



Dominican man and child of Haitian descent, June 2006

International Migrants Day

International Migrants Day on 18 December marks the day in 1990 when the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) was adopted by the UN General Assembly. It came into force on 1 July 2003 and so far 37 states have ratified it. It is an occasion to celebrate the contributions made by millions of migrant workers around the world. It is also an opportunity to draw attention to the need to promote and protect the rights of migrant workers and their families.

The Migrant Workers Convention is the first international treaty to provide specific recognition of the human rights of all migrant

workers and their families. It prohibits discrimination against migrant workers. Amnesty International is continuing its call to those states which have not already ratified the Convention to do so. It also calls on those which have ratified the Convention to implement it and incorporate its provisions into domestic law. Under the Migrant Workers Convention, the children of Haitian migrants living in the Dominican Republic have the right to "a name, to registration of birth and to a nationality" (Article 29).

For further information, see *Dominican Republic: A life in transit – The plight of Haitian migrants and Dominicans of Haitian descent* (AI Index: AMR 27/001/2007), available at <http://web.amnesty.org/library/engindex>

TAKE ACTION NOW

PLEASE WRITE TO THE DOMINICAN AUTHORITIES CALLING ON THEM TO:

- end discriminatory policies that prevent Dominicans of Haitian descent obtaining Dominican nationality;
- ensure that due process of the law is respected whenever the nationality of any individual is called into question;
- ratify and fully implement the provisions of the International Convention on the Protection of All Migrant Workers and Members of Their Families as a step towards protecting the rights of Haitian migrant workers and their children in the Dominican Republic.

PLEASE SEND APPEALS TO:

President S.E. Leonel Fernández
Presidente de la República
Palacio Nacional
Santo Domingo
Dominican Republic
fax: 00 1 809 682 0827

December 2007
AI Index: AMR 27/006/2007

Amnesty International
International Secretariat, Peter Benenson House
1 Easton Street, London WC1X 0DW, United Kingdom

www.amnesty.org

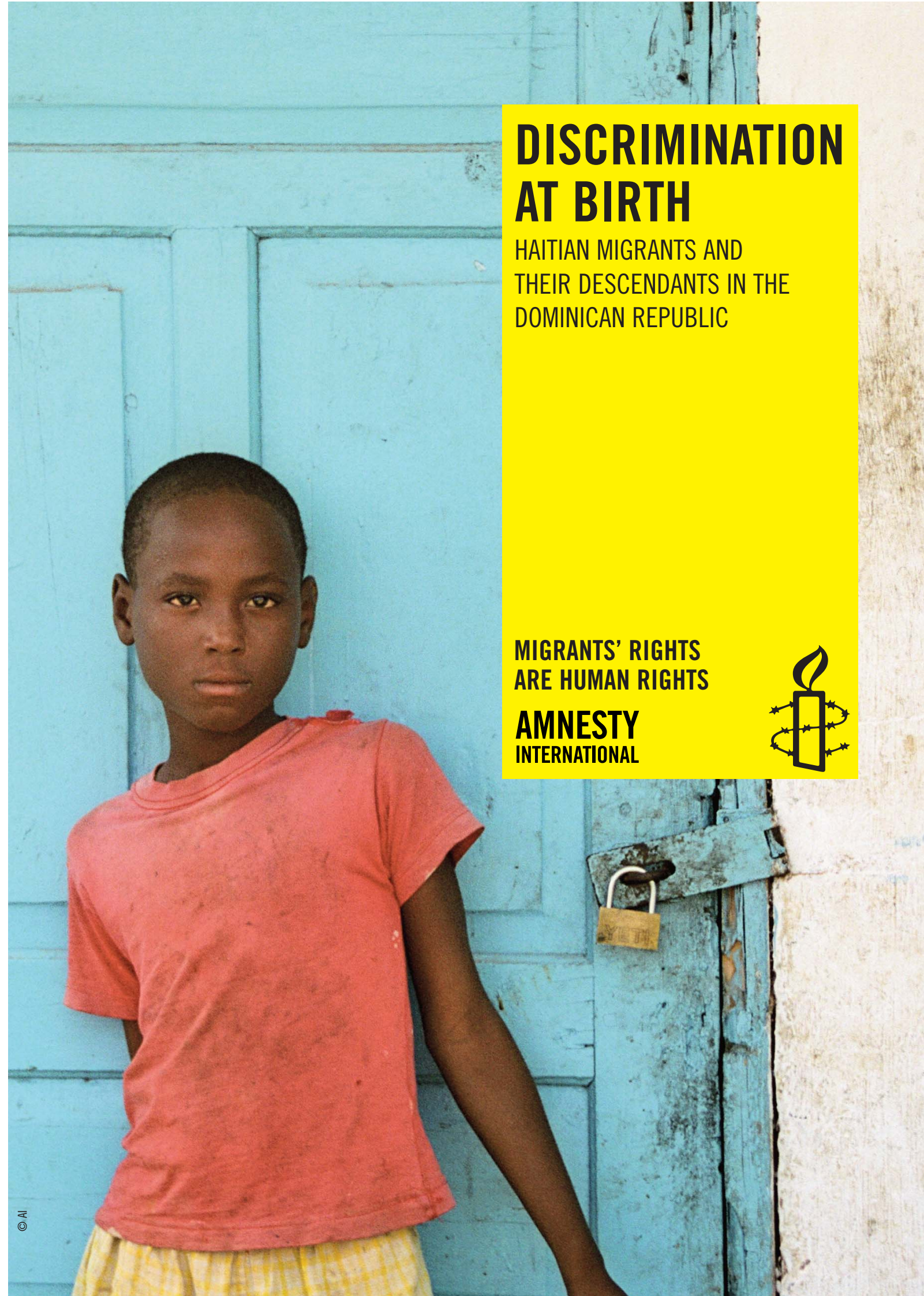
MIGRANTS' RIGHTS
ARE HUMAN RIGHTS
AMNESTY
INTERNATIONAL



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.



DISCRIMINATION AT BIRTH

HAITIAN MIGRANTS AND
THEIR DESCENDANTS IN THE
DOMINICAN REPUBLIC

MIGRANTS' RIGHTS
ARE HUMAN RIGHTS

AMNESTY
INTERNATIONAL



© AI

DISCRIMINATION AT BIRTH

HAITIAN MIGRANTS AND THEIR DESCENDANTS IN THE DOMINICAN REPUBLIC

Carolina and Daniel, both Dominicans of Haitian descent, were told in April this year that they could not register the birth of their baby daughter at their local civil registry. Officials said the couple would have to send their own birth certificates to the Civil Registrar's Office for authentication because of previous "irregularities" at other offices. Having complied with this, six months later, they are still waiting for a reply.



Dominican boy of Haitian descent, June 2006



Daniel and Carolina's case is far from unique. Many Haitians and Dominicans of Haitian descent have experienced similar problems since the Civil Registrar's Office issued Circular 17 in March 2007. The Circular instructed officials to examine closely any identity documents presented to them for renewal or registration.

The government justifies the new measures by claiming that identity documents had been wrongly issued in the past to people who could not prove that they were legally resident in the Dominican Republic. However, in reality, Circular 17 has been used to systematically deny Dominicans of

Front cover and left: Dominican boys of Haitian descent, June 2006

Haitian descent access to official identity documents, which in turn prevents them obtaining access to education or state pensions, entering the formal job market and voting at elections. It also puts them at risk of mass expulsion, without access to judicial review, when they may also face ill-treatment.

The Dominican Constitution defines a Dominican national as any individual born on Dominican territory with "the exception of the legitimate children of foreign diplomats resident in the country or foreigners who are in transit". By applying Circular 17 in this way, the authorities are, therefore, breaching rights guaranteed in the Constitution.

In September 2005, the Inter-American Court of Human Rights ruled that the

Dominican Republic should guarantee an end to discriminatory practices during the registration of births of Dominican-born children of Haitian parents. Despite this ruling, the Dominican authorities have set in place practices which are even more discriminatory. From August 2007 the births of children of "non-resident foreign mothers" are recorded in a special register and given pink-coloured birth certificates. In practice this new measure mainly affects Haitians and also some Dominicans of Haitian descent, the vast majority of whom cannot be considered "non-resident". Its effect is to deny these children Dominican nationality, leaving them de facto stateless, and further entrench the widespread discrimination faced by Haitians and Dominicans of Haitian descent.

SOME [DOMINICAN] LAWS HAVE A DISCRIMINATORY IMPACT, INCLUDING THOSE... GRANTING... DOMINICAN CITIZENSHIP TO PERSONS OF HAITIAN HERITAGE BORN IN THE DOMINICAN REPUBLIC

Preliminary findings of a joint visit in October 2007 to the Dominican Republic by the UN Special Rapporteur on contemporary forms of racism and the UN Independent Expert on minority issues