

CHALLENGING DISCRIMINATION IN THE DOMINICAN REPUBLIC

PROTECTING AND PROMOTING THE RIGHTS OF HAITIAN
MIGRANT WORKERS AND THEIR DESCENDANTS

HUMAN RIGHTS
DEFENDERS

AMNESTY
INTERNATIONAL



'IT SEEMS AS THOUGH THERE IS NOTHING WRONG WITH DEFENDING HUMAN RIGHTS IN THIS COUNTRY. IT SEEMS THAT WHAT IT IS WRONG IS DEFENDING THE RIGHTS OF THE DOMINICO-HAITIAN COMMUNITY.'

Sonia Pierre



Sonia Pierre (*left*) is the Executive Director of the Dominican human rights organization, the Movement for Dominico-Haitian Women (Movimiento de Mujeres Dominico-Haitianas, MUDHA).

The organization is part of the Jacques Viau Dominico-Haitian Encounter Network (Red de Encuentro Dominico Haitiano Jacques Viau) which works to combat anti-Haitian prejudice and racism in the Dominican Republic.

Ten years after the adoption of the UN Declaration on **Human Rights Defenders** (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms), they continue to face restrictions on their work, harassment, intimidation and abuse. Yet despite the risks and challenges, human rights defenders continue to make a real difference to the lives of individuals around the world.

Human rights defenders strive to close the gap between the promise of justice and equality in dignity and rights set out in the Universal Declaration of Human Rights (UDHR) and the reality of continuing human rights abuses today. Their work is vital for the realization of human rights for all.

The Network has been heavily involved in efforts to ensure that the descendants of Haitian migrants receive Dominican nationality and enjoy their full rights as citizens. It has also worked closely with the Jano Siksè Border Network (Red Fronteriza Jano Siksè), a cross-border network of Haitian and Dominican grassroots organizations which monitors human rights abuses, including collective or arbitrary deportations and ill-treatment by members of the security forces, along the Dominico-Haitian border.

Discrimination on grounds of race, language, skin colour and nationality is an everyday reality for many Haitian migrant workers and Dominicans of Haitian descent. Even those who have legal documents allowing them to remain in the Dominican Republic or have been granted Dominican nationality are at risk of being arbitrarily deported. Discriminatory administrative and legislative practices deny thousands of Dominican children their rights to acquire a nationality, to education and to security of the person.

The issue of Haitian migration to the Dominican Republic is a disputed one. It is often exploited by nationalist groups in the country to scapegoat Haitian migrants for the country's social, economic or security problems. In reality, however, Haitian migrants contribute substantially to the Dominican economy by carrying out difficult, poorly paid and sometimes

dangerous jobs that the vast majority of Dominicans are unwilling to do under such conditions.

Following a visit to the Dominican Republic in October 2007, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the UN Independent Expert on minority issues, concluded that there is "a profound and entrenched problem of racism and discrimination in Dominican society". They highlighted the discriminatory impact of certain laws, particularly those relating to migration, civil status and citizenship. A February 2008 report by the UN Committee on the Rights of the Child highlighted serious concerns that children of Haitian immigrants and Haitian descendants continue to have restricted access to education, health and social services.

Sonia Pierre and other members of MUDHA have played an important role in raising international awareness of the human rights abuses faced by Haitian migrants and their descendants in the Dominican Republic. MUDHA was one of the petitioners before the Inter-American Court of Human Rights in the case of two girls who, like many other children of Haitian descent, had been denied birth certificates. In October 2005 the Court found in favour of the girls and





Haitians coming back from Dajabon market in the Dominican Republic, 2006

The Declaration on Human Rights Defenders was adopted by the UN General Assembly on 9 December 1998. The term “human rights defender” is used to describe people who act in many different ways and in different capacities to protect and promote human rights.

Some defenders work against particular abuses, such as torture or forced eviction. Others work for the rights of specific groups or sectors of the population facing discrimination and disadvantage, such as Indigenous People, ethnic or religious minorities, rural women, street children, or lesbian, gay, bisexual and transgender people.

For all their diversity, human rights defenders whoever they are and whatever they do have several characteristics in common. They all uphold the fundamental principle of universality – that all human beings are equal in dignity and rights, regardless of gender, race, ethnicity, or any other status. All are committed to respecting the rights and freedoms of others in their own actions.

ordered the Dominican authorities to end birth registration practices that discriminate against children of Haitian descent.

However, far from improving registration procedures, in recent years the Dominican authorities have increased discriminatory policies and practices.

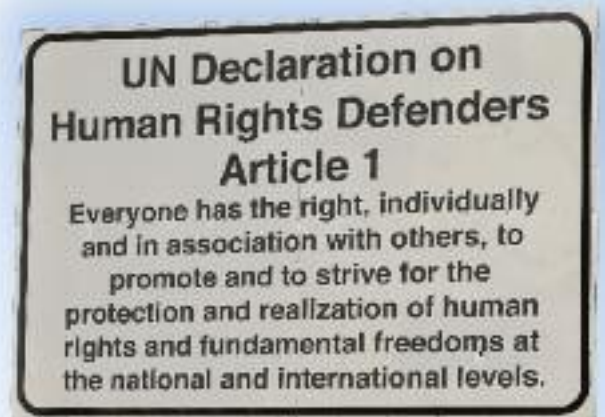
In March 2007 the Dominican Electoral Board (Junta Central Electoral, JCE) issued a circular instructing government officials to examine closely any identity documents presented for renewal or registration, on the grounds that such documents had been wrongly issued in the past. In practice, this has been used to systematically deny identity documents to thousands of Dominicans of Haitian descent, which in turn deprives them of their right to vote and to education, and prevents them from entering the formal job market. It also puts them at risk of mass expulsion without access to judicial review.

MUDHA has been assisting Dominicans who find that they have been unable to renew their identity documents or register their children.

THREATS AND INTIMIDATION

Last year, Sonia Pierre herself faced a challenge to her Dominican nationality. In February 2007 the President of the National Border Council publicly claimed that more than a million Haitians in the Dominican Republic had fraudulent identity documents and specifically named Sonia Pierre as one of them. In March 2007 the JCE ordered an investigation into the validity of Sonia Pierre’s birth certificate, on the grounds that her parents had falsified identity documents at the time of her birth. Following months of uncertainty, the Vice-President of the Dominican Supreme Court of Justice ruled in Sonia Pierre’s favour and the matter was dropped. The investigation appears to have been designed to try and intimidate Sonia Pierre and members of MUDHA and discourage them from carrying out their legitimate work.

Cover image: A girl washing clothes in the Dominican Republic, 2006. Entrenched racism and discrimination on the basis of race and skin colour have a profound effect on the life chances of Haitian migrants and Dominicans of Haitian descent.



9 DECEMBER 2008 MARKS THE 10TH ANNIVERSARY OF THE UN DECLARATION ON HUMAN RIGHTS DEFENDERS. IT IS AN OPPORTUNITY TO PUBLICLY ACKNOWLEDGE THE LEGITIMATE WORK OF HUMAN RIGHTS DEFENDERS AND TAKE ACTION TO SUPPORT AND PROTECT THEM



'DEFENDING HUMAN RIGHTS IN A CHANGING WORLD'

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Torn identity card, 2005. During the mass expulsions, Dominicans of Haitian descent are at risk of being arbitrarily expelled from the Dominican Republic because officials destroy or refuse to recognize their documents.

Shortly before the challenge to her nationality, Sonia Pierre had received the 23rd Annual Robert F. Kennedy Human Rights Award. For the Dominican authorities the award brought unwanted international attention to the issue. In an attempt to undermine the legitimacy of Sonia Pierre's human rights work, the Dominican Foreign Minister wrote to the Robert F. Kennedy Memorial Center for Human Rights stating that the award had been a mistake and that the Center "unfortunately was misinformed on the consequences of Ms. Pierre's work in these parts".

Sonia Pierre has been the target of repeated threats because of her work. Indeed, in August 2000 the Inter-American Court of Human Rights called on the Dominican authorities to put in place protective measures for her. Despite this, in 2005 she and her children were forced to leave the Dominican Republic following further threats. The protective measures were widened in February 2006 to include her children. To date, the Dominican authorities have not acted to implement protection measures for Sonia Pierre and her children.

TAKE ACTION NOW

PLEASE WRITE TO THE DOMINICAN AUTHORITIES:

- Highlighting the important contribution made by Sonia Pierre and organizations such as MUDHA, the Jacques Viau Network and the Jano Siksè Border Network in protecting and promoting the rights of Haitian migrants and their descendants;
- Expressing concern at the apparent campaign to discredit Sonia Pierre and the work of MUDHA and calling on the authorities to implement the protection measures granted by the Inter-American Court of Human Rights, in strict accordance with her wishes;

- Expressing concern at the discrimination and abuses faced by Haitian migrant workers and Dominicans of Haitian descent and calling for their human rights to be respected and protected;
- Reminding them of their obligation – set out in the UN Declaration on Human Rights Defenders – to recognize the legitimacy of the activities of human rights defenders and defenders' right to carry out their activities without obstacles or fear of reprisals.

PLEASE SEND APPEALS TO:

President S.E. Leonel Fernández
Presidente de la República
Palacio Nacional
Santo Domingo
Dominican Republic
Fax: +1 809 682 0827
Salutation: Señor Presidente/Dear President

Sr. Franklin Almeyda Rancier
Secretario de Estado de Interior y Policía
Ave. México, Esq. Leopoldo Navarro, Edif. Oficinas Gubernamentales
Santo Domingo Dominican Republic
Fax: +1 809 685 1194
Salutation: Señor Secretario/Dear Sir

HUMAN RIGHTS DEFENDERS
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.

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