Unwelcome Haitian Labor: Forced Migration in the Dominican Republic

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by Laurel Fletcher and Jennifer Lenga

Last spring, students from the International Human Rights Law Clinic at UC Berkeley's Boalt Hall packed their bags and traveled to the Dominican Republic and Haiti in search of numbers — numbers that would make vivid a trail of human suffering, and in so doing possibly change its course. In October 1999, the Dominican Republic initiated mass expulsions of Haitians and Dominicans of Haitian descent. In less than four weeks, government agents rounded up thousands of individuals suspected of being undocumented Haitian migrants and pushed them across the border into Haiti. What triggered this treatment? A few days earlier, the Inter-American Commission for Human Rights, the human rights arm of the Organization of American States, had released its report critical of the government's treatment of Haitians and Dominicans of Haitian ancestry. In response, the government initiated mass expulsions as a brutal display of its sovereign right to control its borders.

Supported by a CLAS grant, Boalt students went to the region to challenge the legality of the operation under international law.

The expulsions began virtually without warning as agents raided the poor communities of Haitians and Dominicans of Haitian ancestry, seizing anyone black (Haitians are dark skinned, predominantly Creole-speaking descendants of African slaves, and Dominicans, whose Spanish ancestors colonized the eastern side of the island, speak Spanish and are lighter skinned). This was the fourth time in the last decade that the government had expelled thousands in the span of a few weeks. As in past episodes, there was no pretense of “due process” — individuals were arrested on their way home from the fields or the market, forced onto military trucks, and taken to Haiti.

For decades, Haitians have migrated to the more prosperous Dominican Republic in search of work. The majority of Haitians who live in the Dominican Republic work in the fields of sugar cane plantations or in other agricultural sectors like cacao, or perform manual labor in the construction
industry. Most live in extreme poverty in shantytown communities. Even many individuals of Haitian descent who are born in the Dominican Republic are unable to obtain Dominican citizenship and the rights that go with it, including the right to vote, and thus have little ability to protect their rights.

Clinic students Angela Perry and Jennifer Lenga spoke with one of the victims, a twenty-year-old woman of Haitian descent who was caught up in the 1999 expulsions. She had been arrested while walking to work at a laundry in Santo Domingo carrying her 16-month-old baby. Dominican officials forced her onto a bus with about 50 others and drove her and her child to Haiti. She was never given the opportunity to explain or prove that she was born in the Dominican Republic and thus legally entitled to Dominican citizenship. She was not allowed to contact her husband, children, or any of her extended family. She was dumped at the border in Haiti with no money, no food, and no contacts. Having lived in the Dominican Republic her entire life, she did not speak Creole and had no friends or known family members in Haiti. She became entirely dependent on the aid of a non-governmental organization for food, shelter, and assimilation into a society she did not know. As far as her family knew, she and her child had simply vanished.

To the human rights community in the Dominican Republic, the government's action was woefully familiar: a display of strength in answer to the challenge from the international community to adhere to the rule of law. Yet groups on the ground felt it important to continue to press the government to live up to its international legal obligations. Yet civil society in the country is vulnerable. In the popular press, government officials vilify leaders of groups working with Haitians; and memory of the 1937 massacre of an estimated 30,000 Haitians, ordered by President Trujillo to rid the country of "dark" influences, constantly reminds community leaders of the lethal underside of official policy. Human rights advocates in the country welcomed international attention as a means to provide political support and protection from physical threats. Thus, with guidance from the Movimiento de Mujeres Dominicano-Haitianas (MUDHA) and other groups working with the affected communities, the Clinic initiated a new action before the Inter-American Commission for Human Rights to pressure the government to stop the collective expulsions.

Within days, the government announced that it was suspending expulsions because it had reached a new agreement on migration with the Haitian government. Relieved that the expulsions had ceased, the Clinic continued to press for an international ruling that the government had engaged in a pattern and practice of illegal, collective expulsions. In the absence of such a decision, the government would be able to resume mass expulsions with political impunity, but condemnation from an international tribunal might make the government hesitate before doing so.

The Commission requested an emergency order from the Inter-American Court for

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ish the abysmal difference between the rich and the poor that burden many nations including those in Latin America.

It is critical to stop discussions on suspicions that will make a viable solution impossible. The inability to sort out these difficulties creatively could set undue limits to expanding free trade. They also signal an obstacle that all of Latin America must avoid so that the elimination of poverty can move from words and speeches to fact.

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Human Rights to suspend collective expulsion of Haitians and individuals of Haitian descent. To assist the tribunal, the Clinic and volunteer members of UC Berkeley’s demography department are preparing a study of migration patterns during the expulsion period in question. Combined with the interviews students conducted with victims, Haitian government officials, and NGOs, this study will provide qualitative and quantitative data to answer the question of whether the state could have upheld the expelled people’s rights to due process. The use of statistical analysis is innovative in human rights reporting, and the Clinic hopes it will have an impact on the Court’s decision.

Regardless of the ultimate outcome of the case, the study already has made a difference. One of the goals of the Clinic is to provide law students with hands-on human rights experience, teaching students about human rights lawyering by being a human rights advocate. The fieldwork complements traditional legal coursework and prepares a new generation of human rights lawyers.

Furthermore, there have been hopeful signs that international scrutiny of the Dominican government is yielding positive results. There have been no mass expulsions since November of 1999, and an army general recently expressed the desire to have soldiers receive human rights training. Progress is slow, but international human rights advocacy has become an effective tool in the fight against discrimination for Haitians in the Dominican Republic. As Sonia Pierre, MUDHA’s leader, remarked: “The Inter-American System has helped us immensely. We have achieved more in the last three years than in the prior seventy. I never thought it possible.” Bolstered by such optimism, the Clinic and its students continue to press the Court to declare the Dominican expulsion practices illegal.

It is impossible to forget that the relationship between democracy and the market is not made virtuous by some automatic mechanism already in place. It must be built. And it should be precisely constructed to harness the virtues of each institution while bringing both together. An essential part of this architecture is the existence of labor relations that insure basic rights.

Jorge Arrate is the Chilean Ambassador to Argentina. He was the Minister of Labor from 1994 to 1998, and served as the President of the Governing Board of the International Labor Organization (ILO) from 1995 to 1996. He was a visiting scholar at CLAS in Spring of 1999.

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