

Urgent Action

In Focus

An insight into the stories behind UAs

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"We work like donkeys...they treat us like cattle". Abuses Against Haitian Migrant Workers And Dominico-Haitians In The Dominican Republic

[PHOTO]

Father Pedro Ruquoy©AI

In November 2005, after 30 years of missionary work in the Dominican Republic, Belgian Catholic priest **Father Pedro Ruquoy** was recalled to Europe by his order for his own personal safety following a sustained campaign of intimidation against him which included death threats. During those 30 years Fr. Ruquoy worked to defend the rights of workers from sugar cane plantations, the majority of whom are Haitian migrant workers or Dominicans of Haitian descent. His parish comprised several *bateyes* in the south-western provinces of Barahona and Independencia. These are communities set up for workers on the sugar cane plantations. Fr. Ruquoy had for many years denounced the mass arrests and deportations of Haitians and Dominicans of Haitian descent by the Dominican authorities as well as the lack of access to Dominican nationality for children born to Haitian migrant workers. He was also critical of the harsh conditions under which sugar cane workers and their families work and live.

Amnesty International has long campaigned on Fr. Ruquoy's behalf, issuing a Human Rights Defenders Network Action in July 2001 (See *Dominican Republic: Continuing Threats Against Defender Of Rights Of Haitians*, AMR 27/007/2001, 13 July 2001) as well as Urgent Actions (UAs) in 2004 and

2005. The last UA was issued following Fr. Ruquoy's alleged receipt of death threats from the head of security at a sugar plantation for his international exposure of the sugar industry (See UA 237/05, AMR 27/001/2005, 12 September 2005) He was also publicly criticized by the Dominican authorities for what they viewed as his denigration of the country's image abroad and reluctantly left the Dominican Republic soon after.

Increasing Xenophobia And Harassment

Fr. Ruquoy left at a time of increasing xenophobia and harassment against Haitians and Dominico-Haitians. This had existed since the murder allegedly by two Haitians, of a Dominican shopkeeper in the north-west of the country on 9 May 2005. Following the incident between 13 and 15 May, members of the Dominican armed forces accompanied by immigration officials reportedly arbitrarily expelled more than 2,000 Haitians and Dominicans of Haitian descent who were living in the area, in what was an unprecedentedly large number of expulsions for recent years. Since then there have been an increasing number of indiscriminate mob attacks against Haitians in the Dominican Republic, often in apparent reprisal for violent attacks against Dominicans which are attributed to the Haitian population, who are often

singled out as scapegoats for crimes committed in the Dominican Republic.

Haiti and the Dominican Republic share the island of Hispaniola but due to conflicts in the 19th century and the disparity in economic and social development between them, the two countries have long been uneasy neighbours. Despite the Dominican Republic's racial diversity any black-skinned person is considered to be Haitian or of Haitian descent and faces discrimination. Thousands of Haitians enter the Dominican Republic every year fleeing the poverty of their homeland to work in the agriculture and construction sectors. Many of these people enter illegally, allegedly with the collusion of the Dominican military and migration officials in order to provide cheap seasonal labour. Sometimes these clandestine border crossings have tragic consequences - in January this year 24 Haitians suffocated to death as they were being transported in the back of a truck across the frontier to the Dominican Republic. The fact is that the Dominican Republic needs this labour as Haitians migrant workers are willing to accept lower pay and worse conditions than Dominicans, very few of whom are willing to perform the hardest jobs in agriculture and construction. The sugar industry has not been mechanized as it would increase costs.

According to Dominican government sources some 20,000 – 30,000 Haitians are deported every year. Many of these deportations are illegal and arbitrary and are contrary to both Dominican domestic law and international human rights standards. Random deportations often occur at the end of the sugar cane harvest and the majority of the deportees don't have time to collect their wages or personal belongings. People are often rounded up and deported purely on the basis of their skin colour. There is a double assumption that they are Haitian citizens and are also illegally in the country. However many have valid work

permits and visas and some are even Dominicans citizens with valid documentation. Presenting valid documents to the authorities when challenged may make no difference, however – these are often ignored and even ripped up in front of their owners. Amnesty International (AI) has obtained testimony from Dominicans who have never set foot in Haiti, have no family ties there and do not speak French or Creole and yet have found themselves rounded up by the Dominican authorities and deported to Haiti from where they need to try to make their own way home. Often without sufficient money to pay transport costs and without identity documents which have been confiscated or destroyed, they have to rely on non-governmental organizations to help them re-enter their country of birth and return home.

Research mission

In June 2006 members of the AI's Caribbean Team travelled to the Dominican Republic to research the issue of discrimination against Haitian migrant workers and Dominicans of Haitian descent. Research was focused on the illegal deportations of Haitian nationals and Dominicans of Haitian descent as well as the denial of Dominican nationality to descendants of Haitians born in the Dominican Republic.

As part of the research mission the team visited the *bateyes* of the south-western province of Barahona where Father Ruquoy lived and worked for most of his time in the Dominican Republic. In *batey* 5 the Team met Esmelin Matos, 64, and his son Youry Matos, 21, who both work in the sugar-cane plantations. Esmelin Matos and his extended family live in one of the 63 houses which were collectively built with the assistance of Plataforma VIDA (Platform for Life), an organization which Fr. Ruquoy helped found and which works to defend the rights of sugar cane plantation workers in the south-west of the country. Only a few of these houses have electricity and simple sanitation.

They do, however, at least provide a solid shelter in comparison to the self-built structures made of sticks and palm leaves where the majority of the rest of the *batey*'s population live, which are prone to flooding during the rainy season.

[PHOTO]

Esmelin Matos and his son Youry in their house which Fr. Ruquoy helped to build © AI

According to Esmelin, "Padre Ruquoy helped a great deal in all the bateyes. Before people were living in holes but now they can live like human beings. There are schools now and parks..."

Esmelin was born in the Dominican Republic of Haitian parents and has full Dominican nationality. However, not all of his eight children have managed to obtain a birth certificate (*acta de nacimiento*). This document is crucial for full integration into Dominican life. A birth certificate is usually required for children to study beyond primary level education and often undocumented children are turned away from school. Esmelin said that his children have been fortunate that local teachers had not required them to show their identity papers. A birth certificate is also essential for obtaining a personal identity card (*cédula*) which all Dominicans require at age 18. The *cédula* is required for all transactions, including opening a bank account and signing a contract, access to the formal job market and for voting in elections. The result of the bureaucracy that everyone faces to obtain these documents and the added discrimination against Dominicans of Haitian descent is that thousands have no official documentation which effectively leaves them stateless.

According to Dominican law anyone born in the country is automatically Dominican. Article 11 of the country's Constitution guarantees the right to Dominican nationality to all those born on Dominican soil unless they are the legitimate offspring of diplomats or those

born to persons "in transit". There are estimated to be around 500,000 undocumented Haitians in the Dominican Republic, although that number may be much higher. Many of them have lived in the Dominican Republic for many years and cannot be deemed to still be "in transit" in the country. In September 2005 the Inter-American Human Rights Court (IACHR) ruled that the Dominican Republic must comply with its own Constitution by granting Dominican nationality to two Dominican girls of Haitian descent who were denied this right despite being born in the Dominican Republic. The IACHR also ordered the Dominican authorities to implement legislative and administrative measures to ensure that birth certificates are issued in a non-discriminatory manner.

[PHOTO]

Houses in batey 5 built with the help of Fr. Ruquoy © AI

Esmelin spoke of the difficulties and bureaucracy his family has faced in trying to obtain birth certificates for his children. He said that he and his wife need to be present at the registration of their children at the local civil registry office along with seven witnesses whose transport and food costs need to be paid for. Their children also need to obtain an official document from all the other civil registry offices in the province stating that they were *not* registered there. This all adds up to expensive travel costs and taking time off work which means losing out on wages which they can ill afford to do.

Youry has a one-year-old child and his wife is pregnant. Without obtaining her birth certificate and then *cédula*, Youry's wife will be unable to register her own children. This vicious cycle means that the perceived "illegality" of the parents is passed on to their children. The Matos family case was only one of many that the team encountered during their research. Mr Matos spoke of the harsh working conditions on the plantations

and the treatment received from the plantation foremen: "*We work like donkeys...they treat us like cattle*". Plantation workers earn just over \$4 a day, insufficient to feed a family in a country where the cost of living has risen.

[PHOTO]

Simple self-built shacks in batey 5

An AI report on the issue of illegal deportations and access to nationality will be launched in November this year as part of a campaign. The AI research

team sends its thanks to everyone who has taken action on behalf of Fr. Ruquoy over the past few years. The country campaigner concludes by saying "Although the efforts to ensure his human rights work could continue unimpeded were ultimately unsuccessful, we hope you will participate in the forthcoming campaign to defend the rights of Haitian migrant workers and Dominico-Haitians, rights which Fr. Ruquoy dedicated so many years of his life to protecting and promoting". Fr. Ruquoy now works in Zambia.