On the margins

Discrimination against Haitian migrants and their descendants in the Dominican Republic

A Christian Aid report

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Executive summary

Discrimination against Haitian migrants is not a new phenomenon in the Dominican Republic (DR). Its roots can be traced to the 1930s – if not as far back as the post-colonial era. But Christian Aid’s partner organisations in the DR and Haiti have been alarmed by the serious escalation in xenophobic and racist attacks against Haitians and Dominico-Haitians in 2005-06 – which have resulted in a number of brutal murders. Despite officially downplaying the significance of these attacks, the Dominican government organised mass deportations to Haiti of suspected illegal Haitian immigrants immediately after the most serious incidents in August 2005. These deportations have continued into 2006.

While Christian Aid does not question the right of governments to deport illegal migrants, the brutal and arbitrary manner in which the Dominican authorities have carried out these deportations contravenes international law and the DR’s own agreement with Haiti of 1999. Thousands were deported without warning, regardless of whether they had identity or residence papers proving their right to remain in the country. Many were not given a chance to let their children or other relatives know what had happened to them, or to collect belongings from their homes. Large numbers of those deposited at isolated border posts had spent decades, if not their entire lives, in the DR and no longer had any links with Haiti. Some were dark-skinned Dominicans, deported simply because they looked Haitian.

Despite the increased incidence of xenophobia, and having to live under the constant threat of deportation, Haitians continue to migrate to the DR in their thousands every year. They are lured by the prospect of employment – albeit highly exploitative, hard labour – in Dominican agriculture, construction and informal sectors. They are also pushed by the implosion of Haitian economic, social and political security. Although 29 per cent of the Dominican population lives below the poverty line, its economy is nevertheless a good deal stronger than Haiti’s, where GDP per person is nearly four times lower. In Haiti, 76 per cent of the population lives below the poverty line – 55 per cent in abject poverty (less than US$1 a day). Political turmoil, combined with a sharp rise in violent crime before and since President Jean-Bertrand Aristide was ousted in early 2004, has added impetus to the exodus of Haitians from their country.

Most Haitians have to cross the Dominican border illegally because the documents they need to enter legally are either too difficult or too expensive to access. This has prompted a burgeoning trade in illegal people-trafficking on the border, a practice that frequently ends in tragedy, as occurred in January 2006 when 25 Haitians suffocated in a truck. The very weak rule of law in the border area gives rise to a gamut of other abuses: for example, border authorities extorting money from and physically harassing Haitian market-sellers, most of them women. It is clear that both countries must work together to create a rule of law in the border area; they must also regulate and control the influx of people crossing the border in accordance with international law and the DR’s own domestic and external obligations.

In most cases, the status of Haitian migrants and their descendent who already live in the Dominican Republic remains ambiguous. The number of Haitian immigrants in the DR is estimated at around 500,000 or between and six per cent of the total
population of 8 million; there may be as many as two million Dominico-Haitians in the DR. A large proportion of these have no documents. Some arrived in the DR illegally and never obtained identity documents from the Haitian authorities. Thousands more, born in the DR, have been denied Dominican birth certificates, despite the Dominican constitution clearly stating that those born on Dominican territory have the right to citizenship. And without documents – a birth certificate, an identity card, a passport or work-related migration papers – it is difficult and often impossible to access education or health services. Without documents, people are also far more vulnerable to abuse and discrimination in its various forms.

A new Dominican migration law introduced in 2004 has failed to address the problem of the ‘undocumented’. On the contrary, it has arguably compounded the problem by defining the offspring of illegal Haitian migrants as being ‘in transit’ and therefore exempt from the constitutional right to Dominican citizenship. Prior to the introduction of this law, no attempt was made to regularise the status of undocumented citizens who were already residing in the DR (for example, through a one-off amnesty). This means that hundreds of thousands of migrants and their descendants who have spent decades – if not their whole lives – in the DR could be deported or targeted by xenophobic and racist elements at any moment.

In frustration at the intransigence of the Dominican authorities, local organisations defending the rights of Haitian migrants and their descendants have taken their grievances to the Inter-American Court of Human Rights on a number of occasions. In October 2005, the court ruled that the denial of Dominican citizenship to those born in the DR (including the children of undocumented Haitian migrants) contravenes the DR’s own constitution, and ordered the Dominican government to implement a series of measures to rectify the situation. The government has reacted defensively against this judgement and has not yet indicated whether it will comply. It is essential that the international community actively encourages the Dominican authorities to do so.

Christian Aid also calls on the UK government and the EU to engage the Dominican government over how to challenge xenophobia and racism, halt summary and arbitrary deportations, and protect the legal rights of Haitian migrants and their descendants.

The need to address human rights abuses against Haitian migrants and Dominico-Haitians becomes evermore imperative as international players increase their aid to, and inward investment in, the DR. The EU, for example, is currently funding an ambitious cross-border development programme in the northern part of the island, which includes the rehabilitation of various roads and bridges between the two countries and a new marketplace at the busy border crossing of Ouanaminthe-Dajabon.

**Key recommendations**

**The international community must press the Dominican authorities to:**
- ensure that all deportations and repatriations of illegal Haitian immigrants are carried out in full conformity with Dominican law, complying with the minimum standards laid down by the government in 2002, and with international human rights standards
• respect and adhere to article 11 of the Dominican constitution regarding the right to Dominican citizenship of all persons born in the DR (jus solis)
• take effective action in order to halt the recent wave of xenophobic attacks against Haitian immigrants and Dominico-Haitians in various parts of the DR, and ensure they are never repeated.

The international community must also encourage the Dominican and Haitian governments to jointly develop a coherent cross-border migration policy based on respect for the human rights of migrants and their descendants, and the rights of the inhabitants of the border region.
Introduction

At first glance, the two countries sharing the Caribbean island of Hispaniola – the Dominican Republic (DR) and Haiti – seem like two separate worlds. The DR is a middle-income country that has enjoyed sustained economic growth for most of the last fifteen years, underpinned by tourism and other forms of inward investment. It appears to be a carefree, Caribbean holiday destination, complete with all-inclusive hotel complexes and Miami-style shopping malls, true to the image projected in glossy brochures. Haiti, on the other hand, has seen negative growth over the same period and remains mired in political and social chaos; 75 per cent of its population lives below the poverty line – 55 per cent in abject poverty. While millions of tourists (including 200,000 from the UK) flock to the DR every year, even diehard travellers are reluctant to venture to Haiti’s shores.¹

But behind the posture of stability and relative prosperity, the Dominican Republic has its own share of poverty, with 28.6 per cent of the population living below the poverty line – 13.7 per cent in abject poverty.² There is also an altogether uglier dimension to this country, intricately connected to the misery in neighbouring Haiti. In certain sectors of Dominican society, racism, human rights abuses, and in some cases violence, are being directed at up to 500,000 Haitian immigrants and the two million Dominicans of Haitian descent (otherwise known as Dominico-Haitians) who live and work in the DR.

For years, Christian Aid’s partner organisations in the DR and Haiti have bravely spoken out against the discrimination and marginalisation suffered by these migrants and their descendants, but 2005 was a particularly bad year. In the summer of 2005, a wave of xenophobic and racist attacks swept across the DR, some of which have been described as pogroms. These coincided with a surge in arbitrary, mass deportations (to Haiti) of Haitians and Dominico-Haitians by the Dominican authorities, in contravention of international law and the DR’s own agreement with the government of Haiti.

Are decades of discrimination against Haitians and their descendants in the DR finally coming to a head? From this point in time, the situation could deteriorate into full-blown inter-communal conflict and lead to yet more misery for the most marginalised communities in the DR. Alternatively, it could be reversed by tackling the underlying racism and discrimination against Haitian migrants, Dominico-Haitians (and frequently dark-skinned Dominicans as well), and by addressing migration and nationality issues in a fair and equitable manner, showing respect for the rights of migrants and Dominican citizens alike. The purpose of this report is to promote the latter scenario – before it is too late.

Christian Aid’s work defending the rights of migrants and their descendants

Christian Aid has been working in the Dominican Republic for more than twenty years. It has given a significant proportion of its overall support to organisations defending the rights of Haitian immigrants, Dominico-Haitians, and poor and marginalised Dominicans. Some sixteen organisations (including the following Christian Aid partners: Onè Respé; the Servicio Jesuita a Refugiados y Migrantes...
(SJRM) or Jesuit Service for Refugees and Migrants; Pastoral Haitiana; MUDHA – Movimiento de Mujeres Dominico-Haitianas or the Dominico-Haitian women’s movement; MOSCHTA – Movimiento Socio-Cultural de los Trabajadores Haitianos or the Haitian Workers’ Socio-Cultural Movement; and CCDH – the Centre for Culture and Human Rights) coordinate this work through the REDH – Red de Encuentro Dominico-Haitiano Jacques Viau, or the Jacques Viau Network. The network’s objectives are: to defend the rights of Dominico-Haitians and Haitian immigrants in the DR; to combat anti-Haitian prejudice and racism in the DR; and to encourage solidarity within and between the communities with which its members work.

Across the border in neighbouring Haiti, Christian Aid supports two partners working on Haitian-Dominican relations: GARR (Groupe d’Appui aux Rapatriés et Réfugiés – Support Group for the Repatriated and Refugees) and Sant Pon Ayiti. GARR is a Haitian organisation that provides humanitarian assistance to Dominico-Haitians and Haitian immigrants deported to Haiti, and lobbies the Haitian and Dominican authorities on behalf of migrants and deportees. Sant Pon Ayiti works for a better understanding between the two peoples by promoting Haitian cultural values fighting HIV and AIDS on the border and other activities.

Christian Aid’s approach to the Haiti-DR migration question is therefore binational, supporting programmes on both sides of the border. In 2001, a group of Haitian and Dominican organisations created the RBJS – Red Nacional Jano Sikse – a network of local committees that monitors human rights abuses along the border. Christian Aid is one of the principle backers of this network. Over the past five years, the project has acted as a key witness to deportations, human trafficking, corruption, and violence in the border area.
Chapter 1
A rise in xenophobic violence

Racism against Haitian immigrants and Dominico-Haitians among certain elements of Dominican society is not a new phenomenon. Its manifestations can be traced back to the 1930s – if not to the 19th century conflicts between the neighbouring countries, as we discuss later in this chapter. But the serious escalation in xenophobic attacks against Haitians and Dominico-Haitians in 2005-06 has taken the abuses to new heights, alarming Christian Aid’s partner organisations in both countries, and human rights organisations internationally.

Like many other marginalised groups around the world, Haitians are increasingly treated as scapegoats and blamed for a whole range of crimes and wrongdoings in Dominican society, regardless of whether there is proof that the Haitians accused of these acts were responsible. Instead of pursuing their grievances or accusations through the relevant police, migration or judicial authorities, increasing numbers of Dominicans are taking the law into their own hands and resorting to mob rule.

Some of the xenophobic attacks in 2005-06

- On 8 March 2006, two Haitians alleged to have brutally murdered a local mayor in Yabonico were doused with petrol and set on fire by relatives and neighbours of the murdered mayor. 5
- On 30 January 2006, mobs in northern DR burned at least two homes of Haitian immigrants and beat at least six Haitians with staves, in retaliation for an alleged attempted rape by two Haitians.
- On 22 January 2006, seven people were wounded and 27 houses – some belonging to Haitian families – were torched in a poor neighbourhood of Guerra, in retaliation for the death of a Dominican air force sergeant.
- On 10 December 2005, the Dominican Human Rights Commission asked for an investigation into the murders of at least 10 Haitian immigrants in Villa Trina, after 35 homes were torched by local Dominicans in retaliation for the death of a Dominican, supposedly at the hands of Haitians. 6
- On 6 November 2005, Yan Luis, a 28-year-old Haitian living in Bavaro, Higuey, a town in northwest DR, was shot dead by the owner of El Troncal bar. Three days later, Finelo Pie was killed when he and a group of eight other Haitians were attacked by a crowd of Dominicans near the community of Agua Santa, in the Dominican province of Dajabon, also in the northwest.
- In early August 2005, at least 13 Haitian and Dominico-Haitians were killed in the space of two weeks, including three young Haitian men in the capital Santo Domingo, who were tied up, doused with flammable liquid and then set on fire. In response to this incident, Haiti recalled its ambassador.
- This spate of attacks against Haitians and Dominico-Haitians was partly sparked off by the murder – allegedly by Haitian immigrants – of a Dominican merchant in the town of Hatillo Palma in the northwestern department of Montecristi on 9 May 2005. In retaliation, groups armed with machetes and sticks began attacking people believed to be Haitians, looting and torching properties in several communities and in one incident, beheading two Haitians while they slept.
An attack in the town of Haina, near the Dominican capital Santo Domingo, on 16 August 2005 in which three young men were burnt to death was described in graphic detail by Christian Aid partner GARR:

Lormilus Wilbert, aged 22, Willy Pierre, aged 22, and Paul Cineus, aged 17, are three young Haitians who were burnt alive in Haina after being beaten and set on fire by unidentified people, at two o’clock in the morning on 16 August 2005. Two of the men lived in a carpenter's workshop. Before they slaughtered them, the killers went to fetch Willy from his home so that he could show them where the others slept. Willy died along with the other two. These three young men passed away after several days’ suffering in the Luis Eduardo de Aybar Hospital. A fourth man, Bernius Pierre, was able to escape, but only after being attacked with a machete. According to Bernius, there was an armed man, dressed in military uniform, among the attackers. The killers banged on the door where they were sleeping and forced them to get up. They broke down the door with their feet after they found that the men did not want to come out of the building. After the criminals asked them for money, they tied them up and poured a flammable liquid over them. They did not get the money they were asking for because the young men didn't have any.7

According to the reputable Dominican sociologist, Carlos Dore Cabral, the recent racist attacks have been partly fomented by a new and worrying element in the form of organised, neo-nationalist, anti-Haitian groups intent on mobilising Dominicans against the Haitian presence.8 In a leading Dominican magazine, Clave Digital, Dore Cabral recently asserted that some of the leaders of these neo-nationalist groups had taken advantage of local indignation over the murder of a local Dominican in Hatillo Palma. They had moved into the border locality to organise meetings in which they presented Haitian immigration as a danger to the very existence of the Dominican nation. He observed that ‘the press, radio and TV then took it upon themselves to publicise [these meetings] to the whole nation – perhaps precisely because of their novelty’.9

Whatever the causes of racist violence, its effects extend far beyond the immediate victims and their families, generating fear and a profound sense of vulnerability throughout the country’s Haitian and Dominico-Haitian communities. Immediately after the attack in Hatillo Palma in May 2005, hundreds of Haitian immigrants, traumatised by what had happened, fled over the border to Haiti. In certain cases, Haitians fleeing from attacks have had a knock-on effect on the Dominican economic sectors that rely on Haitian labour. In November 2005, the New York Times reported from the northwestern town of Guatapanal that the tobacco fields were being planted ‘a little late’ because the Haitian immigrants who worked on them had been driven away by threats of a lynching. The threats came in the wake of allegations that a Dominican worker had been killed by two black men, presumed to be Haitian. Taking the law into their own hands, local Dominicans descended on the Haitian migrant workers’ camps and beat several of them. According to the New York Times, an
estimated 2,000 Haitian workers fled in terror, either into the hills to the east of Guatapanal or across the border to Haiti.\textsuperscript{10}

But for the majority of migrants and Dominico-Haitians who were born in, or have lived in the DR for years, fleeing to Haiti, where they know no one and would have nothing, is not an option. Instead, they have to find ways of coping with the increasing hatred as best they can, with the support of Dominican and Dominico-Haitian civil society organisations. In February 2005, Christian Aid partner Onè Respé conveyed the difficulties faced by these communities – even before the most serious xenophobic attacks of that year:

> Worry, fear, insecurity: this is what Haitian immigrants and Dominicans of Haitian descent in our communities have experienced in recent days. To be or appear ‘Haitian’ is itself a cause of anxiety. It’s a problem even walking down the street… Women don’t dare go out to sell their wares in the market. In community meetings, migrants complain that the situation is getting worse and worse because in the press, on the radio and TV, Haitians are accused of being responsible for any acts of violence that happen in the area.\textsuperscript{11}

A year later in February 2006, Onè Respé’s bulletin described an even more insecure atmosphere in the communities where it works:

> News of violent acts against immigrants has increased fear in our communities. We know of Dominico-Haitian mothers who daren’t send their children to school and of dark-skinned men and women who won’t go out to work at the moment because of their fear. In community meetings, locals warn that something has changed: they say that people are more aggressive, that violence, uncertainty and insecurity have all increased. Haitian men, Haitian women, Dominico-Haitians all say that they’ve noticed a change in their neighbours, a distancing, on occasions expressions of rejection, of mistrust, that they haven’t experienced before.\textsuperscript{12}

One depressing product of the latest wave of xenophobia is that it threatens to undermine, if not tear apart, harmony between Haitians, Dominico-Haitians and Dominicans where it does exist. There are some communities where Haitians and Dominicans coexist and intermix, and where Dominicans show strong solidarity towards their Haitian and Dominico-Haitian neighbours. In fact, Christian Aid has supported programmes intended to foster such inter-communal cooperation for many years. But the violent incidents of 2005 have sent aftershocks throughout the country, touching communities that never experienced racial tension in the past.

**The response of the Dominican authorities to xenophobic attacks**

Few of the violent incidents reported above – either the original acts claimed to have been committed by Haitians or the retaliatory acts by Dominicans – have been properly investigated by the police or legal authorities, and few of the perpetrators have been arrested, let alone tried. In this atmosphere of impunity, Haitians feel defenceless against mob rule. While some reports speak of soldiers and immigration officers stepping in to protect Haitians from angry mobs (as in Monte de la Jagua in January 2006),\textsuperscript{13} witnesses to other incidents suggest the possible complicity of some military and police personnel in certain attacks, thereby adding to the sense of
vulnerability already felt by Haitians. A survivor of the August 2005 murders in Haina, for example, claimed that one of the attackers was dressed in army uniform.\(^{14}\)

At best, the official response of the Dominican authorities to this wave of xenophobia has been inconsistent and contradictory; at worst, some claim that certain pronouncements have actually encouraged animosity towards Haitians.\(^ {15}\) On 4 April 2005, for example, a national newspaper quoted remarks made by the Secretary of State for Employment, José Ramón Fadul, to the effect that the government was preparing a plan to ‘de-haitianise’ the country.\(^ {16}\) A month later, the same minister declared that he supported a ‘cleansing of the territory of foreign workers in accordance with the law.’\(^ {17}\) However unrepresentative these statements may have been of formal government policy, they have left Haitians and Dominico-Haitians with a lurking impression of government hostility towards them, rather than a willingness to protect them from abuse.

Indeed, some of the individuals and organisations that have defended the rights of Haitians and Dominico-Haitians in recent years felt increasingly vulnerable as the events of 2005 unfolded. Several organisations were attacked in press articles, and in November 2005, the head of a Christian Aid partner organisation was forced to flee the country for a few months, following threats against her and her children. A catholic priest, Pedro Ruquoy, formerly head of Pastoral Haitiana – an organisation working under the auspices of the Catholic diocese of Barahona – was threatened several times and was the target of a media smear campaign. He has since been removed from the country by the Catholic hierarchy, who feared for his safety. The Haitian organisation, GARR, and sectors of the Haitian press were also accused by Dominican commentators of denigrating the DR.

To prevent further threats and attacks, the Dominican government needs to make a robust and public defence of these human rights organisations and their work. So far, this has not been forthcoming.

At the heart of the current crisis is a deep-seated racism in Dominican society which affects dark-skinned people in general and Haitians and Dominico-Haitians in particular. But rather than acknowledge this social problem, Dominican politicians and commentators tend to assume a defensive position, arguing that Dominico-Haitian NGOs and international NGOs who speak of xenophobia are simply seeking to discredit the Dominican nation. Even a Catholic bishop, Monseñor Tomas Abreu, appeared to take this position in a radio interview in October 2005, when he asserted that ‘in the Dominican Republic there is no xenophobia against anyone, contrary to what some would have us believe.’\(^ {18}\) Fortunately, Monseñor Abreu’s views do not reflect the official position of the Dominican Catholic Bishops’ Conference, whose pastoral letter of 21 January 2006 acknowledged the importance of overcoming the barriers of intolerance and discrimination.\(^ {19}\)

Even at the height of the violent attacks against Haitians and Dominico-Haitians in the summer of 2005, the Dominican government appeared to be in a state of denial that anything out of the ordinary was taking place. In September 2005, President Fernández told reporters that if murders were taking place, it was an inevitable consequence of poverty in the border regions, and nothing to do with race.\(^ {20}\)
On the other hand, more recent pronouncements indicate that the Dominican government may now be taking the situation more seriously. On 8 February 2006 the director general of the Migration Office, Carlos Amarente Baret, is reported to have admitted that Haitian nationals were being persecuted by unlawful mobs and to have deplored the burning of houses and the acts of mobs taking the law into their own hands. He called on the residents of Monte de la Jagua, the scene of recent inter-communal violence, to take their complaints about undocumented Haitians to the provincial migration office.\textsuperscript{21} Christian Aid is hopeful that this pronouncement reflects a change of tack in the Dominican government.

\textbf{The roots of racism and discrimination against Haitians and Dominico-Haitians}

To understand the nature and causes of racism and discrimination in the Dominican Republic, one needs to explore the historical development of both Dominican and Haitian societies.

\textbf{Post-colonial history} Negative attitudes among Dominicans towards Haiti and Haitians arguably date back to the early 19\textsuperscript{th} century when a slave revolt in Haiti (led by the charismatic Toussaint L’Ouverture) resulted in independence from France in 1804. The new Haitian leaders consequently attempted to occupy the Spanish-speaking eastern side of the island of Hispaniola (now the Dominican Republic). Haiti gained control of the east between 1822 and 1843, but the Dominicans rose up in 1844 and expelled them. Four further invasions by Haitian forces were defeated, with the last failed Haitian attempt to re-occupy the east in 1856.\textsuperscript{22} As a result of these armed conflicts, Dominican nationalism became increasingly intertwined with anti-Haitian and pro-Hispanic sentiments over the course of the 19\textsuperscript{th} century and into the 20\textsuperscript{th} century.

\textbf{Migration} Haitian migration to the Dominican sugar plantations from the early 20\textsuperscript{th} century did not in itself create the kind of xenophobia against Haitians witnessed in the DR today. Indeed, historians who have researched relations between Dominicans and Haitian immigrants in the first few decades of the 20\textsuperscript{th} century report no significant anti-Haitianism.\textsuperscript{23}

\textbf{‘Dominicanisation’ and the 1937 massacre} The turning point was the dictatorship in the DR of General Rafael Leonidas Trujillo (1930 to 1961), and in particular the notorious 1937 massacre when Trujillo ordered the mass slaughter of Haitians in the border area. This resulted in thousands of deaths, including Dominico-Haitians who had lived in the border region for decades, and dark-skinned Dominicans – estimates range from 3,000 to 30,000. This event signalled the start of a new government policy known as the ‘Dominicanisation of the border area’, intended to rid the DR of all Haitians except those employed temporarily in the sugar plantations, which depended on Haitian labour. In the years following the massacre, laws were enacted to prevent Haitians entering the country (except for sugar harvests) and to emphasise the teaching of Dominican culture in schools.

\textbf{Exploitation of anti-Haitianism for political ends} ‘Dominicanisation’ continued to be a feature of Dominican governments in the latter half of the 20\textsuperscript{th} century – most notably the governments of Joaquin Balaguer, who was president seven times between
1966 and 1996. In 1947, Balaguer wrote a book entitled ‘La realidad dominicana’ – ‘The Dominican Reality’, in which he asserted that the Dominican nation was a white Hispanic nation whose population was weakened by mixture with the blood of non-white races. He claimed that the settlement of Haitians in the DR degenerated the moral and spiritual strength of Dominicans.  

**Political opportunism** Aside from his ideological position, Balaguer either wooed Dominico-Haitians or whipped up anti-Haitian feeling as it suited him. In 1990, for example, he distributed Dominican birth certificates to Haitians in the bateyes because he needed their votes to win the election. In 1991, however, he ordered mass deportations of Haitians. In the 1994 elections, he distributed anti-Haitian propaganda against an opposing party, the PRD (Dominican Revolutionary Party), whose leader, José Francisco Peña Gómez was a black man of Haitian ancestry.

Similarly, some claim that the current Dominican president, Leonel Fernández, may have aligned his party – the PLD (Dominican Liberation Party) – with anti-Haitian forces in order to boost his political support during the presidential elections in May 2004, when he won a second term as president. The continuing deportations of Haitians and Dominico-Haitians, plus the president’s reluctance to tackle xenophobia in 2005, could therefore be interpreted as his repayment of the debt he owes these forces for their support.

**The economic crisis of 2003** Another factor that increased social tensions and may have fuelled subsequent anti-Haitian feelings was the 2003 collapse of two major Dominican banks, prompting an economic crisis after ten years of record growth. The bank failures left a US$2 billion hole in the finances of a relatively small economy, which had to be plugged by taxpayers because the government had underwritten the funds of the failed banks’ depositors. A shortage of government revenues halted thousands of public works projects and prompted cutbacks in all state services and subsidies, causing unemployment and hardship to rise in certain sectors. Meanwhile, a leap in inflation seriously weakened the value of wages. In times of economic crisis, there is often a tendency for those affected to blame their woes on a scapegoat – usually a group towards whom there is already deep-set prejudice.

But even in better times, the DR has not made the most of its economic growth, according to the UNDP’s 2005 Human Development Report. As disparities have increased between rich and poor, so have social tensions. Indeed, it is no coincidence that many of those Dominicans thought to be responsible for acts of violence against Haitians are poor and marginalised young men with no prospects. Ironically, it is these poor and disaffected young Dominicans who frequently become migrants themselves, attempting dangerous crossings in leaky boats to Puerto Rico and the US in search of a better life.
Chapter 2

The deportation of Haitians, Dominico-Haitians, and dark-skinned Dominicans

Whatever the pronouncements of Dominican government officials, actions speak louder than words. The most concrete action taken by the Dominican authorities in response to the violent attacks in 2005 was to round up those thought to be Haitian and forcibly deport them *en masse* to Haiti, a practice that has been common for many years now. Among them were dark-skinned Dominicans who had no links to Haiti whatsoever. Although the overall numbers deported to Haiti in 2005 (20,000-25,000) were lower than 2003 (when more than 37,000 people were deported), it is worth noting that surges in deportations immediately followed the most serious xenophobic violence in May and August 2005. This gives credence to a belief held by many NGOs and commentators that deportations are being used as a means of placating, if not pandering to, anti-Haitian popular opinion at times when such sentiment is at its most intense. Even if this was not the Dominican authorities’ motive in 2005, the timing of deportations gave the Dominican public the impression that Haitians were somehow to blame for the violence and should be expelled. ‘A bloody incident has been followed by mass deportations. The message the authorities are sending to the nation and to the international community is clear: the country’s Haitian community is responsible for the bloodshed…’ noted the Dominican commentator, Wilfredo Lozano in June 2005.

All countries have a recognised right to deport individuals who are residing illegally in their territory, but Christian Aid and its partners object to the way in which the Dominican authorities have carried out these deportations. As in previous years, many of those deported in 2005 were not given an opportunity to show documents proving their right to remain in the country. Those who did show them, were told that their documents were fake or had them simply ignored. Many were deported despite holding residence papers or Dominican citizenship, and many others had their papers confiscated, in contravention of article 13 of the International Covenant on Civil and Political Rights. Many of those deported were not given a chance to collect money or belongings from their homes, or to let relatives know what had happened. Many, including children, were separated from their families. Individuals were often identified for deportation on the basis of the colour of their skin and/or their ability to speak Spanish (only Haitian Kreyol and French are spoken in Haiti). Large numbers of those deported had spent decades, if not their entire lives, in the DR and no longer had any links to Haiti.

In most cases, Dominican military personnel used brutality and physical force to flush out and round up those they claimed were illegal immigrants, as conveyed in the following testimony from Christian Aid partner Onè Respé:

On 13 May 2005, according to community reports, soldiers began to surround the community of Batey Libertad at around 4am. An hour later, under heavy rain, they fired shots into the air…. The invading squad this morning consisted of approximately 200 low-ranking soldiers and high-ranking officials, accompanied by immigration officials. Their methods were at once systematic and random: they banged on doors,
and broke them down with billy clubs, file butts, and even their own boots if they were not opened quickly enough. They searched nearly every residence, staying six hours in total. They arrested and detained a wide variety of individuals: young and old, documented and undocumented. They generally neglected to check documents, and when presented with legitimate ones, uniformly declared them fake. During the process, as they searched for people to arrest, frequent shouts of ‘Come out, damn blacks, damn Haitians!’ were heard. In total, approximately 700 individuals were arrested and detained from Batey Libertad that morning. Of those, approximately 500 were Haitians and 200 Dominicans. Those (of both nationalities) who attempted to present documents – passports, visas, work permits, identity cards, or birth certificates – had them confiscated and ultimately stolen. Many were told by the soldiers either that the documents presented were false or that they would have to be officially verified at the border in Dajabon; in either case, the documents were never returned. The soldiers loaded the detainees into trucks and sent them to the local prison in Mao. Many people report having been detained without being allowed to dress fully, or even put shoes on. One nursing mother was separated from her child, and many other parents were deported, leaving their children behind. In the words of one community leader in Batey Libertad: ‘The military practically turned my community into a cemetery. They’ve tried to kill our humanity.’ It is not clear exactly how many of the remaining Haitians and Dominicans from Batey Libertad were ultimately deported to Haiti.27

Friday round-up: dozens of Haitians arrested

‘I have never been to Haiti. I am 35 years old and I was born here. I have eight children and my brothers and sisters were born here,’ said a sobbing Anselmo Valdez who was arrested yesterday by officers of the General Directorate of Migration, together with dozens of Haitians to be deported to Haiti. There was drama on the Migration Office bus that was parked at kilometre nine of the Duarte motorway. Many women, some with children in their arms, wept in consolably as they were unable to return to their children and husbands last night. Immigration officials arrived at kilometre nine, as has become customary on Fridays. The Haitians they encountered, as well as those [Dominicans] whose skin is black, were asked for their documents, and put on the bus if their papers were not in order. Public transport vehicles were stopped and searched. Last night Edwin Paraison, the Consul General of Haiti...criticised the way in which deportation operations are conducted: ‘In many cases, excesses are committed and it is inhumane not to allow arrested Haitians to communicate with their families and pick up their possessions. This violates the intergovernment agreement signed in 1999. Many of their families think they have disappeared. They know only that their mother or father has not returned home from work.’28

A large proportion of those rounded up in deportation raids are detained for varying lengths of time before either being released or ‘repatriated’ to Haiti. Those who are released frequently have to pay a bribe to the police or immigration officials before release is granted. In one case, reported in Christian Aid partner Onè Respè’s El Viralta bulletin, a Haitian migrant was apparently set free only after he agreed to pay US$1,500 to a policeman.29 Those who are repatriated are frequently taken in the middle of the night to isolated border posts that are not officially recognised as deportation points, where they are deposited without any of their belongings. Among
those disposed of in this way are babies and young children, who frequently arrive at
the border dehydrated and traumatised, according to RBJS monthly reports. In the last
quarter of 2005, RBJS monitors in the north of DR noted an increase in the number of
pregnant women and mothers of newborn infants being deported.  

Like violent mob attacks, arbitrary deportations send fear rippling through Haitian and Dominico-Haitian communities. Even when deportations are not physically taking
place, they exert an indirect form of control over these communities and their
movements, as the following testimony from Onè Respé demonstrates: ‘To go out
looking for work is becoming an increasingly difficult challenge, in case the migration
authorities see you. People never know if they will return home or whether they will
be carried off somewhere.’\footnote{31}

As was the case in previous years, very few, if any, of the deportations in 2005
complied with international law, which prohibits collective and mass deportation,
specifying that each individual case must be considered on its own merit, and that
there must be no mistreatment of the person or robbery of their property. Nor have
recent deportations complied with the 1999 agreement between the Dominican and
Haitian governments establishing certain standards for deportations, which was
confirmed by the two governments when Haitian president Jean-Bertrand Aristide
visited the DR in early 2002.

Moreover, under the DR’s own new penal code, the role played by the Dominican
military in deportations and other aspects of migration policy is illegal, as was pointed
out recently in the Dominican newspaper, \textit{El Caribe}: ‘The army seeks to fight cross-
border crime, but the law does not give them powers to act alone at any time of the
day or night, without attorneys or the authorisation of judges,’ says the newspaper,
concluding that Dominican soldiers have become ‘border cowboys’.\footnote{32}

The deportations also contravene the Dominican government’s own stated policies: in
July 2005 President Fernández stated that illegal Haitian immigrants would be
repatriated ‘using certain criteria, and in accordance with the law and with respect for
international norms’. He also claimed to be opposed to mass deportations.\footnote{33} And yet
they continue: in January 2006, at least 1,700 persons were rounded up arbitrarily and
dumped at unofficial border crossings; between 22 January and 22 February 2006,
another 1,800 people were deported to border points in the Central Plateau region.\footnote{34}
Chapter 3

Lawless border: human trafficking, corruption and crime

The abuses suffered by Haitian migrants already living or working in the Dominican Republic are horrific enough in themselves. But in most cases, the chain of abuse begins at the start of a migrant’s journey, before he or she has even left Haiti. Lacking the necessary identity documents, work permits or money to obtain a visa and enter the DR legally, most Haitians enter illegally. In the past, labour scouts would recruit Haitians in their home country and arrange for them to be transported directly to the individual sugar plantations where they would work, returning them to Haiti at the end of the sugar harvest. Nowadays, this is less the case, and many migrants find their own way over the 243-mile border, either individually or in small groups. There is no wire or fence along much of the border and few border controls, so this is not as difficult as one might imagine.

But it is an arduous journey from the border to the places where Haitians can find work and shelter, and there are several checkpoints on the roads leading to the centre of the country. Consequently, every year thousands of Haitians pay Dominican and Haitian smugglers to arrange their ‘safe’ passage into the DR. These smugglers charge extortionate rates and then treat their clients like the cheapest animal cargo. The appalling conditions in which Haitians are transported often lead to tragedy, as occurred on 10 January 2006, when 25 Haitians suffocated to death in the back of an airless and overcrowded truck. The Dominican authorities failed to undertake any identification of the bodies and quickly buried them in a mass grave, prompting rioting and clashes between the frustrated relatives of those who had died and Dominican and UN soldiers.\(^{35}\)

Since 1989, 80 Haitians have been reported killed and 98 seriously wounded in incidents related to illegal trafficking.\(^{36}\)

Child trafficking
One particularly shocking aspect of the human trafficking between the two countries is the trade in Haitian children. A 2002 report by Unicef and the International Organisation of Migration put the annual number of children smuggled into the DR from Haiti at 2,000-3,000 (although Unicef states that this figure should be set alongside the estimated 173,000 unaccompanied children in domestic service in Haiti itself – otherwise known as ‘restavek’). Some of the unaccompanied Haitian children crossing the border have been kidnapped, but more often the parents pay scouts to ensure their children’s ‘safe’ passage to a ‘better’ life in the DR. Once in the DR, most boys under the age of 12 end up begging or shoe shining and giving their proceeds to gang leaders, while most girls under 12 become domestic servants (like many Dominican girls from poor families). Older boys are taken to work in construction or agriculture, while teenage girls often end up in prostitution.\(^{37}\)

On the occasions when Dominican soldiers attempt to intercept human smugglers, the methods they use can be brutal. In June 2000, for example, six Haitians and one Dominican were killed when soldiers from the Dominican army’s border intelligence
unit apparently shot indiscriminately at passengers in a lorry transporting illegal immigrants at Guayabín. The case got as far as a military tribunal, but in response to lobbying by human rights organisations, it was then supposed to move to a civilian court where the prosecution could present witnesses. This has not happened, and in May 2005 the only two soldiers to have been convicted were released.

In spite of new legislation approved in the Dominican Republic in August 2003 to tackle people trafficking, questions remain over the DR government’s willingness to ensure that border authorities deal with illegal trafficking in accordance with the law.

Part of the problem is that the human traffickers are frequently just one cog in a much larger wheel that includes powerful business sectors in the DR who are keen to maintain a source of cheap Haitian labour, as well as Dominican military personnel, and corrupt border officials. Indeed, there are claims (made in *El Caribe* newspaper and elsewhere) that Dominican soldiers and immigration officials frequently work hand-in-glove with the human traffickers, taking a cut of the fee the traffickers charge the Haitians to smuggle them in, and probably another cut of the fee Dominican construction and agrobusiness companies pay the traffickers for supplying them with cheap labour.38

Could it be that the smugglers, and certain corrupt Dominican military personnel and immigration officials all have an interest in maintaining illegal trafficking, and preventing proper regulation of the border and legal migration? Some assert that the deportations themselves are part of this racket: the fact that thousands of illegal migrants are sent back to Haiti every year creates a demand on both sides of the border – those who are deported want to return to the DR by whatever means, and Dominican employers continue to demand cheap, Haitian labour.39

The consensus of Christian Aid’s partners in both Haiti and the Dominican Republic is that illegal human trafficking must be confronted and rooted out by the authorities on both sides of the border in order to protect Haitian migrants from abuse. They point out that efforts should be made to facilitate legal migration, by improving processes for issuing Dominican and Haitian citizens with identity papers and the procedure for obtaining Dominican visas. At present, visas are beyond the reach of most Haitians: apart from costing US$70 for single-entry visa and US$200 for multiple entries, applicants are also required to have a bank account.

**Other abuses in the border area**

Regrettably, corrupt practices on the border are not confined to people trafficking and deportations. The monthly RBJS bulletins relate a whole gamut of other abuses carried out in the border area by both Dominicans and Haitians. The victims are usually local Haitians living in the border area who cross over to the DR at regular intervals to trade, study or to visit relatives.

In mid-2005, RBJS monitors observed an increase in robberies and extortion at the busiest border crossing at Ounaminthe-Dajabon in the north, particularly on market days when Haitian traders – the majority of them women – cross the border to sell their wares at Dajabon market. RBJS monitors claimed that Dominican military officials dressed in civilian clothes were among the perpetrators of these crimes, which included charging Haitians to cross the Masacre River and stealing market-
sellers’ merchandise. RBJS monitors intervened to aid the return of merchandise, to speak to the relevant authorities, and to denounce abuses. In one case, where a military official broke the arm of a Haitian seller who had refused to hand over money, an RBJS monitor intervened with the help of the Haitian consul and succeeded in obtaining his arrest. These incidents underline the importance of creating a rule of law in the border area as part of a package of measures to regulate and control the border more effectively.

**International interests in the border area**

The need to strengthen respect for human rights in the border area becomes even more imperative as international players increase their presence there. The European Union, for example, is funding an ambitious €57 million cross-border development programme in the north over the next few years, which includes the rehabilitation of various roads and bridges between the two countries and a new marketplace in Ouanaminthe-Dajabon. The aim of this programme is clearly to deepen the economic integration of north/northeast Haiti and northwest Dominican Republic.

Few would deny the need to promote economic development in the poor and neglected border region, but there are concerns about the kind of economic development being promoted in the border area with international support. A new free trade zone has recently been created at Ouanaminthe (on the Haitian side of the border) to attract Dominican garment assembly companies with cheaper Haitian labour and possible preferential access to the US market for garments assembled in Haiti. Initially, workers were paid the Haitian minimum wage of US$1.74 a day – below the internationally established poverty line of US$2 a day. After a long campaign supported by the Haitian organisation Batay Ouvriye and the UK-based Haiti Support Group, the Ouanaminthe free trade zone assembly workers (most of them young, educated women) won the right to unionise. Eventually, at the end of 2005, they secured a pay rise of almost double the minimum wage for a six-day week. If they had not fought for better wages, and if they had not received such strong external support, it is unlikely the employers would have paid anything other than the minimum wage, in spite of the extreme stress workers face meeting ever-increasing quotas. In the process of constructing the Ouanaminthe free trade zone, a number of productive Haitian farmers also lost their relatively fertile land, for which they received paltry compensation.

Whatever one’s views of the economic model being promoted, it is clear that there has to be greater respect for human rights in the border region – whether it is the rights of free trade zone workers, migrants, local traders, or those deported from the DR. Otherwise the economic development anticipated by the Dominican and Haitian governments and their international backers will fail to make any significant dent on poverty in this region. It is therefore essential that the EU combines its investment in the border’s infrastructure with close scrutiny of human rights abuses on the border, and actively engages with the Dominican and Haitian authorities to address such abuses when they occur. This would be in accordance with the democratic and human rights principles underpinning the Cotonou Agreement between the EU and ACP (African, Caribbean and Pacific) countries, which governs the EU’s regional development programme in this region.
Chapter 4

Why do they come? The background to Haitian immigration to the DR

Given all the abuse and discrimination migrants have to face, one may wonder why Haitians want to migrate to the DR in the first place. A brief history of the ‘push’ and ‘pull’ factors may help provide the answers.

Haitians have been migrating to the DR since the early 20th century. For much of the 18th and 19th centuries, Haiti was the wealthier of the two territories, frequently referred to in 18th century literature as the Pearl of the Antilles. But Haiti’s economy tumbled into serious decline in the latter part of the 19th century – partly because of the enormous debts it had agreed to pay France as compensation for the financial losses suffered by French colonists after Haitian independence. From the early 20th century, declining fortunes in Haiti had generated a small but steady stream of Haitians migrating to the booming sugar plantations in the DR, who were either made to go by force, or lured by the unfulfilled promises of crooked labour scouts.

The reality for the vast majority of Haitian immigrants was a life of hard labour cutting sugar cane. The pay was abysmal and they were accommodated in grim, isolated barracks (still inhabited by Dominico-Haitians today) on the sugar estates known as bateyes. Living and working conditions on these estates were appalling, with forced labour and fraudulent remuneration practices continuing right up into the 1990s and, in some cases, to the present day. After each sugar harvest, most of the migrant labourers were returned to Haiti.

Since the 1980s, the Dominican sugar industry has been in decline, but other areas of the economy have developed rapidly – notably tourism, new agricultural products, and assembly-line manufacturing for multinationals in free trade zones. New areas of employment have opened up for Haitians – on building sites, in hotels, cleaning and in informal trade. Although working conditions for Haitians in these new sectors are as exploitative as they are on the sugar plantations, it is at least paid employment, of which there is precious little in Haiti. Employment is therefore probably a key reason for increased Haitian migration to the DR. Most migrants are young men, but a growing number of women are migrating too.

As well as the ‘pull’ of new forms of employment, there is clearly also a ‘push’ factor: the ongoing political and economic crisis in Haiti, the poorest country in the western hemisphere. According to the most recent study of poverty in the country, an estimated 76 per cent of the population lives below the poverty line (on less than US$2 a day), and approximately 55 per cent of the population lives in abject poverty (on less than US$1 a day). Haiti’s economy has been stagnant and declining for many years. In fact, it is the only country in the Caribbean region where gross domestic product (GDP) per person has been decreasing – by two per cent a year for the past 23 years. Little wonder, then, that unemployment runs at 70 per cent. By contrast, GDP per person in the DR (US$6,823) is nearly four times higher than Haiti’s (US$1,742).44
Aside from material poverty, political turmoil and repression in Haiti have prompted migration to the DR for political reasons at various points in history. For example, between 1957 and 1986, many fled persecution by the Duvalier dictatorships, and some 20,000 Haitians sought refuge in the DR between 1991 and 1994, fleeing the terror of the military regime that had seized power in a coup. Of these 20,000, only a few hundred were granted asylum by the Dominican authorities; the rest had to fend for themselves. The latest period of political unrest in Haiti came to a head in February 2004, when forces opposed to President Aristide organised armed revolts, which eventually led to Aristide being ousted from office. In spite of the attempts of UN peacekeeping forces to restore order and disarm groups, there has been a sharp rise in violent crime and kidnappings over the past two years, particularly in the capital, Port-au-Prince. This combination of grinding material poverty, violence and political insecurity at home continues to drive Haitians abroad: towards the DR, the Bahamas, the Turks and Caicos, Canada and the US. They continue to migrate to the DR, despite knowing about the abuse and discrimination their compatriots are suffering there - communicated via radio and TV news reports or by those who are deported or returning to Haiti.

**Changing patterns of migration**

While migration to the DR is not new, its patterns have changed in recent years. In the past, Haitians migrating to work on Dominican sugar cane plantations were formally contracted, either under agreements between the two governments or directly by the sugar companies. Today, the vast majority of migrant labour is informal and uncontrolled – from the migrant’s exit from Haiti, to the often illegal border crossing without a permit or visa, through to the unregulated nature of work available to migrants on their arrival in the DR. Another change is that Haitians and Dominico-Haitians are moving out of the isolated *bateyes* on the sugar plantations to urban areas where there are more employment opportunities. Consequently they are living in closer proximity to the Dominican population.

The Haitian/Dominico-Haitian population includes recently arrived migrant workers and traders, Haitian immigrants who have lived in the DR for years or even decades, and second- and third-generation Dominico-Haitians who were born in the DR. Hence our use of the term ‘Dominico-Haitians’ to describe Dominicans of Haitian descent, and ‘Haitian immigrants’ to describe those recently arrived from Haiti, or those who were born in Haiti.

The precise number of Haitian immigrants in the DR is unknown, but the World Bank and others widely estimate it to be around 500,000 – five to six per cent of the total Dominican population of eight million. The number of Haitian migrants in the DR should also be seen in the context of ongoing Dominican emigration, mainly to the US: according to the US Bureau of the Census, there were more than 1,273,000 Dominican citizens in the US in 2003, compared to 520,151 in 1990. The number of Dominico-Haitians may be anything up to two million, but is almost impossible to estimate because of the extent of their assimilation into Dominican society. Ironically, Dominico-Haitians speak Spanish and have largely taken on Dominican mores, thereby undermining the neo-nationalist argument that Haitian migration is threatening Dominican culture.
Another irony behind the current situation is that, in spite of an upsurge in xenophobia against Haitians and a temporary economic downturn in 2003, the Dominican economy remains quite dependent on Haitian immigrants and Dominico-Haitians, who take on the low-paid jobs that only the very poorest Dominicans will do. As the Dominican Advisory and Legal Research Centre (CEDAIL) puts it: ‘The Dominican state owes a great social debt to the Haitian migrant population, which makes important contributions to the Dominican economy…working under conditions that [Dominican] citizens reject.’ Indeed, neo-nationalist calls to rid Dominican agriculture of Haitians have met with a cold response from some businessmen in the Dominican agriculture sector. Following the xenophobic attacks in Hatillo Palma of May and June 2005, local agricultural producers raised serious concerns about a potential shortage of Haitian labour at the next harvest. ‘The reality is that a total absence of immigrant labour would bring with it serious problems to the region, and in that way the Dominican community would suffer,’ commented Wilfredo Lozano in June 2005.
Chapter 5

The status of undocumented Haitian immigrants and Dominico-Haitians

One would hope that the dependence of certain sectors of the Dominican economy on Haitian migrant labour would act as a powerful impetus for the government to properly regulate and control migration flows and by implication, its sources of labour. But progress remains slow and political will is decidedly lacking.

At the core of the current crisis remains the continued failure of the Dominican government on two fronts. Firstly, by refusing to issue them with Dominican birth certificates, it continues to deny citizenship to thousands (if not hundreds of thousands) of Dominico-Haitians born in the DR. Secondly, it has failed to regularise the status of the thousands of undocumented Haitian immigrants currently residing in Dominican territory – a problem which could be resolved by granting them some kind of legal status to remain, either permanently or temporarily.

The problem of citizenship for the children of Haitians born in the DR arises when parents apply for a birth certificate for their newborn child at the central electoral committee (Junta Central Electoral – JCE). The policy of the JCE is to refuse Dominican birth certificates to the children of Haitians, issuing them instead with a different-coloured certificate. This policy appears to be systematic and institutionally sanctioned by the JCE. However, as with deportations, the criteria used to identify the children of Haitians are largely arbitrary, and can depend on whether the parents have Dominican identity cards, even though up to two million Dominicans have no identity cards either, according to some estimates. Other criteria used are whether the parents have Haitian-sounding names, are dark-skinned, or speak Spanish with a Haitian accent.

In the view of Christian Aid’s partner organisations, the JCE’s policy contravenes article 11 of the Dominican constitution, which states very clearly that anyone born on Dominican soil (the principle of *jus solis*) has a right to Dominican citizenship, bar those born of parents ‘in transit’ such as travellers, sailors and aircraft crew, diplomatic staff and tourists – in other words, short-term visitors.

Without documents – be it birth certificates, identity cards, passports or work-related migration papers – Haitians and Dominico-Haitians are far more vulnerable to abuse and discrimination in its various forms. They also have immense difficulty accessing the public health system or getting their children admitted to state schools, compounding their material and social marginalisation. In 2001 the Dominican government finally agreed that the children of Haitians could be admitted to primary schools. But a year later this decision was replaced with a policy that left it up to the directors of individual schools to decide whether these children could be admitted, thereby playing into the hands of prejudices at a local level. Even when a new national security system and education plan were introduced in 2003 as part of an internationally backed anti-poverty programme, neither of these plans took account of how to target those most in need of anti-poverty programmes – namely the hundreds of thousands of undocumented people, both Haitian and Dominican.
Certainly, Christian Aid’s programme experience indicates that large numbers of Haitians and Dominico-Haitians are completely excluded from healthcare and education. Although Haitians do access health and education services where they are available, we have received reports over a number of years of Haitians being completely denied access to some health centres.

Is the Dominican authorities’ real agenda to prevent migrants and their descendants from accessing health and education services, by making it difficult for them to obtain the documents they need for such access? Understandably, the Dominican government is concerned about the ability of its under-resourced services to serve Haitian migrants as well as to its own citizens, and fears that increased immigration as a result of the ongoing crisis in Haiti could make the burden on Dominican services unbearable. Bridget Wooding and Richard Moseley-Williams noted in 2004 that ‘the established population of Haitian immigrants will increasingly use state services where they can access them, putting more pressure on over-stretched and poorly funded state schools and hospitals.’ This appears to be a significant problem in the poorest areas of the country, in the southwest and the border provinces. On the other hand, Wooding and Moseley-Williams go on to highlight the fact that low-income immigrants contribute to taxation revenue by paying indirect taxes, particularly VAT on goods and services. In actual fact, no study exists to show whether Haitian immigrants are a net burden on, or net contributors to, the state.

Whatever one’s view of the contributions made by Haitian migrants, there are more pragmatic reasons for the government to facilitate access to birth certificates and other personal documents. From a law and order point of view, those without documents are frequently ostracised as ‘illegal migrants’, playing into the hands of xenophobic extremists whose violent attacks are causing social havoc that threatens to tear apart the delicate fabric holding Dominican society together. From a health point of view, the denial of services to those without documents is hampering efforts to prevent the spread of HIV, with implications not just for Haitian migrants and poor Dominicans, but for the entire Caribbean region.

The blame for the huge number of undocumented people in the DR does not lie solely with the Dominican authorities. The problem is compounded by the failings of the Haitian authorities to provide its citizens with opportunities at home, and the weak capacity of the Haitian consulate in the DR to issue immigrants with Haitian passports or birth certificates, which they need to obtain Dominican visas and work permits. The mass issuing of identity cards that took place in Haiti prior to the 2005 elections has, however, gone some way towards addressing this problem.

But equally, the new Dominican migration law and the current Dominican government’s interpretation of the constitution have done little to address this core problem. On the contrary, Christian Aid believes that discrimination against Dominico-Haitians and Haitian immigrants is becoming ever more institutionalised.

**Dominican migration law**

When a new Dominican migration law was introduced in 2004, it provided an opportunity to confirm the constitutional right to Dominican citizenship of all children born in the DR, to reform the practices of the JCE and to regularise the status of the
On the margins

thousands of undocumented Haitian migrants residing in the DR (many of them for years). Regrettably, the new law simply appears to have reinforced the statelessness and exclusion of thousands of Haitians and Dominico-Haitians. The most contentious article in the new law states that ‘non-residents’ (i.e. illegal residents, or those without Dominican citizenship or resident permits) are considered *persons in transit*, for the purposes of the application of article 11 of the constitution (article 37 of the migration law). The definition of ‘in transit’, as stated in the constitution and referring to ‘short-term visitors’ such as diplomats, tourists and aircraft crew, is now superseded by a new definition that classes all those without legal residence status as ‘in transit’, thereby removing the right of their children to claim Dominican citizenship, even if they are born in the Dominican Republic.

In response, fifteen Dominican and Dominico-Haitian organisations issued a legal challenge to the constitutionality of the new migration law with respect to no less than eleven different articles. Unfortunately, their challenge was quashed on 14 December 2005, when the Dominican Supreme Court upheld the constitutionality of the new migration law. The court rejected the assertion that the new law had left large numbers of people stateless, arguing that the Haitian constitution establishes citizenship according to bloodline (the principle of *jus sanguinis*) and that therefore all Haitian immigrants in the DR have a right to Haitian citizenship, even if they cannot obtain Dominican citizenship. But reputable international legal bodies such as the Caribbean Law Institute and COLADIC (an association of Latin American lawyers) were quick to point out that the law of the country in which individuals reside should take precedence, not the laws of the country from which they or their parents might originate. The organisations involved in the challenge to the migration law do not accept the Supreme Court’s response to their challenge and warn that it gives the Dominican parliament the unconstitutional power to decide through laws the content of the constitution – representing a danger to judicial security and to the supremacy of the constitution. They now plan to take the case to the Inter-American Court of Human Rights.

**Inter-American Court of Human Rights ruling, October 2005**

The Dominican Supreme Court decision over the new migration law flies in the face of an important ruling made by the Inter-American Court of Human Rights (IACHR), of which the Dominican Republic is a signatory. In October 2005, the court ruled that denying Dominican citizenship to those born in the DR (including the offspring of undocumented Haitian immigrants) is in contravention of the DR’s own constitution. It issued this ruling in relation to a case initially brought to the court in 1998 by the Christian Aid partner MUDHA. Two girls, Violeta Bosico Coﬁ and Dilcia Oliven Yean, were denied Dominican citizenship in 1995 and 1998 respectively. Both were brought up by their mothers, who were Dominican women with Dominican citizenship. But because their fathers were Haitian, the authorities denied the girls Dominican citizenship. This denial was interpreted by the Court as unconstitutional.

In order to comply with the ruling, the Court instructed the Dominican government to implement a series of measures or ‘reparations’ within a reasonable time period (approximately one year). If the measures are not complied with, the case will be referred to the General Assembly of the Organization of American States. The reparations include reform of the migration law so that the definition of ‘in transit’ complies with the constitution, and a whole raft of further reforms to the system of
registering births so that all those born in the DR have equal rights to Dominican citizenship. The court also ordered a series of reparations that would serve to guarantee free access to elementary education, regardless of a child’s heritage or origin. It ordered the Dominican state to hold a public act to ask for the forgiveness of the victims of its illegal actions, and ruled that it should pay US$8,000 in compensation to each girl.

The Dominican government’s reaction to the Inter-American Court of Human Rights ruling was initially ambiguous and not very encouraging. There is strong sentiment in the DR that the ruling interferes with the country’s sovereign right to establish its own domestic policies on immigration and nationality. Indeed, the sentence has been perceived in some quarters as part of an ‘anti-Dominican’ campaign by the international community. Nevertheless, the government has stopped short of an outright rejection of the ruling, and Christian Aid understands that in mid-February 2006 the Dominican government formally requested an interpretation of the Yean and Bosico ruling, implying that it has recognised its obligation to engage with the inter-American human rights system.

It is now essential that the international community – particularly governments with political and economic ties with the Dominican Republic (the US, Canada, Spain, and also Britain) – actively encourage the Dominican authorities to comply with the court’s ruling and implement the reparations it ordered. The extent of anti-Haitian feeling means that few sectors of Dominican society are likely to put pressure on the government to abide by the court’s ruling (with the exception of human rights and faith-based organisations working with Dominico-Haitians), making it even more incumbent on the international community to encourage the DR’s compliance.

Will the Dominican constitution be changed?
In the light of the IACHR ruling, there have been increasingly vocal calls in the DR for the nationality provision of the Dominican constitution to be reformed. Many want to make sure that bodies such as the Inter-American Court can no longer use the constitution as the legal basis for challenging the government’s policies towards the descendants of Haitian migrants. The proposal is that the principle of **jus solis** should be eliminated as the main determinant of nationality, so that those born on Dominican soil would no longer have the constitutional right to Dominican citizenship. Bloodline (**jus sanguine**) – or the nationality of one’s parents – would become the priority factor in determining Dominican citizenship. Such a change to the constitution would provide a strong legal basis for denying citizenship to tens of thousands, if not hundreds of thousands of children born to Haitian migrants in the DR in the future.

Regularisation of undocumented migrants
Aside from the nationality of those born in the DR, there is the question of what happens to the thousands of undocumented Haitian migrants residing in the DR, many of whom have spent years – if not decades – in the country. When other countries have introduced a new migration law, it has often been standard practice to retrospectively regularise the status of undocumented or ‘irregular’ migrants already residing in the country, thus giving them some kind of legal status to remain, either permanently or temporarily. A number of Dominican organisations have called for such a regularisation over the past year, including the parliamentarian Pelegrín
Castillo, who suggested that a fixed, maximum quota of 250,000 migrants should have their status ‘regularised’. Christian Aid’s partners do not support a fixed quota, as they believe it is important that all those currently lacking documents are given some kind of legal status.

As an OECD paper pointed out in 2000, regularising ‘irregular’ migrants can be a tool for limiting discrimination and racism against migrants and for providing more flexibility and transparency in the labour force. But so far, the government has made no moves to offer any kind of a ‘one-off’ amnesty to undocumented migrants.
Conclusion

As a sovereign state, the Dominican Republic clearly has the undisputed right and obligation to control and regulate immigration into its territory. The DR has significant problems of poverty, inequality and underdevelopment of its own, and there is a limit to how many migrants the country can absorb. But there are ways and means of going about this task. At present, the largely uncontrolled and unregulated nature of migration is leaving migrants open to abuse and aggravating social tensions within the DR. Yet, on the occasions when the authorities have taken action to control migration, their actions have tended to be repressive, erratic and discriminatory, simply compounding the abuse and vulnerability suffered by migrants. Externally, such practices are tainting the DR’s international image, with potential consequences for trade, investment and tourism. Moreover, a failure to introduce more just migration and nationality policies on the part of both the Dominican and Haitian governments will have consequences, not just for the island of Hispaniola, but for the entire Caribbean region – in terms of containing the spread of HIV, fighting corruption and organised crime, and rooting out racism.

Therefore Christian Aid calls on the Dominican government to reorient its migration policies and practices in a way that will promote respect for human rights and harmony, while complying with the Dominican constitution as well as international norms, conventions and rulings. At the same time, concerted efforts must be made to challenge the deep-seated racism in Dominican society that is preventing the government and other national and local actors from taking a rational approach to questions of migration, and threatens to plunge the country into inter-communal strife.

Equally, the Haitian authorities must double their efforts to engage with their Dominican counterparts to better regulate migration within the framework of international norms, including measures to prevent illegal human trafficking. The Haitian government must also further improve procedures for issuing identity documents to its citizens, both in Haiti and in the DR. While the mass issue of identity cards to Haitians in the run-up to the 2005 elections went some way towards addressing this problem, Christian Aid partner GARR and others are now calling for the system to be permanently overhauled to ensure that Haitians can continue to access identity cards. These are the short- to medium-term actions that the Haitian authorities must take. In the long term, the Haitian government and the international community should work tirelessly towards the restoration of political and economic stability in Haiti, the lack of which is a key motivation for Haitians to emigrate in the first place.

The racism and prejudice surrounding Haitian migration to the DR may sometimes serve to obscure a fundamental reality – that as two halves of the same island, the two countries are mutually inter-dependent and obliged to cooperate on a whole range of issues for their mutual wellbeing. ‘Sharing the same island, the same earth, requires us to share an inter-related life,’ comments Father Regino Martínez Bretón, director of the Jesuit Service for Refugees and Migrants (Servicio Jesuita a Refugiados y Migrantes – SJRM). To varying degrees, this is already happening. There are a number of problems and opportunities that can only be tackled through collaboration – protecting the watersheds in the DR’s central mountain range that feed Haiti’s
Artibonite river; responding to the increasing number of natural disasters on the island (such as the floods and landslides of May 2004 which hit the mountainous southern border area particularly hard); encouraging reciprocal trade; controlling contraband; the drugs trade; preventive health and HIV and AIDS; and human trafficking and migration. The recent election of a new president in Haiti after two years of transitional government and political uncertainty provides an historic opportunity to rejuvenate collaboration between the two countries in the field of migration.

But closer collaboration does not mean some kind of grand unification of the island as some sectors have called for in the past. On the contrary, Christian Aid respects the cultural diversity and identities of each country, while wishing to contribute to the development of both countries. Christian Aid does not seek to discredit the Dominican Republic internationally: our sole concern is to defend the human rights of Haitians, Dominicans, Dominico-Haitians and, indeed, poor and marginalised communities worldwide.

As far as the international community is concerned, the ties between Europe and the island of Hispaniola are increasing – whether through investment, trade, tourism or aid. In this context, Christian Aid believes that EU countries – including the UK – have a responsibility to ensure that their engagement with both countries strengthens, rather than ignores or undermines, the human rights of the island’s inhabitants, including its migrants.

In a country like the Dominican Republic – where internal migration, tourism and Haitian migration are all features of its economic, social and political life – the need to learn to live together is imperative. Coexisting with Dominicans who arrive on our doorstep, with tourists who visit us, and with the Haitians present in our territory, requires a collective apprenticeship to be able to see, above all, what is positive in each other, and to receive and value that as a present from God; to do this we need to overcome the barriers of intolerance and discrimination.57

Dominican Catholic Bishops Conference, January 2006.
Recommendations

Christian Aid calls on the UK government, the Irish government, and the European Union (EU) to engage with the Dominican government over the implementation of the following recommendations:

Halting summary and arbitrary deportations

• Ensure that all deportations and repatriations of illegal Haitian immigrants are carried out in full conformity with Dominican laws, with the minimum standards laid down by the Dominican government in 2002, and with international human rights standards.

• Ensure that legitimate identity documents in the possession of Dominicans, Haitians, and Dominico-Haitians are respected, and that all residence/citizenship documents confiscated during recent expulsions are restored to their owners.

• Provide rigorous human rights training to all civilian and military personnel who are in any way engaged in migration or border control, and closely monitor their adherence to human rights standards.

• Ensure that all accusations of human rights abuse by Dominican state officials are fully investigated, and that those found guilty of such abuse are brought to justice in civilian courts.

• Facilitate processes of monitoring and verification undertaken by civil society organisations during deportations, in accordance with regional and international norms.

Respecting the legal rights of Haitian immigrants and Dominico-Haitians

• Respect and adhere to article 11 of the Dominican constitution regarding the right to Dominican citizenship of all persons born in the DR (jus solis).

• Improve and facilitate the registration process for all newborn infants and for children who have proof of having been born in the DR, but were not registered at birth. Remove the barriers that currently prevent them from being registered.

• Ensure that all children and adolescents in the DR – whether of Dominican or Haitian descent – can attend educational centres at all levels.

• Fully implement the reparation measures ordered by the Inter-American Court of Human Rights in its ruling on the Yean and Bosico vs Dominican Republic case in October 2005, whereby all those born on Dominican soil have a constitutional right to Dominican citizenship unless their parents are foreigners with diplomatic status. Specifically, the Dominican government must comply with the measures outlined by the ruling in the following areas:
  - reform of the late birth registration system
- reform of the education system
- public act of responsibility and forgiveness
- publication of the IACHR ruling
- payment of monetary damages to Dilcia Yean and Violeta Bosico.

• Challenge the ruling of the Dominican Supreme Court in relation to the constitutionality of the new migration law, on the basis that the ruling is legally questionable.

• Regularise the status of undocumented Haitian immigrants who have lived and worked in the Dominican Republic for many years independently of the application of the new migration law.

• Recognise and value the role of civil society organisations with relevant knowledge and experience as interlocutors in the design and application of migration policies.

Challenging xenophobia

• Take effective action to halt the recent wave of xenophobic attacks against Haitian immigrants and Dominico-Haitians in various parts of the Dominican Republic, and ensure they are never repeated.

• Ensure that murders of Haitians by Dominicans, as well as murders of Dominican citizens claimed to have been committed by Haitians, are fully investigated and that those found guilty are brought to justice in accordance with the rule of law and human rights norms.

• Make frequent public statements to condemn racially motivated violence and discourage all those involved from taking justice into their own hands.

• Ensure that the police take prompt action to restore law and order in situations where one section of the population is accused of a crime and another group appears intent on taking violent action in revenge.

• Guarantee and protect the work and staff of civil society organisations engaged in defending human rights, and specifically guarantee and protect those defending the rights of Haitian immigrants and Dominico-Haitians.

• Introduce anti-racist public education and awareness-raising programmes on TV, radio and in newspapers to eradicate hatred and prejudice in Dominican society.

Christian Aid calls on the UK government, the Irish government, and the EU to engage with the Haitian government over the implementation of the following recommendations:

• Promote socio-economic, environmental and political stability in Haiti – particularly in rural areas.
• Strengthen and increase Haitian diplomatic representation and capacity in the Dominican Republic, to ensure that Haitians in the DR can receive their identity documents through the Haitian embassy in Santo Domingo and other consulate offices in strategic Dominican locations.

• Improve the administrative processes in both countries for granting identity documents to Haitian citizens, who need these documents to register the births of their children in the DR.

• Establish programmes that will facilitate the reinsertion of Haitians repatriated from the DR into Haitian society.

Christian Aid calls on the UK government, the Irish government and the EU to encourage the Haitian and Dominican governments to jointly develop a coherent cross-border migration policy which should include the following elements:

• Joint efforts to put a stop to the actions of clandestine human traffickers who profit from human misery and poverty.

• An agreed framework establishing the criteria by which a migrant from one country can live and work in the neighbouring country.

• Negotiations over a collective agreement and understanding on the status of long-term Haitian immigrants in the DR and the descendants of these immigrants.

• Bilateral agreements to facilitate the passage of their respective citizens from one country to another, including a review of the tariffs for passports, visas etc.

• Collaborative efforts to guarantee respect for human rights norms and minimum standards with regard to the repatriation of citizens.

• Equitable regulation of commercial trade between the two countries in such a way that will benefit the development of both countries.

• Ratification and application by both governments of the 1990 International Convention on the Protection of the Rights of Migrant Workers and their Families, and application of the International Convention on the Elimination of all Forms of Racism (which both countries have already ratified).
Endnotes

1 Figure provided by the UK government’s Foreign and Commonwealth Office, March 2006.
3 Jacques Viau was a Haitian poet who tried to promote more harmonious relations between Haitians and Dominicans. He was killed in Santo Domingo in 1965.
4 Jano Sikse was Haitian migrant who died on 13 August 2000 after being tortured by soldiers from the Dominican army for refusing to give them money.
5 Reported in Hoy newspaper, 8 March 2006.
8 Carlos Dore Cabrал is director of the Department of Information, Analysis, and Strategic Planning, and a member of the governing party, the PLD.
http://www.onerespe.com/El%20VIRALATA/Viralata.htm
http://www.onerespe.com/El%20VIRALATA/Viralata.htm
14 Description that one of the attackers was dressed in military uniform was made in Ayiti-Dominikani, GARR bulletin, vol 4, no 5, August 2005.
15 See statement signed by Movimiento de Mujeres Dominico-Haitiana (MUDHA), Comité Dominicano de los Derechos Humanos (CDDH), and Movimiento Socio Cultural de los Trabajadores Haitianos (MOSCTHA), November 2005.
16 Reported in Listín Diario, 4 April 2005.
17 Reported in Hoy newspaper, 16 May 2005.
18 Interview with Teleradio América (channel 45), reported in Imprimir Noticia, 17 October 2005.
24 According to Wooding and Moseley-Williams, Needed but Unwanted: Haitian Immigrants and their Descendants in the Dominican Republic (p 21), large sections of La Realidad Dominicana were reprinted in Joaquín Balaguer, La isla al revés: Haití y el destino dominicano, Editora Corripio, Santo Domingo, 1983.
http://www.onerespe.com/El%20VIRALATA/Viralta.htm
http://www.onerespe.com/El%20VIRALATA/Viralta.htm
32 El Caribe newspaper, 30 January 2006.
33 Reported in El Caribe newspaper, 4 July 2005.
34 Press release from Christian Aid partner, GARR, 23 February 2006.
38 El Caribe newspaper article referred to in El Viralta, Onè Respè bulletin, no 26, February 2006.
39 This analysis has been expressed by several US-based solidarity organisations, including the Grassroots Haiti Solidarity Committee, the Batay Ouvriye Solidarity Network, and the Internationalist Group, who all protest against the deportation of Haitian workers once a month outside the Dominican Consulate in New York. Contact: bosolidarity@yahoo.com and info@grassrootshaiti.org
40 RBJS Quarterly Reports, July-September 2005 and October-December 2005.
41 See the EU’s Caribbean Regional Indicative Programme and Regional Strategy Paper for 2002-07. The funding is provided by the 9th European Development Fund.
47 Some put the figure at nearer one million, while CIIR calculates 380,000, taking into account the numbers deported back to Haiti each year – see Bridget Wooding and Richard Moseley-Williams, ‘Needed but Unwanted: Haitian Immigrants and their Descendants in the Dominican Republic’, CIIR, London 2004, p 35.
50 Wilfredo Lozano ‘Hatillo Palma y las relaciones internacionales’, Published in Aportes no 80, Santo Domingo, 6 June 2005. Journal of the CEEH – Centro de Estudios Estratégicos Sobre Haiti
52 See press release produced by the Servicio Jesuita a Refugiados y Migrantes (SJRM) in response to Supreme Court decision, 14 December 2005.
53 Informal information received from CEJIL on 17 February 2006.
54 See Eddy Tejeda y Bridget Wooding, En búsqueda de un posicionamiento de la sociedad civil ante el plan de regularización migratoria de la ley de migración, FLACSO, Santo Domingo, 10 February 2006.
55 Christian Aid partner, GARR, is participating in a project funded by the International Organisation of Migration, designed to build the capacity of Haitian authorities to negotiate bilateral migration agreements with the Dominican Republic.
56 Father Regino Martinez Bretón, quoted in Solidaridad Fronteriza, SJRM bulletin, 13 February 2006.

On the margins
Acknowledgements

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