

Statement on the decision of the Dominican Republic's Supreme Court of Justice invalidating the original birth certificate of Juliana Deguis Pierre

The Socio-Cultural Movement of Haitian Workers (MOSCTHA for its Spanish acronym), the legal team of the Jacques Viau Network, the Fundación Derechos Vigentes, the Institute on Race, Equality and Human Rights and Robert F. Kennedy Human Rights express our deep concern over the decision adopted on February 27, 2021 by the Dominican Republic's Supreme Court of Justice (SCJ) which declared the invalidity of the original birth certificate of Juliana Deguis Pierre, whose case gave rise to the much-criticized Judgment 168-13, which not only affected her, but also stripped thousands of Dominicans of Haitian descent of their Dominican nationality in 2013.

Under 2014's Law 169-14, Ms. Deguis Pierre has the right to the restoration of her nationality and to access her Dominican identity documents. In June 2014, one month after Law 169-14 was passed, the birth record of Ms. Deguis Pierre was eliminated from the original record where it had been registered since her birth and was registered in a registry called the "Transcription Book", something that was not contemplated or authorized by Law 169-14 or any other law. In fact, Law 169-14 requires transcription in the civil registry books, not in a segregated book arbitrarily created by the Central Electoral Board (JCE for its Spanish acronym), the Dominican agency in charge of the civil registries. She received a "transcribed" birth certificate with different numbers than those on her original certificate. Even before the enactment of Law 169-14, the JCE demanded the invalidity of Ms. Deguis Pierre's original birth certificate and in October 2014 the JCE requested to reopen the case to impose the transcribed birth certificate of Ms. Deguis Pierre in place of her original. In September 2016, the Monte Plata court of first instance confirmed the invalidity of her original birth certificate and Ms. Deguis Pierre appealed the decision. On January 27, 2021, the First Chamber of the Supreme Court of Justice issued Sentence Number 120 that rejected her appeal in favor of the JCE. Ms. Deguis Pierre again appealed and this most recent decision of the Civil Chamber of the Supreme Court of Justice, the court of last resort, confirmed the validity of her transcribed record.

This is the latest example of the intransigence of different levels of Dominican authorities who have pursued five sentences against Mrs. Juliana Deguis Pierre. With the SCJ ruling, any recourse tending to reject denationalization is closed internally. All the measures that have been taken to mitigate the effects of denationalization leading to statelessness are rendered meaningless. The fundamental rights of Mrs. Deguis Pierre and the more than 253 thousand Dominicans of Haitian descent have been violated under the indifferent gaze of the Dominican State.

The so-called "Transcription Book" lacks legal legitimacy. The transcription process segregates Dominicans of Haitian descent from other Dominicans, literally by creating a separate registry classifying them as a different class of citizens, despite their incontrovertible right to Dominican nationality. The signatory organizations have consistently pointed out that victims of these denationalization policies, including Ms. Deguis Pierre, face obstacles in registering the birth of



their children, enrolling in university, finding stable employment, or accessing health services. social or medical insurance, among many other necessities of daily life, the impact of which is exacerbated in the current context of the COVID-19 pandemic.

The SCJ's most recent decision upholds the faulty, racist and discriminatory logic of 2013's Judgment 168-13 and affects thousands of people of the same ethnic profile as Ms. Deguis Pierre. The ruling, coupled with the recent announcement by the Dominican government to build a wall on the Dominican-Haitian border, demonstrates the continuation of the State's discriminatory policies towards Haitians and towards its own Dominican citizens of Haitian descent, rather than seeking to protect and guarantee their human rights.

We urgently call on the Dominican State to immediately eliminate the practice of using the "Transcription Book" and promising the invalidation of original birth certificates and commit to adopting a registration system free of discrimination to guarantee the nationality of Dominican people of Haitian descent. Furthermore, we urge the State to comprehensively address the racial discrimination and historical xenophobia that has permeated many sectors of Dominican society and that is at the root of its denationalization and anti-immigrant policies.