

Denationalization of Dominicans of Haitian descent:

Since the beginning of the International Law of Human Rights it has always given great importance the right to have a name and a nationality, the right to legal personality, including the very right to be registered at birth, and this is why they have It has been included in nearly all treaties and conventions formulated by the United Nations. Respect and exercise of these rights lead to guaranteed access to all other political and civil rights (like the right to vote, equality before the law, family) and economic, social and cultural rights (such as health and education), so for example as in my institution, the Movement of Dominican Haitian Women, we say we are fighting for the right to be entitled.

Unfortunately, in Dominican Republic the enjoyment of the right to nationality is almost impossible for people of Haitian descent. For decades there has been de facto discrimination to access to identity documents, and since 2004, Dominicans of Haitian descent have faced a hostile onslaught of legislative changes and administrative policies that have further restricted the ability to exercise the right to nationality and identity that is guaranteed to us by the Dominican Constitution.

Being discriminated because of our origin and our skin color, thousands of Dominicans of Haitian descent have been rendered stateless, excluding us from the political, economic, social and cultural life of our country. An amendment made in January 2010 to the Constitution of the Republic threatens to make permanent this situation of discrimination and statelessness.

All this has been quite documented by many international human rights organizations, for example, in 2008, the Committee on the Rights of the Child showed much concern of the fact that a large number of children of Haitian decedent are continually not being recorded, and the "pink certificate" could be used as an excuse to discriminate against children and deny them their right to a nationality.

Also in that same report, the Committee expressed concern that our children, ie the children of Haitian immigrants and people of Haitian descent, have limited access to education, care health and social services that all children who are in the territory of the Dominican Republic and the world should have the same right in accordance with the Convention.

In the Report of the Working Group on the Universal Periodic Review, the members of the working group recommended that the Dominican Republic "adopt measures to ensure that Dominicans of Haitian descent are not denied citizenship or access to civil registration procedures and that they are not arbitrarily subject to retroactive cancellation of birth and identity documents "and" apply policies and practices that are consistent and non-discriminatory citizenship ".

Despite all the pronouncements made by international organizations and national organizations, the Dominican State through a series of **legislative measures** such as the Migration Act 2004 and the Constitution of 2010, **judicial measures** such as the judgment of the Supreme Court of 2005 and **administrative measures** as the Circular No.17 and No.12

Resolution 2007 of the Central Electoral Board has severely restricted access to identity documents of people of Haitian descent who already enjoyed Dominican nationality.

All these measures have now been enshrined in the Constitutional Reform enacted on January 26, 2010, in which states, contrary to what was said by the Interamerican Court in the case Jean and Bosico, the immigration status of the father is now a requirement for the acquisition of Nationality, determining the Dominican Nationality discriminatory and with a disproportionate effect on the population of Haitian descent.

It affects us in practical terms, the lack of birth certificates and identity cards, are essential documents in order to enjoy a number of fundamental rights. They are necessary, for example, to complete high school and college, to marry, to access the health system, to vote, to get a job in the formal sector of the economy, to buy property, to register the birth of children, among others, all these issues which of course affect women in general, violence grows at the family level, teens are exposed to fall into prostitution or have early pregnancies, or have to marry very young because they have no other expectations of subsistence. They miss opportunities to study and few who find work tend to be exploited by not being able to make legal claims, and by fear of jeopardizing their work it leads to face situations of physical, verbal, sexual, and economic abuse.

I would like to cite some cases to illustrate the situation that Dominican women and girls of Haitian descent live:

To illustrate how this situation affects us in what has to do with access to justice, we have case of a recent murder of a 9 year old girl, **BERLINA CELSA**. On September 21, the mother of this child went to work and left her taking care for her younger siblings, a man entered the house, took the girl, raped, tortured, and then killed her. The murderer was released hours later on bail of 500 pesos (\$13 UDS). But the oddest thing about this case is that the prosecutor told the lawyer representing the girl, that girl did not really exist because she did not have documents ... imagine, one more example of what it means not to have documents.

Yolena Noel is a young Dominican women of Haitian descent, single mother of four children, Yolena is from a batey in the area of San Luis. She decided to complete high school because she wanted to go to college, finish a career and be able to give to her children a better life. Unfortunately, she could not finish her studies because she was denied a copy of your birth certificate for the test of national examinations. Yolena not only had to leave school but also now their children are being affected and unable to continue in school.

Siani Yude, is Dominican of Haitian descent, is a lawyer and mother of a 14 year old girl. Siani despite all adversities finished college, but spent two years without being able to get her law degree. In the end, she had to go to the media accompanied by lawyers MUDHA and after several interventions in the media, a judge from the JCE authorized to handle an extract from her record so she could take her title. However, a few months later Siani was invited by his church mission abroad and when she tried to renew her passport, she was

denied a copy of her birth certificate again, and told that her case was still under investigation.

There is no legal justification to support this situation, nor in the previous constitution, which allowed us to have the nationality, not in the present constitution, which clearly states that "Dominicans are all those who enjoyed the nationality prior to the entry into force of the new Constitution ". Besides, all these cases are people who were born more than 20 or 30 years ago under legislation that granted them the nationality and was the same state who recognized them that right.

Even in a clear intention by the state to make us believe that Dominicans of Haitian descent population is very small in the country, it is important to note that they represent approximately 10% of the total population of the Dominican Republic, in a way this has stopped the human development of these people and represents a large-scale atrocity.

That is why we continue to insist that:

1. The Dominican authorities declare without effect the resolution 012 of 2007 and any administrative practices that exclude and violate all the rights of Dominicans of Haitian descent.
2. That the various UN agencies, verify that the subsidies granted to the Dominican State agencies are not used to implement and promote policies of exclusion and marginalization of the most vulnerable.

Thank you very much!