, less than 27% of whom received support from the public sector. It highlighted the importance of support for formal education at the national level, ensuring equal opportunities, and broad consultations to inform investment programmes to address the socio-economic conditions of persons with disabilities. It noted the value of raising awareness within communities on the rights of persons with disabilities, including through the capacity building of teachers and community leaders on implementing related laws.<sup>73</sup>

### *Lesbian, gay, bisexual, transgender and intersex persons*

44. JS5 and JS6 commended the issuance of General Instruction No. 000002, whose Article 6 stipulated respect for gender identity.<sup>74</sup> JS6 also praised the National Human Rights Plan 2018–2022, which had been extended to 2024, and committed the National Congress to review existing legislation that criminalized various forms of discrimination and hate crimes on grounds of gender, sexual orientation, or gender identity, and to promote the submission and approval of the General Gender Equality and Non-Discrimination Law.<sup>75</sup>

45. JS5 reported that legal frameworks provided various protections for vulnerable groups, but that these protections did not extend to transgender women. It noted that historically, transgender women, lesbians, and gay men had faced discrimination, marginalization and, at times, violence, due to prejudice, with many of these crimes remaining unresolved. Workplace discrimination against transgender people was reportedly also high, while Dominican doctors were not sensitized to the needs of transgender women and lacked the necessary medical equipment and training to provide care.<sup>76</sup> JS6 highlighted that LGBTI+ individuals were excluded from exercising basic rights such as legal recognition of their identities, that there was public opposition to marriage equality, and that transgender individuals were unable to change their names.<sup>77</sup> It underscored that in the 2021 discussion on the bill to reform the penal code, approved measures represented a setback in ensuring non-discrimination for LGBTI individuals.<sup>78</sup>

46. JS5 and JS6 recommended launching campaigns to break social stereotypes and stigmas, and providing training to law enforcement officials on the human rights of LGBTI individuals.<sup>79</sup>

47. JS5 recommended that the Dominican Republic: adopt a penal code that sanctioned demeaning and discriminatory behaviours based on sexual orientation, gender identity, and gender expression; recognize crimes motivated by prejudice in the draft penal code; maintain oversight and implement other actions to prevent, reduce, and address student discrimination based on sexual orientation, gender identity, nationality, race, colour, or social status; adopt protocols and/or public policies to combat related school bullying; and establish protocols to ensure effective access to healthcare for transgender, lesbian, and gay individuals.<sup>80</sup>

48. JS6 recommended that the government ensure the promotion and enforcement of regulations to improve the justice system's treatment of LGBTI individuals, maintain statistics and monitoring on cases of discrimination and crimes against them, introduce security measures to prevent and reduce all forms of related violence and discrimination, and establish specialized prosecution units and criminal investigation protocols to address cases of violence against LGBTI individuals.<sup>81</sup> It further recommended the development and approval of a comprehensive Gender Identity Law, promoting civil legislation to ensure the recognition of de facto unions and marriage equality for individuals of the same gender, taking action to prevent the approval of a new penal code with setbacks, and strengthening the capacities of state bodies to fulfil the National Human Rights Plan 2018–2024.<sup>82</sup>

#### *Migrants, refugees and asylum-seekers*

49. JS4 contended that there has been a tightening of migration policies since 2021, with the construction of a border wall with Haiti, the militarization of migration control, and the decision of the National Migration Council to prevent the entry of any foreign individual imposing an unreasonable burden on public finances, including women in a confirmed gestational state of six months or more. It reported that individuals of Haitian origin were subjected to greater restrictions on their mobility and access to Dominican nationality, that descendants of Haitian parents had less access to Dominican documentation, and that there had been an increase in arbitrary deportations and the persecution of individuals of presumed Haitian origin based on skin colour. JS4 asserted that authorities continued to arbitrarily detain and deport Dominican and Haitian individuals with regular migration status, with reports of excessive use of force, ill-treatment, and inhumane detention conditions, while there were reported cases of migration detention of children and vulnerable persons, including pregnant or lactating women of Haitian origin. JS4 stated that these policies also exposed Dominicans of Haitian descent and migrants to human trafficking.<sup>83</sup>

50. JS3 made similar observations as given above, and additionally reported that in September 2023 the General Directorate of Migration suspended the issuance and renewal of all documents to Haitians, placing them in an irregular situation and exposing them to a high risk of deportation. It noted that in September 2023 a series of violent deportations took place in the “bateyes”.<sup>84</sup>

51. JS3 and JS4 recommended that the Dominican Republic design and implement migration policies based on respect for the human rights of migrants; identify, assist and protect trafficking victims of Haitian origin without discrimination, with particular attention to minor victims, immediately end arbitrary and mass detentions and deportations, in particular of pregnant or lactating women and children; and ensure that state actors are trained and respect the rights of people on the move.<sup>85</sup> JS3 recommended to resume the renewing of residence and/or temporary work permits, enable the border inhabitant's card, and create an office to monitor and protect the rights of migrant women and minors.<sup>86</sup> It recommended taking legal measures to criminalize acts of violence against Haitian migrants.<sup>87</sup>

52. JS3 stated that various phenomena at the border with Haiti such as disorganized trade, lack of institutions, robberies, and human trafficking, led to abuses by the authorities such as retention of goods, bribery, and arbitrary border closure. It recommended to demilitarize the border control policies and combat the corruption of authorities.<sup>88</sup>

#### *Stateless persons*

53. SCU-IHRC outlined the effects of the September 2013 Constitutional Court Judgment (TC-168-13) that retroactively stripped away the Dominican nationality of thousands of Dominicans of Haitian descent who had Dominican nationality because they were born in



the country at a time when the applicable Constitution recognized their Dominican nationality through the *ius soli* principle. SCU-IHRC also reported that subsequent adoption of Law No. 169-14, which was supposed to grant Dominican nationality to two categories of persons – restoring nationality to those born in the country between June 16, 1929 and April 18, 2007 who had been registered in the civil registry (Group A), and naturalizing those born to foreign parents with an irregular migration status who had not been registered in the civil registry (Group B) – , failed to address the harmful effects of judgement TC-168-13. SCU-IHRC asserted that the State continued to deny many Dominicans of Haitian descent access to the official identity documents needed to enjoy their basic human rights, while many government offices to process identification documents had been closed.<sup>89</sup> JS2 and JS4 made similar assertions.<sup>90</sup>

54. JS4 reported that denationalized individuals continued to face statelessness, due to flaws in the law and challenges in its implementation, as well as a lack of political will to resolve the situation of stateless individuals, estimated to number at least 130,000.<sup>91</sup> It highlighted that the Constitution adopted in 2010 denied the right to nationality to descendants of irregular migrants, but enshrined this right for all individuals who held Dominican nationality before its entry into force.<sup>92</sup>

55. JS3 and JS4 noted that Presidential decrees 262-20 and 297-21 granted naturalization to 799 persons, with only 38 people benefitting thus far from decree 297-21. Individuals in a Group B2 also shared the characteristics of those in Group B but could not or did not want to register in Group B, numbering approximately 23,700 people.<sup>93</sup>

56. IACHR called on the State to adopt effective measures to restore the right to nationality to stateless persons and to refrain from adopting laws, public policies and/or measures that generate risks of statelessness in the country.<sup>94</sup> SCU-IHRC recommended that the Dominican Republic: acknowledge the existence and causes of statelessness in the country; ensure the registration of every Dominican of Haitian descent entitled to Dominican nationality under domestic legislation in force between 1929 and January 26, 2010; leave without legal effect articles of Law 169-14 requiring Dominicans of Haitian descent whose birth was not previously registered to go through a naturalization process; adopt new legislation recognizing the right to Dominican nationality of all those born in the country before January 26, 2010; and guarantee the right to Dominican nationality of all people born after January 26, 2010 of foreign parents in regular migration status.<sup>95</sup>

57. JS4 recommended to restore citizenship to all stateless individuals affected by Judgment 168-13 within a period not exceeding two years, fully implement Presidential Decrees 262-2020 and 297-21 within four months, conclude within one year the process of restoring nationality under Law 169-14 for individuals of Groups A and B, and adopt a decree establishing a mechanism for the reestablishment of nationality for individuals of Group B2.<sup>96</sup>

58. JS3 recommended to ensure that the regulations to implement Law 169-14 are duly applied so that persons belonging to Groups A and B are naturalized and receive identity documents after 4 years, resume procedures so that all persons in Group B of decrees 262-20 and 297-21 can be naturalized, and explore ways to grant “B2” people Dominican nationality.<sup>97</sup>

59. JS2 recommended to eradicate and prevent statelessness by creating mechanisms to benefit the victims of Judgment 168-13, given that Law 169-14 had not solved the problem caused by the Judgment, and avoid criminalizing migration.<sup>98</sup>

60. WCC-CCIA recommended that the government work together with UNHCR in recognising statelessness in the country, take measures to address the institutionalized discrimination against “Dominicans of Haitian descent” through awareness-raising campaigns, recognize their citizenship and ensure that they are recognized in law as “Dominicans”, provide clear information concerning the results of the implementation of law 169-14, abstain from deportations and the forced return of persons, particularly of Haitian descent, who are – or are at risk of being – stateless, and facilitate a discussion forum with civil society to work towards a solution to the situation of persons who are – or are at risk of being – stateless.<sup>99</sup>

## Notes

<sup>1</sup> A/HRC/41/16, A/HRC/41/16/Add.1, and A/HRC/41/2.

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org) (one asterisk denotes a national human rights institution with A status).

*Civil society**Individual submissions:*

Broken Chalk CGNK	The Stichting Broken Chalk, Amsterdam (Netherlands); Center for Global Nonkilling, 1218 Grand-Saconnex (Switzerland);
ECLJ	European Centre for Law and Justice, The, Strasbourg (France);
ECP	End Corporal Punishment, Geneva (Switzerland);
FVPS	Fundación Voz Para Sordos, La Vega (Dominican Republic);
MOSCTHA	Movimiento socio cultural para los trabajadores haitianos, Santo Domingo Norte (Dominican Republic);
SCU-IHRC	Santa Clara University – International Human Rights Clinic, Santa Clara (United States of America);
WCC-CCIA	World Council of Churches Commission of the Churches on International Affairs, Geneva 1211 (Switzerland).

*Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> Colectivo EPU RD, Paris (France); Federación Internacional por los Derechos Humanos (FIDH); Comité Nacional de Lucha contra el Cambio Climático (CNLCC) Instituto de Abogados para la Protección del Medio Ambiente (INSAPROMA);
JS2	<b>Joint submission 2 submitted by:</b> COALICIÓN DOMINICANA POR EL RESPETO A LOS DERECHOS HUMANOS Y LA JUSTICIA RACIAL, Santo Domingo Norte (Dominican Republic); Organizaciones que trabajan por la defensa, la promoción y el respeto de los derechos humanos de los grupos tradicionalmente excluidos, especialmente: migrantes, dominicanos/as de ascendencia haitiana, personas que viven con VIH, mujeres y las niñas;
JS3	<b>Joint submission 3 submitted by:</b> Dominicans for Justice and Peace, Geneva (Switzerland); Asociación Scalabriniana al Servicio de la Movilidad Humana (ASCALA) – Congregación de las Hermanas Misioneras de San Carlos Scalabrinianas (MSCS) – Hermanas de San Juan Evangelista – Centro Montalvo (SJ) – Radio Seybo – Ciudad Alternativa – Misioneras Dominicanas del Rosario – Frailes dominicos en la República Dominicana – Misioneros Dominicanos Selvas Amazónicas – Jesuitas Caribe – Comisión Nacional de Pastoral de Migrantes de la Conferencia del Episcopado Dominicano (CNPM) – Congregación de los Padres Carlistas Scalabrinianos;
JS4	<b>Joint submission 4 submitted by:</b> Institute on Statelessness and Inclusion, Eindhoven (Netherlands); Dominican@s por Derecho (DxD), el Centro por la Justicia y el Derecho Internacional (CEJIL), Robert F. Kennedy Human Rights (RFKHR) y el Instituto sobre Apatridia e Inclusión (ISI);
JS5	<b>Joint submission 5 submitted by:</b> Observatorio de Derechos Humanos para Grupos Vulnerabilizados, Santo Domingo (Dominican Republic); Centro de Orientación e Investigación Integral (COIN), Observatorio de Derechos Humanos para Grupos Vulnerabilizados (ODHGV), Trans Siempre Amigas (TRANSSA), Observatorio de Derechos Humanos de Personas Trans (ODHPT);
JS6	<b>Joint submission 6 submitted by:</b> Red Regional Sin Violencia LGBTI, Bogota (Colombia); Red Regional Sin Violencia LGBTI, Red de Litigantes LGBTI de las Américas, Trans Siempre Amigas – TRANSSA.

*Regional intergovernmental organization:*

IACHR

Inter-American Commission on Human Rights, Washington  
D.C. (United States of America).

- <sup>3</sup> JS2, p. 10e), JS4, para. 33 X, and WCC-CCIA, p. 6.2).
- <sup>4</sup> CGNK, p. 3.
- <sup>5</sup> JS2, p. 10c).
- <sup>6</sup> JS2, p. 10k).
- <sup>7</sup> JS4, para. 30.
- <sup>8</sup> JS3, para. 3.
- <sup>9</sup> JS3, p. 3 and JS4, para. 33V).
- <sup>10</sup> JS4, para. 33V).
- <sup>11</sup> JS2, pp. 10b), f) and g).
- <sup>12</sup> JS2, p. 10i).
- <sup>13</sup> JS5, para. 35.
- <sup>14</sup> JS2, p. 10l).
- <sup>15</sup> IACHR, p. 2 (with link to <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2023/106.asp>).
- <sup>16</sup> JS4, para. 32 and SCU-IHRC paras. 10–15.
- <sup>17</sup> SCU-IHRC, pp. 6a)–e).
- <sup>18</sup> ECLJ, paras. 20–23.
- <sup>19</sup> ECLJ, para. 25.
- <sup>20</sup> JS3, p. 7.
- <sup>21</sup> SCU-IHRC, para. 19.
- <sup>22</sup> JS2, para. 22.
- <sup>23</sup> SCU-IHRC, pp. 8a)–c).
- <sup>24</sup> JS3, paras. 28–31.
- <sup>25</sup> JS3, p. 10.
- <sup>26</sup> JS2, para. 20 and JS5, paras. 12 and 21.
- <sup>27</sup> JS5, paras. 49–50.
- <sup>28</sup> JS5, paras. 34 and 37.
- <sup>29</sup> MOSCTHA, p. 5.
- <sup>30</sup> MOSCTHA, p. 3.
- <sup>31</sup> JS3, paras. 32–35.
- <sup>32</sup> JS3, paras. 37–41.
- <sup>33</sup> JS4, para. 31.
- <sup>34</sup> JS3, p. 13.
- <sup>35</sup> WCC-CCIA, pp. 3–4.
- <sup>36</sup> WCC-CCIA, p. 6).
- <sup>37</sup> MOSCTHA, pp. 3–5.
- <sup>38</sup> MOSCTHA, p. 5.
- <sup>39</sup> MOSCTHA, p. 3.
- <sup>40</sup> JS4, paras. 27–29.
- <sup>41</sup> JS3, para. 23.
- <sup>42</sup> SCU-IHRC, pp. 9a)–b).
- <sup>43</sup> JS4, para. 33 VIII.
- <sup>44</sup> JS3, p. 9.
- <sup>45</sup> JS3, para. 24.
- <sup>46</sup> JS3, p. 9.
- <sup>47</sup> JS2, para. 24 and MOSCTHA, pp. 4–5.
- <sup>48</sup> JS5, para. 13.
- <sup>49</sup> ECLJ, paras. 12–19 and 24.
- <sup>50</sup> Broken Chalk, paras. 42–43.
- <sup>51</sup> JS2, p. 10j).
- <sup>52</sup> JS2, para. 21 and JS5 para. 11.
- <sup>53</sup> JS5, para. 42.
- <sup>54</sup> JS4, para. 28 and SCU-IHRC, para. 20.
- <sup>55</sup> JS4, para. 29.
- <sup>56</sup> JS3, paras. 19–20.
- <sup>57</sup> SCU-IHRC, pp. 9a)–b).
- <sup>58</sup> JS3, p. 8.
- <sup>59</sup> Broken Chalk, paras. 38–41 and 43–45.
- <sup>60</sup> JS1, paras. 1–2, 8–19 and 41.

- <sup>61</sup> JS1, paras. 20–36.
- <sup>62</sup> JS1, para. 39.
- <sup>63</sup> JS1, pp. 16–18.
- <sup>64</sup> IACHR, p. 2 (with link to <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/320.asp>) and JS2 paras. 30–31.
- <sup>65</sup> IACHR p. 2 (with link to <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/320.asp>).
- <sup>66</sup> JS2, p. 10h).
- <sup>67</sup> JS2, para. 24 and MOSCTHA, p. 5.
- <sup>68</sup> JS5, para. 36.
- <sup>69</sup> JS2, para. 28.
- <sup>70</sup> ECP, paras. 1.2–2.9.
- <sup>71</sup> JS3, paras. 21–22.
- <sup>72</sup> JS3, p. 8.
- <sup>73</sup> FVPS, pp. 4–6.
- <sup>74</sup> JS5, para. 38 and JS6, para. 19.
- <sup>75</sup> JS6, para. 6.
- <sup>76</sup> JS5, paras. 10, 19, 24 and 30.
- <sup>77</sup> JS6, para. 5.
- <sup>78</sup> JS6, paras. 9–10.
- <sup>79</sup> JS5, paras. 40 and 44, and JS6, paras. 26 and 28.
- <sup>80</sup> JS5, paras. 40–41, and 43–47.
- <sup>81</sup> JS6, paras. 25–28.
- <sup>82</sup> JS6, paras. 12–15.
- <sup>83</sup> JS4, paras. 16–25.
- <sup>84</sup> JS3, paras. 10–17.
- <sup>85</sup> JS3, p. 6 and JS4 para. 33 VI, VII and IX.
- <sup>86</sup> JS3, p. 7.
- <sup>87</sup> JS3, p. 2.
- <sup>88</sup> JS3, paras. 25–27 and p. 10.
- <sup>89</sup> SCU-IHRC, paras. 1–9.
- <sup>90</sup> JS2, para. 19 and JS4 paras. 7–14.
- <sup>91</sup> JS4, paras. 7–15.
- <sup>92</sup> JS4, paras. 7, 9 and 15.
- <sup>93</sup> JS3, paras. 6 and 9 and JS4 paras. 11, 13 and 33.
- <sup>94</sup> IACHR, p. 3 (with link to <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2023/232.asp>).
- <sup>95</sup> SCU-IHRC, pp. 3–4a)–e).
- <sup>96</sup> JS4, paras. 33 I–IV.
- <sup>97</sup> JS3, p. 4.
- <sup>98</sup> JS2, pp. 10e)–f).
- <sup>99</sup> WCC-CCIA, pp. 6.1), 3)–5) and 7)–8).
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