



DECLARATION ON THE RIGHTS OF DOMINICAN-HAITIAN WORKERS IN THE DOMINICAN REPUBLIC

Public Services International (PSI), the global trade union organisation which brings together 20 million public service workers in more than 150 countries worldwide, is deeply concerned and distressed by the decision of the Dominican Republic Constitutional Court to take citizenship away from thousands of people who were born in the Dominican Republic. Prior to the ruling, the Dominican Republic followed the principle of automatically bestowing citizenship on those born on its soil up until 2010. Now, the country deems all the Haitian migrants, who worked in Dominican cane fields after 1929 as “foreigners in transit”. According to the ruling their children, although born there, are not automatically entitled to citizenship.

In effect, the Dominican Republic is going back almost 100 years to determine citizenship which leads to hundreds of thousands of people being rendered stateless. This unacceptable ruling threatens the very livelihoods of the individuals and families who are affected. In fact, it threatens the entire society. Without the necessary documents, these people cannot access public services that are vital to ensuring a life of dignity in a civilised society. They will suffer even greater discrimination. These women and men have contributed to the growth and development of the society and economy in which they now live.

Now they will have no access to healthcare or education and will be denied freedom of movement. “We deplore this senseless decision of the Constitutional Court, which seeks to remove the right of citizenship from many people of diverse ancestry. The assumption that the judgment addresses the Dominican-Haitian immigration problem is false and ridiculous because this act is purely discriminatory, and it is already affecting people, even those who already had documents and those who never visited Haiti” says Julio César García Cruceta, Secretary General of Dominican Republic trade union SINATRAE.

Throughout the world, governments, trade unions, civil society representatives and individual citizens have condemned this decision. It goes against the human rights obligations enshrined in a number of international and regional conventions and treaties which the Dominican Republic has signed, such as ILO Convention C111, on Discrimination (Employment and Occupation) Convention.

The ILO has provided extensive guidance on the interpretation and implementation of this convention and in particular in relation to the rules on based on colour, race and national extraction. In the reports of the CEARC, the Committee has for a number of years been referring to discrimination against Haitians and dark-skinned Dominicans and in its 2013 report recalls that in 2008, the ILO Conference Committee called on the Government to “address the intersection between migration and discrimination with a view to ensuring that migration laws and policies did not result in discrimination based on race, colour or national extraction...The Committee noted that the Government indicates that as a result of the application of the Regulation, unregistered immigrants will be given legal status and be issued with documents, and will be authorized to work and to avail themselves of the national social security system on an equal footing with Dominican workers.”

The ruling of the the Dominican Republic Constitutional Court is in flagrant contradiction with these principles and has no place in the 21st century. PSI calls on the government of the Dominican Republic to protect the human rights and interests of those made vulnerable by this ruling. Working together with our affiliates, regional and global agencies, we will seek solutions to ensure respect for human rights.