

July 6, 2015

The Dominican Republic Must Stop Expulsions of Haitians

Laurel E. Fletcher

Roxanna Altholz, *Berkeley Law*

The Opinion Pages | OP-ED CONTRIBUTOR

The Dominican Republic Must Stop Expulsions of Haitians

By ROXANNA ALTHOLZ and LAUREL E. FLETCHER JULY 5, 2015

A HUMAN rights crisis is unfolding on the island of Hispaniola, which is shared by the Dominican Republic and Haiti.

The Dominican Republic is threatening to drive out hundreds of thousands of Haitians who live and work in the Dominican Republic. Many of them came to work in the sugar, construction and tourism industries.

Recently, the Dominican Republic demanded that they come forward and register for legal residency or be forced to return to Haiti. Of an estimated 450,000 Haitian migrants in the country, some 290,000 filed by the deadline to register, June 17 (which reportedly has been extended). But so far, less than 2 percent of them have been granted legal status. Although the country's threat to deport Haitians en masse hasn't yet materialized, many workers have already fled to Haiti; the Dominican Republic recently put the number at about 30,000.

These migrants are not the only ones who face an uncertain future in the Dominican Republic.

Tens of thousands of Dominican citizens of Haitian descent, whose parents or grandparents had crossed the border for economic opportunities, live in legal limbo.

Until 2010, the Constitution ostensibly granted citizenship to anyone born in the country. But many Dominicans were excluded because their parents were deemed to have been “in transit” at the time of their birth. Moreover, the authorities routinely denied papers and ID cards to Dominicans of Haitian descent without justification, often on the basis of their French or Creole surnames or their skin complexion. As a result, these people — along with Haitian migrant workers — have lived in constant fear of arbitrary expulsion to Haiti.

The government has denied that it discriminates against Haitian migrants or Dominicans of Haitian descent. It even says that the recent registration process was a success. These claims are not to be believed.

Over 10 years ago, on behalf of two girls of Haitian descent, we sued the Dominican Republic in the Inter-American Court of Human Rights, challenging the onerous and expensive requirements Haitian parents who sought to obtain birth certificates for their Dominican-born children faced. Without these papers, the children couldn’t attend public school, marry, own property or vote.

In 2005, the court ordered the Dominican government to recognize the nationality of these children and to seek out and issue birth certificates to all such children. But the country has barely complied.

Almost immediately after the decision, a small group of racist, ultranationalist politicians orchestrated an aggressive campaign against the ruling. The legislature amended the Constitution in 2010 to exclude children of undocumented migrants from citizenship. A court retroactively stripped citizenship from people of Haitian descent, going back to the 1930s.

After an outcry, the government backtracked. To save face, it created a plan to restore citizenship to those who had been stripped of it, and to gradually legalize Haitian migrants who had made their lives in the Dominican Republic.

But then the government sabotaged its own plan by demanding that poor migrants — who might earn under \$11 a day in the informal economy — furnish documents like pay stubs, letters of employment or proof of homeownership in order to obtain residency papers.

The Dominican Republic has a long, brutal history of mass expulsions of Haitians. In 1937, the dictator Rafael Trujillo ordered the massacre of tens of thousands of them. The word in Santo Domingo now is that the government is about to deport Haitians — and those who *look* Haitian — en masse. Past roundups have been conducted under the cover of night. People were thrust out of their beds, without time to collect their belongings or show what papers they had. Parents were separated from their children, wives from their husbands, citizens from their homeland.

Yes, the Dominican Republic is a developing country, and not the only nation that mistreats migrants and stateless people. But for decades, Haitians and their progeny have served as a scapegoat for Dominican politicians who blame them for poverty, disease and crime.

The Dominican Republic should put a halt to the sporadic roundups and summary expulsions. If it doesn't, the international community must step in.

The United Nations and the Organization of American States should request that international monitors be stationed along the border and in detention centers to deter human rights abuses. If the Dominicans balk, they should be shunned at international forums. The United States, which gave about \$30 million in aid to the Dominican Republic in 2012, must help prevent a humanitarian disaster.

Roxanna Altholz and Laurel E. Fletcher teach international human rights law at the University of California, Berkeley.

A version of this op-ed appears in print on July 6, 2015, on page A17 of the New York edition with the headline: A Calamity in the Caribbean.