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The situation affecting the Haitian minority in the Dominican Republic (DR) is a notable example of how ethnicity, colour, history and economics interact to disadvantage indigenous and African descendant populations in the Americas, including with respect to their right to education.

An estimated 70 per cent of the 9.5 million population of the DR is of mixed African descent and define themselves as 'Hispanics' while identifying Haitians as 'blacks'.

In 2008 local NGOs continued to report on discrimination against people with dark skin, including being denied birth registration in hospitals, enrolment in private schools and right of access to some public places.

Despite a November 2007 report by the UN Special Rapporteur against racism and the Independent Expert on Minority Issues, as of early 2009 there was still no official effort to recognize the existence of anti-black racism and discrimination in the DR, or to adopt a national action plan to address the problem, especially given its effects on citizenship rights, including education.

The Dominican Constitution recognizes all people born in the territory as Dominican citizens, except children born to diplomats or those 'in transit'. This means that hundreds of thousands of Dominican-born people of Haitian descent, who are the product of a century-long history of substantial economic migration between the DR and Haiti, legally qualify to be registered as citizens.

In 2008, however, DR government policies continued to marginalize and cast Haitian-Dominicans as irregular or illegal immigrants, and to regularly use the 'in transit' clause to deny national registration to Dominican-born children whose parents are of Haitian descent.

This occurs even though Haitian-born parents and grandparents may have resided in the country for decades, and even when the child may be as much as third-generation Haitian-Dominican, with grandparents who were also born and raised in the DR.

For their part, Haitian consulates indicated they were legally authorized to register only those births declared within the child's first year. Parents are required to submit valid identification forms to support the claim, but many persons of Haitian descent in the DR lack any documents. Consequently, in 2008 an estimated 600,000 to 1 million Dominican-born persons of Haitian descent remained not just merely undocumented but functionally stateless and destined to a life of marginalization and uncertainty.

They face difficulties when travelling within as well as outside of the DR, and cannot obtain national identification cards (*cedula*) or passports. Persons without a *cedula* have limited access to formal sector jobs, higher education, marriage and birth registration, or financial services such as banks and loans. They especially have no access to courts and judicial procedures, cannot own land or property, and cannot vote.

In 2008 the largely undocumented Haitian-Dominican population continued to live with a 70 per cent poverty rate and in perpetual fear of ethnically motivated assault, arrest and forced expatriation. This makes them particularly vulnerable to sub-minimum wage exploitation by employers and prone to attacks by anti-Haitian mobs.

In a May 2008 document, the Jesuit Service for Refugees and Migrants (SJR) in Santo Domingo reported that as many as 62.5 per cent of Haitian construction workers receive no overtime pay, even though 21.4 per cent of them work between 9 and 11 hours per day and 38 per cent work seven days a week.

In October 2008 a mob in the town of Neiba killed two Haitians and injured 12 in reprisal for the alleged killing of a Dominican national by a Haitian, and migrant rights defenders remain at risk.

As a result of their uncertain status, some Haitian immigrants continue to live in shantytowns or work camps known as '*bateyes*', with limited or no utilities and inadequate schooling. Despite the conditions, for some undocumented residents *bateyes* may have come to represent relatively safe retreats.

These *bateye* communities have virtually no access to primary education. This also eliminates all chances of secondary and higher education. Available schools are deficient in infrastructure, poorly equipped and staffed by minimally trained voluntary instructors. Students are very often under-nourished and unable to afford basic clothing.

A survey conducted by the NGO Health Justice Collaborative in 28 Haitian settlements in the DR found that the average illiteracy rate was 35 per cent and in some cases as high as 64 per cent; the overall national illiteracy rate is 13 per cent. In one Haitian settlement near the Dominican-Haitian border, the survey found that 48 per cent of the adult residents over 15 years of age could not read in Spanish.

Over the past five years the process for registering births in the DR has been structured to make it almost impossible for Haitian-Dominicans to obtain the identification cards needed for attaining citizenship, and/or access to services such as education. More information on this can be found online in MRG's *World Directory of Minorities and Indigenous Peoples*.

Documentation and education

Besides the issue of nationality, these policies have an immediate effect on children's education, with long-term consequences.

The Dominican Constitution guarantees the right to free and compulsory primary and secondary education to all those legally within its borders; since Dominican children of Haitian descent do not receive proper birth certificates or the identification cards needed for school enrolment, this effectively excludes them from obtaining education and restricts further opportunity.

Moreover, although previous DR administrations had allowed undocumented Haitian descendants educational access through to eighth grade, following an IACHR ruling the Secretary of Education limited access to just primary schooling (fourth grade) and made enrolment the discretionary responsibility of local and regional education administrators.

The result is that some Dominican-born children of Haitian descent have been expelled from school and in 2008 tens of thousands of black children continue to be denied initial

enrolment and their right to an education; even more so if their parents lack legal documentation.

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