

Hope for co-existence

Advocating for better human rights for
Dominican-Haitians and Haitians living in
the Dominican Republic



Gianni Dal Mas

Issues of identity and nationality create tensions between Haiti and the Dominican Republic

Summary

For 10 years, Progressio has worked in the border region between the Dominican Republic and Haiti. It does so through development workers linked to local organisations.

The Dominican Republic and Haiti may be neighbours but their circumstances are vastly different.

The Dominican Republic has a considerable tourist industry. It is also a major international trader in sugar, coffee and tobacco.

Neighbouring Haiti is the poorest country in the Americas, with 80 per cent of the population living below the poverty line. Decades of poverty, violence, instability and dictatorship in Haiti have caused hundreds of thousands of its people to flee looking for a better life elsewhere.

Today, an estimated one million Haitians live in the neighbouring Dominican Republic, many of them illegally. Whilst they have provided the workforce for the Dominican Republic's growth – particularly the sugar industry – they are often not welcome and face discrimination. This affects every aspect of their lives, even to the point of not legally existing, as many Haitian immigrants have no legal documentation, and large numbers of people of Haitian descent born in the Dominican Republic are not registered at birth by the Dominican authorities.

1: The problem of migration

INSTABILITY AND VIOLENCE IN HAITI since the 1980s have led to grinding poverty, with much of the country's nine million population existing on less than a dollar a day.

This has led to the search for better-paid employment, education and quality of life outside Haiti. Thousands of Haitians migrate – both legally and illegally – to the Dominican Republic each year. There are an estimated one million Haitians in the Dominican Republic, and many thousands of Dominicans of Haitian descent whose actual number is not known.

Since the fall of the sugar industry in the 1970s, the economic contribution of Haitians and Dominican-Haitians has spread to other areas including agriculture, tourism and construction.

Life for an illegal immigrant involves a total lack of access to services like health, schools and housing. Illegal immigrants experience exploitation (low wages); poor housing conditions; discrimination and abuse from the general public; and live under constant fear of arrest and deportation.

Most temporary migrants and illegal immigrants are poorly served by public services such as health and education, in large part because they do not appear on government records.

The lack of legislation and policy on migration in Haiti has aggravated the problem. Everybody crossing the border is affected by this legal void: be it deported Haitians, seasonal workers or small traders.

The lack of a clear legal framework for migrant workers is an issue of human rights as many types of abuse are currently committed against them. The relationship between poverty and legality is often overlooked.

Obtaining birth certificates, passports and other official documents costs a relatively large amount of money. For the poor majority of Dominican-Haitians and Haitian immigrants living on less than a dollar a day, the difficulties involved in obtaining legal documents only exacerbate their vulnerability.

Stigmatising illegal people without considering the reasons for their illegality is not conducive to solving this difficult situation.

Recommendations

- 1.1 That the EU encourages the Dominican Republic to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by UN General Assembly resolution 45/158 of 18 December 1990. The Convention is clear in the different definitions related to the types of workers, and Article 7 states concisely non-discriminatory practices with respect to rights.
- 1.2 That the Dominican Republic government ensures that clear and transparent mechanisms exist for regularisation of the status of undocumented migrants resident in the Dominican Republic for a number of years. This should include those Haitians that are at present illegal and want to work in the Dominican Republic.
- 1.3 That the Dominican Republic government formulates and implements just and fair migration policies based on respect for the human rights of migrants
- 1.4 That the Dominican Republic government ensures that all deportations that occur are carried out in full conformity with Dominican laws and international human rights standards and with the minimum standards agreed with the Haitian authorities in 1999 and 2002.
- 1.5 That the Dominican Republic government ensures that Haitian immigrants secure the necessary employment and residency papers so that Haitian immigrants can access public services such as schooling and health.
- 1.6 That the UK and EU encourage the Dominican Republic government to recognise and highlight the positive contribution of the migrant communities particularly the Haitian migrant population living in the Dominican Republic.
- 1.7 That the UK and EU encourage more inter-cultural relations between the Dominican Republic and Haiti in an effort to reduce racism and discrimination.
- 1.8 That the UK and EU support documentation initiatives on both sides of the border with the aim of facilitating trade and managing border control in both countries.

2: The problem of acquiring a nationality

THE REAL PROBLEM – the stateless situation of many Dominican-Haitians whose fathers or mothers are Haitians or who were born in the Dominican Republic to Haitian parents – remains unchanged.

Second- or third-generation Dominican-Haitians, whose birth in the Dominican Republic should legally guarantee full citizenship, find that their rights are routinely abused, and experience the same levels of discrimination as recent immigrants.

A key ruling by the Inter-American Court of Human Rights (IACHR) in September 2005 found that the Dominican Republic had been wrong to deny nationality to two girls of Haitian descent. The ruling required the Dominican government to pay a modest sum in compensation and to simplify the procedures and requirements for Dominican-born Haitians to acquire Dominican nationality. In November 2007 the IACHR reported that so far the Dominican Republic has only complied with the compensation element of the judgement.

Moreover, a delegation from the UN Commission on the Convention of All Forms of Racial Discrimination (CERD) visited the Dominican Republic in October 2007. The two experts of the CERD in their preliminary report found that, while there is no official government policy of discrimination, there is nevertheless a profound and entrenched problem of racism and discrimination against groups like the Haitians, Dominicans of Haitian descent, and more generally against black people.

They also highlighted the discriminatory impact of some laws including those with regards to migration, civil status and the granting of Dominican citizenship to persons of Haitian heritage born in the Dominican Republic.

The CERD has called the Dominican Republic to attend its 72nd session, where the anti-discrimination efforts undertaken by the government will be reviewed. More recently, the US Department of State in its Human Rights country report for the Dominican Republic stated that although the government's human rights record has improved, there are still serious concerns, including the large number of functionally stateless persons, people trafficking, and severe discrimination against Haitian migrants and their descendants.

Case Study: Ruth Esther Gonzalez

Ruth is Dominican and married to Javier, a man of Haitian descent. The couple ran into problems when they tried to register the birth of their child, Stalin Javier Elistar.

Officials told the couple that their son could not be registered as he was considered Haitian, because his father was of Haitian descent.

'They were very dismissive,' Ruth recalls. 'They told me that I should register him as my child. But I don't want to seem like a single mother, when Stalin has a father. I felt so angry and betrayed by my own countrymen. They questioned my husband's nationality and have denied my child a sense of statehood.'

Ruth and Javier were planning to have more children, but are now frightened that these children would have similar problems.

Recommendations

- 2.1 That the UK and EU work closely with local and international NGOs and other international actors like the UN to reinforce their engagement with the Dominican Republic government in order to increase the level of response and action aimed at improving the legal, social and working conditions of Haitians and Dominican-Haitians living in the Dominican Republic.
- 2.2 That the Dominican Republic government respects the constitutional provision regarding the right of all persons born in the Dominican Republic to Dominican citizenship; accordingly, we call on the Dominican government to fully implement the judgement in *Yean and Bosico vs. Dominican Republic* (Inter-American Court of Human Rights, 8 September 2005) and to ensure that Dominican migration legislation is in conformity with this judgement.
- 2.3 That the Dominican Republic government introduces simpler and transparent procedures for Haitians and Dominican-Haitians to secure identity papers without discrimination.
- 2.4 That the Dominican Republic government adopts a transitional process for those people who have been in a stateless situation to facilitate their regularisation.

3: Relations between Haiti and the Dominican Republic

SIGNIFICANT INTERVENTION is urgently required to prevent tensions over border control and immigration from escalating into conflict.

The issue must be addressed by both the Haitian and Dominican governments, with the involvement of civil society groups and those who are already suffering from discrimination. Governments in the global North also have a key role to play in resolving the immediate problems, and building a stable foundation for the future.

A good relationship between the governments of Haiti and the Dominican Republic is fundamental in tackling the problem of illegal immigration. The international community also needs to encourage the Dominican and Haitian governments to develop a coherent cross-border migration policy. This should be based on respect for the human rights of migrants and their descendants, as well as the rights of the inhabitants of the border region

Unmanaged and uncontrolled migration contributes significantly to tense relations between Haiti and the Dominican Republic. Therefore their willingness to collaborate on this matter is vital to achieve a permanent solution.

Case Study: Mariana

Mariana (not her real name) was born in the Dominican Republic. Her parents came to the country in the 1950s seeking work. Despite having five sons and nine grandchildren, Mariana is effectively a non-person.

Her birth was not registered and her subsequent attempts to register it have failed. The cost and lengthy procedure involved have put her off trying again. This means that Mariana does not have a passport, making travel both inside and outside the country virtually impossible.

She says: 'I feel Dominican. I speak Spanish, not Creol. I'm angry that the government questions my nationality and identity.

'I would be considered a stranger in Haiti. The Dominican Republic government needs to make it easier for people to get documentation so that they don't suffer. I really hope that one day I'll have the proper documents and that my situation will be better.'



Gianni Dal Mas

A family is deported from the Dominican Republic

Recommendations

- 3.1 That the UK and EU serve as mediators between Haiti and the Dominican Republic to encourage more harmonious economic relations particularly in the border region.
- 3.2 That the EU and UK support initiatives in Haiti and the Dominican Republic in relation to the documentation of, and appropriate measures for the protection of, migrants and nationals.
- 3.3 That the UK and EU encourage bi-national exchanges between the Dominican Republic and Haiti with similar programmes on both sides of the border.
- 3.4 That the UK and EU encourage the Dominican Republic and Haiti to activate the effective running of the bi-national commission.
- 3.5 That the Haitian government starts prioritising the situation of its citizens abroad by developing strategies for providing appropriate documentation for Haitian migrants.
- 3.6 That the Haitian and Dominican Republic governments develop appropriate strategies for the control of their borders.
- 3.7 That the Haitian government starts having a pro-active role in the protection of the rights of its citizens abroad.

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